
Independent Children's Monitor

The monitor
for the
Oranga Tamariki
system

Agency Compliance with Regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations



December 2019

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Introduction

Poipoia te kākano kia puawai

Nurture the seed and it will blossom

Growing up in a stable and loving home is the reality for the majority of tamariki in New Zealand. Unfortunately, there are a number of tamariki and rangatahi whose lives look very different, particularly those who through no fault of their own, are in the custody of the state. This is particularly true for tamariki Māori who are well over-represented in the state care system.

Successive governments have recognised this and have worked towards building a care system based on having children at the centre of decision making, supported by safe, healthy whānau.

The most current report on the state of the care system, the Expert Advisory Panel Report, published in December 2015 provided the blueprint for the most radical shake up of the care system since 1989. The report highlighted the absolute necessity to focus on reducing disparity for Māori, with recommendations that are now legislated to ensure that policies and practices that impact on the wellbeing of children and young people have measurable outcomes for tamariki and rangatahi Māori.

Having independent monitoring of the system is an important accountability mechanism that can positively influence outcomes for tamariki and rangatahi. The introduction of the Independent Children's Monitor in the Oranga Tamariki Act 1989 and the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 is another positive step forward in supporting the system to do better for all tamariki and rangatahi in care.

The Independent Children's Monitor has the privilege of presenting its first report on compliance with the National Care Standards Regulations, specifically relating to reports of abuse and neglect of children and young people in care. As this is the first report it sets out the background and context of the Independent Children's Monitor including its role in the oversight system and then specifically goes into the compliance of agencies with the relevant regulations. The four agencies have been provided with the opportunity to review the content of the report relevant to them. The report also outlines the areas identified by the Monitor for future focus.

The Independent Children's Monitor would like to thank those who have supported the development of this report, the agencies who provided the key information, the Kahui group for their ongoing advice and guidance and the team for supporting the final product. This process was new for everyone and the timeframes were tight. Thank you for your openness and engagement. Everyone has a part to play in supporting the system to be the best it can be for current and future generations.

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Executive Summary

Background on Establishing the Independent Children's Monitor

In 2017, in response to reforms of the Oranga Tamariki system and new government priorities for children (including the reduction of poverty and the Child and Youth Wellbeing Strategy), the Government commissioned a review of independent oversight arrangements for the Oranga Tamariki system and children's issues (the Review)¹.

The Review found that the oversight arrangements required strengthening to address key issues and gaps relating to resourcing for system-level advocacy; under-investment in the resources and powers required for independent monitoring and for complaints resolution; and a need for more engagement with Māori across all elements of the Oranga Tamariki system and across independent oversight functions.

The term "Oranga Tamariki system" is used in this report to describe any agency services provided to children and young people under the Oranga Tamariki Act 1989, at any stage from the point of notification until the cessation of post-care transition. The Oranga Tamariki system includes all agencies that provide services to children in the Oranga Tamariki system, for example health, education and disability services, including non-government organisations.

In response to the Review, on 25 March 2019, the Government agreed to strengthen the system of independent oversight of the Oranga Tamariki system and children's issues in three core areas²:

- system-level advocacy for all New Zealand children and young people, which will continue to be undertaken by the Office of the Children's Commissioner (OCC)
- oversight and investigation of complaints of matters related to the application of the Oranga Tamariki Act 1989 and/or children in the care or custody of the State, which will be undertaken by the Office of the Ombudsman
- independent monitoring and assurance of the operations and obligations delivered under the Oranga Tamariki Act and associated regulations to be undertaken by an Independent Children's Monitor.

The Ministry of Social Development was appointed the Independent Children's Monitor (the Monitor) from 1 July 2019 to establish and operate the monitoring function, with the in-principle intent that it is transferred to the OCC, once a robust monitoring function is established and a new legislative framework is in place.

¹ Strengthening independent oversight of the Oranga Tamariki system and of children's issues in New Zealand – Post consultation report – August 2018 <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/information-releases/strengthening-independent-oversight/post-consultation-report-independent-oversight.pdf>

² Cabinet decisions – March 2019 www.msd.govt.nz/about-msd-and-our-work/publications-resources/information-releases/independent-oversight-of-the-care-of-children.html

Approach to Establishing the Independent Children's Monitor

The independent monitoring and assurance of the operations and obligations delivered under the Oranga Tamariki Act 1989 is phasing in over time:

- Phase one – initial monitoring from 1 July 2019, focused on information received on abuse or neglect in relation to children in care or custody and the response under regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (NCS Regulations)³
- Phase two – expanded monitoring by December 2020 focused on compliance with all aspects of the NCS Regulations
- Phase three – intended longer-term expansion, which would enable broader monitoring of the Oranga Tamariki Act and associated regulations.

The phasing in of the monitoring function was a deliberate decision by Government. Selecting critical regulations enables immediate oversight of an area of concern as well as allowing the Monitor to establish its assessment framework for the full NCS Regulations. It allows time to provide confidence that the new function is robust and delivers what is intended.

Following the direction set by the Government regarding the purpose of the Monitor, that is to reflect a broad spectrum of monitoring from compliance and practice quality through to monitoring outcomes being achieved for tamariki and whānau, the Monitor has mapped relevant child and whānau focused frameworks that already exist. These are:

- the Government's Child and Youth Wellbeing Strategy,
- Te Puni Kokiri's Whānau Ora outcomes framework, and
- the Oranga Tamariki outcomes framework and end goals.

The outcomes frameworks above have been widely consulted on previously with the sector, Māori and the general public. To inform the Monitor's outcomes approach the indicators within each framework have been mapped against the NCS Regulations. This enables the Monitor to focus on identifying whether outcomes are being achieved as well as the required performance measures for accountability. It also enables a focus on outcomes for tamariki Māori, with emphasis on the role of whānau in child wellbeing.

The outcomes work provides the platform for the Monitor's assessment approach currently under development and drives the questions and considerations the Monitor will use when validating the information provided from agencies.

As the Monitor is in the early stages of developing the assessment approach and finalising the outcome indicators, there is a key focus for early 2020 for it to engage with the sector to inform this approach.

The aim is to test the Monitor's assessment framework for this work against sections of the NCS Regulations to inform both the June and December 2020 Monitor reports. This will allow the impacted agencies and the Monitor to review the process and make the required

³ Section 447 of Oranga Tamariki Act 1989
<http://legislation.govt.nz/act/public/1989/0024/latest/DLM155080.html#DLM155080>; Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 –
<http://legislation.govt.nz/regulation/public/2018/0111/latest/LMS56030.html#LMS56164>

amendments to ensure the validity of the monitoring arrangements moving forward. As the Monitor will be monitoring and reporting on all the NCS Regulations from December 2020, it will be important for agencies to have a thorough understanding of the approach, the impact on their day to day operations and the information the Monitor will be seeking.

The Requirement for Oranga Tamariki to Self-Monitor and its Operating Model

At the same time as the review of independent oversight of Oranga Tamariki, in line with the Expert Advisory Panel report and recommendations⁴, Oranga Tamariki was developing the amendments to its legislation as well as its practice requirements. This is a large transformation for the organisation with a multi-year change programme.

A key area for change was having standards by which to measure itself against in relation to providing for children and young people in care. The organisation worked to develop the standards which were then put into legislation, resulting in the NCS Regulations which came into effect on 1 July 2019. This is the same date that phase one began for the Monitor.

The Oranga Tamariki Act 1989 and NCS Regulations clearly stipulate requirements that must be met for children and young people in care. The NCS Regulations include the requirement for Oranga Tamariki and those who have the custody and care of children and young people to have defined these standards as well as ensuring they have their own self-monitoring processes in place (regulation 86).

The Oranga Tamariki self-monitoring system must be designed to provide the assurance it needs to report on compliance with the legislation as well as inform continuous improvement, while at the same time collecting information to enable the Monitor to fulfil its role.

Oranga Tamariki and three other agencies currently hold custody and care of children and young people. The three other agencies are Barnardos, Open Home Foundation and Dingwall Trust. They have been required to monitor themselves against all the NCS Regulations from 1 July 2019, including the regulatory requirement to have self-monitoring in place.

The four agencies have reported to the Monitor that work is underway within Oranga Tamariki to set up self-monitoring for itself and NGO contracted agencies. What the Monitor has been advised by those agencies is highlighted in this report. The work parallels the work of the Monitor as it also develops its frameworks and tools required to fulfil its function under the legislation.

⁴ Expert Advisory Panel Final Report – December 2015 <https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/investing-in-children/eap-report.html>

Purpose of the Report

The purpose of this initial report is to provide the Minister for Children and the New Zealand public with insight into how the four agencies who have custody of children are performing against regulations 69 and 85 (and to the extent that it applies to those regulations, regulation 86) of the NCS Regulations. Those regulations are:

Regulation 69 – Duties in relation to allegations of abuse and neglect

- (1) The chief executive must ensure that any information disclosed passing on concerns in relation to a risk of harm cause by abuse or neglect of a child or young person in care or custody is responded to.*
- (2) In carrying out the process for responding to the information, the chief executive must ensure that –*
 - a. The response is prompt; and*
 - b. The information is recorded and reported in a consistent manner; and*
 - c. Where appropriate, the child or young person is informed of the outcome; and*
 - d. Appropriate steps are taken with the parties to the allegation, including a review of the caregiver's plan*

Regulation 85 – Provision of information to independent monitor

The chief executive must ensure that information is provided to the independent monitor on –

- a) Reports of abuse or neglect that the chief executive has received under regulation 69; and*
- b) How those reports were responded to*

Regulation 86 – Self-monitoring

(1) The chief executive and an approved organisation with a child or young person in care or custody must monitor their own compliance with these regulations (self-monitoring) by–

- (a) having systems in place for continuous improvement that identify and address areas of practice that require improvement; and*
- (b) using a system for self-monitoring designed to ensure the collection of information that will support the independent monitor to fulfil its monitoring role.*

(2) The Minister may at any time require the chief executive or any approved organisation with a child or young person in care or custody to report on the matters referred to in subclause (1).

The period covered by this report is the three months from 1 July 2019 to 30 September 2019. This reporting period was chosen to reflect the short period the NCS Regulations have been in effect and to enable the agencies to provide the Monitor with sufficient information to report against.

The purpose of this initial report is to gain a baseline understanding of policies, processes and procedures as well as to assess basic compliance with the NCS Regulations.

Acknowledging there is still significant work to be done primarily by Oranga Tamariki to establish a self-monitoring regime across all of the NCS Regulations, the approach was taken to provide the agencies with the opportunity to demonstrate work completed and underway as well as information that was available and under development to inform its compliance with the NCS regulations.

Each agency was required to provide information to the Monitor against an Initial Assessment Framework (the Framework) (see **Appendix A**). Specific information about compliance with the regulation was also requested if disclosures of abuse and neglect have been made by children and young people in their custody. Memoranda of Understanding were also signed between each agency and the Monitor to guide information sharing and security requirements, relationship management and engagement with system participants⁵.

For this initial report, the Monitor has taken the approach of responding to each of the twelve questions in the Framework. The four agencies have been provided with two opportunities to review the content of the report relevant to them.



⁵ The MoUs were an agreed approach on how each agency would work with the Monitor over the next eighteen months. Contents included information sharing, privacy, data storage, and principles and responsibilities of all parties, including the recognition of the importance of the monitoring function to the safety and wellbeing of children and young people in the custody of the state. To view the full MoUs please refer to the Monitor's website www.icm.org.nz.

High Level Summary of Findings

For the three-month reporting period from 1 July 2019 to 30 September 2019, regarding compliance with regulations 69 and 85, the Monitor has made the following high-level findings:

No	Question	Commentary on Agency Compliance	Compliant
1	What are the Provider's policies, processes and practices for responding to information disclosures relating to a risk of harm caused by abuse and neglect of a child or young person in Care or Custody?	The agencies have policies, processes and practices for responding to information disclosures relating to a risk of harm caused by abuse and neglect of a child or young person in care or custody	Yes
2	How do these policies, processes and practices facilitate compliance with the requirements of regulation 69?	The agencies' policies, processes and practices facilitate compliance with the requirements of regulation 69	Yes
3	How consistently are the Provider's own policies, processes and practices being followed?	For the two agencies who had disclosures, Open Home Foundation is applying its policies and processes consistently and Oranga Tamariki is applying its policies and processes some of the time	Partially
4	How well do the Provider's responses to information disclosures referred to in regulation 69(1) comply with regulation 69(2), i.e., are the information disclosures responded to and do the responses meet the requirements of regulation 69(2)?	Oranga Tamariki is partially compliant with the requirements of regulation 69 and Open Home Foundation is compliant. Barnardos and Dingwall Trust had no disclosures during the period	Partially
5	How is the Provider responding to cases of abuse or neglect of Māori children and young people in Care or Custody?	The agencies' responses to cases of abuse or neglect of Māori children and young people in care or custody are largely done on a case by case basis, with Oranga Tamariki having made a significant number of practice enhancements to consider responses to Māori	Yes
6	What are the Provider's internal assurance policies, processes and practices (self-monitoring) that ensure that information disclosures referred to in regulation 69(1) are responded to and meet the requirements of regulation 69(2)?	The agencies' internal assurance policies, processes and practices (self-monitoring) that they say ensure that information disclosures referred to in regulation 69(1) are responded to and meet the requirements of regulation 69(2), cannot be tested at this stage	Partially
7	What improvement processes does the Provider have in place to address any issues identified (such as through assurance activities)?	The agencies have identified improvement processes to address any issues identified (such as through assurance activities) and while some processes are underway, it's too early for any impact of these changes to be reported to the Monitor.	Partially
8	What specific improvements are being considered or implemented by the Provider in relation to responding to information disclosures referred to in regulation 69(1)?	The agencies have identified specific improvements in relation to responding to information disclosures referred to in regulation 69(1).	Yes
9	Is the information available to the Provider and provided to the Monitor under regulation 85 and, when requested, under regulation 84, sufficient to enable the Monitor to fulfil its monitoring role?	Given the short monitoring period, there is not currently sufficient information to enable the Monitor to fulfil its monitoring role	N/A
10	What progress has the Provider made in implementing and monitoring regulations 69 and 85? What has gone well and what are the issues or challenges?	The agencies have made progress in implementing and monitoring regulations 69 and 85. All agencies have recognised the additional work required to meet requirements and provide evidence through self-monitoring that they are meeting their statutory obligations	Yes

No	Question	Commentary on Agency Compliance	Compliant
11	What learnings can be identified from the monitoring conducted in the previous period that can improve the Monitor's processes, the Provider's responses to information disclosures under regulation 69(1), and the Provider's provision of information under regulations 85 and 84?	Learnings have been identified from the monitoring in this period that can improve both the Monitor's processes and agency responses	N/A
12	What learnings can be identified from the monitoring conducted in the previous period that can be applied to Phase 2 monitoring and Phase 3 monitoring?	Learnings have been identified from the monitoring conducted that can be applied to both Phase 2 and Phase 3 monitoring	N/A

Overall, the information provided answered the twelve Framework questions. Each agency has policies and processes to facilitate compliance with regulations 69 and 85. Provisions are typically found in several different policies. Many pre-date the implementation of the NCS Regulations. All four agencies reviewed their documents and made updates as required to assist with compliance with the NCS Regulations and carried out self-assessments and identified areas to improve or change. All four agencies made enhancements to their internal self-monitoring and quality assurance processes to enable compliance with the NCS Regulations.

In response to regulations 69 and 85, for the three-month reporting period, children and young people in the care of Barnardos and Dingwall Trust did not disclose any incidents of abuse or neglect and therefore testing their compliance with those regulations was not required. Open Home Foundation had three allegations of abuse and neglect for children in care and Oranga Tamariki had 335.

From the information provided and the accountabilities Open Home Foundation is responsible for, its practice is complying with regulations 69 and 85.

Oranga Tamariki is partially compliant with all aspects of the regulations being monitored. Its policies, procedures and practice guidance provide adequate information to support full compliance.

Much of the information provided by Oranga Tamariki covered the reports generated by the Safety of Children in Care Unit (the SoCiC Unit), within Oranga Tamariki, "*...this unit is responsible for reviewing and reporting on non-accidental harm caused to children in care. The SoCiC Unit reviews the findings of harm in line with the definitions used throughout their organisation to describe actions or inactions that cause harm and form the basis for a finding of harm for a child.*"⁶

The information provided by Oranga Tamariki states the responses to allegations were mostly timely at the initial safety screen however the timeframes were not met consistently when completing assessments or investigations into the allegations. There were some data recording errors that required amendment and the child or young person was not always informed of the outcome of the investigation, if appropriate, as per the regulation. As the time period was short, a number of the cases are ongoing and therefore outcomes are unable to be included in this report.

⁶ Safety of Children in Care Quarter Three January – March 2019, Oranga Tamariki

The material supplied by all four agencies has informed the Monitor about their policies, processes and practice, their internal self-monitoring processes as well as their planning for improvement. The information outlined how they had prepared for the commencement of the NCS Regulations from 1 July 2019 and the changes they would need to make to comply with all the regulations. The information also outlined how they will comply with the NCS Regulations as well as ensure enhanced outcomes for children and young people in their custody and care. This information is relevant as it demonstrates the agencies' commitment to aim to achieve compliance from 1 July 2019. It provides validation from frontline workers about their level of knowledge prior to the NCS Regulations coming into effect. It also supports monitoring of compliance with regulation 86 (which relates to self-monitoring) in so far as it applies to the two regulations being monitored.

The Monitor's next report, due in June 2020, will provide a more fulsome report given the longer period in which to gather data. It has become clear from the process to date that the Monitor needs to be specific in outlining its requirements in relation to the provision of data and it will take a number of reporting periods for the Monitor to receive the level of quantitative and qualitative data required as well as the need to engage with participants in the system in order to have a full picture of practice against the NCS Regulations.

Future monitoring will include a focus on the findings as reported by the SoCiC Unit and all reports of concern of abuse or neglect the Chief Executive receives under regulation 69 including those cases without findings.

The process has enabled the Monitor's Framework to be tested as to whether the necessary information has been provided for the Monitor to fulfil its current function. While baseline information has been received, the Framework will require updating to request the specific data required to monitor the NCS Regulations, which includes the ability to carry out case validation through engaging stakeholders and triangulating different sources of information.

As the monitoring requirements only came into place from 1 July 2019 there is little evidence around assurance of compliance or any trends that demonstrate practice improvements that may link to improved outcomes for children in care.

The process has allowed the four agencies and the Monitor to understand current practice and to determine what may be required to achieve full compliance with all of the NCS Regulations, not just regulations 69, 85 and 86. Relationships between the Monitor and the agencies have been established and a review of each Memorandum of Understanding will take place with a particular focus on the revision of the Framework.

The next report will include at least six months, with the possibility of nine months, of data from each agency and will provide more of a deep dive into actual decision making at each point of the process when determining appropriate steps are taken with the parties to the allegation, including a review of the caregiver's plan. The Monitor will be looking for evidence of outcomes for children and young people as well as further practice enhancements implemented due to the reporting by the SoCiC Unit. There is also an expectation of performance improvement to comply with the NCS Regulations.

Continuous Improvement Observations

Specific Focus on Māori by Monitored Agencies

In relation to a specific focus on tamariki and rangatahi Māori, Oranga Tamariki has made the majority of changes to enhance its practice in this area. The other three agencies stated they take the same approach to respond to allegations for any ethnicity. They stated that they respond to each child based on their individual needs, including cultural needs as part of their regular practice.

This is an area for the three non-government agencies to consider in relation to all the care standards and their obligations under the Oranga Tamariki Act 1989 in general.

Self-Monitoring by Monitored Agencies

Self-monitoring is a requirement under regulation 86 and from the information provided, each agency has reviewed its processes and is updating them. This was informed by the self-assessment and action plan process coordinated by Oranga Tamariki for each of its sites as well as for all approved organisations.

As required by the NCS Regulations Oranga Tamariki must define what each regulation means in practice to ensure compliance. It has yet to complete this process however it has provided the Monitor with its workplan to have this completed. This work will clarify the legislation and determine relevant performance measures as well as providing guidance to frontline staff, NGO agencies (and the Monitor) on what the expectations of Oranga Tamariki are in relation to compliance with the standards as well as providing quality practice. Oranga Tamariki outlined to the Monitor several new assurance processes in place including a site practice check and a new quality practice tool.

Each agency stated what they have learnt as part of their self-assessment process, for example where there have been gaps in their written documents or general gaps in practice or assurance.

Definitions Required to be Set by Oranga Tamariki

The Oranga Tamariki Act 1989 and NCS Regulations place an obligation primarily on the Chief Executive of Oranga Tamariki to define the regulations around standards of care, which includes the way the care standards are measured, monitored and reported on within Oranga Tamariki, as well as approved agencies and the Monitor.

The Oranga Tamariki self-monitoring system must be designed to provide the agency with the assurance it needs to report on its compliance with legislation as well as inform continuous improvement, while at the same time collecting information to enable the Monitor to fulfil its role.

This work is underway and as part of the information provided by Oranga Tamariki to inform this report a copy of its "Practice Requirements, Monitoring Approach and Measures and Reporting Mechanisms" (the Practice Requirements material) for regulations 69 and 85, was provided to the Monitor (see **Appendix B**). There are several documents contained in this material.

The Practice Requirements material provides clear guidance and explanation as to what is required to comply with these two NCS Regulations as well as what Oranga Tamariki has determined best practice looks like. Each section of regulation 69 has been defined, the policy/standard/practice requirements and monitoring/assurance mechanism spelt out. The Practice Requirements material has also been distributed to the other agencies who have children and young people in their custody to provide for consistency of application.

While the Practice Requirements material is comprehensive the Monitor has found two areas that will strengthen it to support continuous improvement:

1. The Steps to Follow document (included in the Oranga Tamariki “Practice Requirements, Monitoring Approach and Measures and Reporting Mechanisms”) provides clear guidance to staff on how to respond to a disclosure, with a focus on updating the assessment and plan if any new needs are identified. This document could be strengthened by broadening the definition “of responded to” as stated in regulation 69 (1) and/or the definition of outcome in regulation 69 (2) (c).

The outcome and response are focused on responding to the initial report of concern, immediate safety and the outcome of the investigation, that is whether the allegation was substantiated or not. There is no mention of what subsequently happened to and for the child or young person. Adding this into reporting is consistent with taking an outcome focussed approach.

For example – an outcome for the child or young person could be extra visits by the social worker, counselling, any type of expert assessments, cultural or spiritual support. This may also include whether they were moved permanently from the placement if the abuse was perpetrated by the caregiver or someone in that home or whether a restorative process took place between them.

The definition of outcome could be broadened to include the outcome for the caregivers or parents or family members who were not the perpetrators of the abuse or neglect and whether any support or services were required and provided for them. This information may be in practice guidance or policy however it is not evident in the definition document which staff and agencies are using to assess against.

2. The SoCiC Unit within Oranga Tamariki has been reviewing cases where abuse of children and young people in care have a finding, that is at the end of a safety screen or an assessment or investigation post the report of the allegation.

Oranga Tamariki receive reports of concern regarding abuse and neglect of children and young people in care at its National Contact Centre (NCC), (and occasionally at a site level). Decisions are made at the NCC as to whether the report of concern requires a referral to a site for further assessment. A number of reports of concern may be closed at the NCC or at the site without further assessment. These cases are not looked at by the SoCiC Unit as the Unit looks at reports where there has been a finding. Information, therefore, from cases closed without a finding, on compliance with the regulations is not currently available. For example, the Monitor is unable to ascertain whether a child or

young person is advised of the outcome of this report of concern as it is not currently reviewed through a self-monitoring process.

Oranga Tamariki has defined in its practice policies what must be reported as reports of concern to Oranga Tamariki and be counted as cases of abuse or neglect of children and young people in care. The definitions of what is abuse and neglect are the same as for any tamariki or rangatahi and is clearly defined in the Oranga Tamariki Practice Centre.

While the definition of the regulation was shared with agency partners, there appeared to be a lack of clarity as to what situations may be defined as abuse and or neglect of a tamariki or rangatahi in care and therefore require a report of concern to Oranga Tamariki. Clarifying this for partner agencies would be useful, so they also have a clear understanding of what is required, for the wellbeing of children in care, and for consistency purposes. For example, is a teenager who gets into a fight with a friend of a similar age while out, receiving physical injuries, a report of concern. The Monitor is aware that conversations to clarify this information are now underway between the agencies.

Future Focus of Monitoring

Areas of focus for the Monitor's June and December 2020 reports are:

1. Once the NCS Regulations have agreed definitions, the Monitor will ask for each agency's self-assessments against the definitions.
2. The work on the updated policies and tools by Oranga Tamariki was to be completed by October 2019 and will be provided to the Monitor in time for the June 2020 report
3. Oranga Tamariki to clarify what constitutes a report of concern of abuse or neglect of a child in care.
4. Results from the repeated self-assessment being completed by Oranga Tamariki in Jan-March 2020 will be required and included in the Monitor's June 2020 report.
5. Quality Practice Tool and site Practice Checks reporting will be required from Oranga Tamariki and will be included in the Monitor's June 2020 report.
6. The Monitor will be seeking information on those reports of concern that are entered on the case management system, that are genuine reports of alleged abuse and do not have a finding.
7. Case validation and analysis of raw data will be required to further understand compliance with the NCS Regulations for the next report.
8. With specific regard to tamariki Māori, one area that was not strong for any agency was information on supports that could be offered when an allegation is made, such as cultural supports. This is something the Monitor did not requests or focus on and is likely to be included in the next information request.
9. Evidence of assurance processes in practice will be required for the Monitor's June 2020 report.
10. Evidence of improvement processes and progress will be required for the Monitor's June 2020 report.

11. With an initial baseline now established through this report, the Monitor will be reviewing its initial assessment framework with a view to seeking more targeted responses that will enable it to wholly fulfil its monitoring function.
12. The Monitor will expect to see analysis and targeted or national interventions from Oranga Tamariki that respond to the trend information from the reporting from the SoCiC Unit.
13. To prepare for the June 2020 report, the Monitor will be asking for case examples to validate information and will seek to engage with a small number of those involved in the casework to triangulate the information and further inform compliance with the NCS Regulations as well as look for those continuous learning opportunities.



Context

Agencies who have the Care and Custody of Tamariki and Rangatahi

There are currently four agencies in New Zealand that have the care and custody of children. The main agency is the government agency, Oranga Tamariki who have the majority of children in their custody, that is **6467** as at 30 September 2019⁷, inclusive of care and protection and youth justice. Children are placed with caregivers who may or may not be related to them, some through non-government organisation (NGO) contracted agencies who have shared care responsibilities with Oranga Tamariki. Some may be in group homes or residential care where they are supported by staff and some may be moving to a more independent type of living arrangement, while being supported by their respective agency.

The legislative mandate to provide for such arrangements with other agencies is the Oranga Tamariki Act 1989. Section 396 (approval of iwi social services, cultural social services and child and family support services) enables the approval of agencies to undertake certain duties and responsibilities under the Oranga Tamariki Act 1989. This includes the ability for agencies other than Oranga Tamariki to hold the legal care and custody of children and young people deemed in need of care and protection. There are three agencies who hold legal custody in their own right, Barnardos, Open Home Foundation and Dingwall Trust. As at 30 September 2019 these agencies had the following numbers of children in their custody:

	Open Home Foundation	Dingwall Trust	Barnardos	Oranga Tamariki
Children and young people in custody	133	2	3	6467

Table One – Numbers of Children in the Custody of Provider Agencies and Oranga Tamariki as at 30 September 2019

Legislative Mandate of the Independent Children's Monitor

As part of the new obligations under the NCS Regulations, there is a requirement for those agencies who have the custody and care of children and young people to comply with all the NCS Regulations.

Section 447A of the Oranga Tamariki Act 1989 provides for the responsible Minister to appoint an Independent Children's Monitor. The Ministry of Social Development has been appointed as the Independent Children's Monitor by the Minister for Children. It has been delegated with the accountability and responsibility to provide assurance to the Minister for Children that those tamariki and rangatahi in the care and custody of the state are being cared for as per the regulations and that their outcomes are being achieved.

⁷ The total number of children in custody for care and protection reasons is 6302 and those in custody under Youth Justice is 165

Below is a diagram showing the timeline of decisions around establishing the new Monitor within the context of the wider strengthening of the independent oversight of the Oranga Tamariki system.

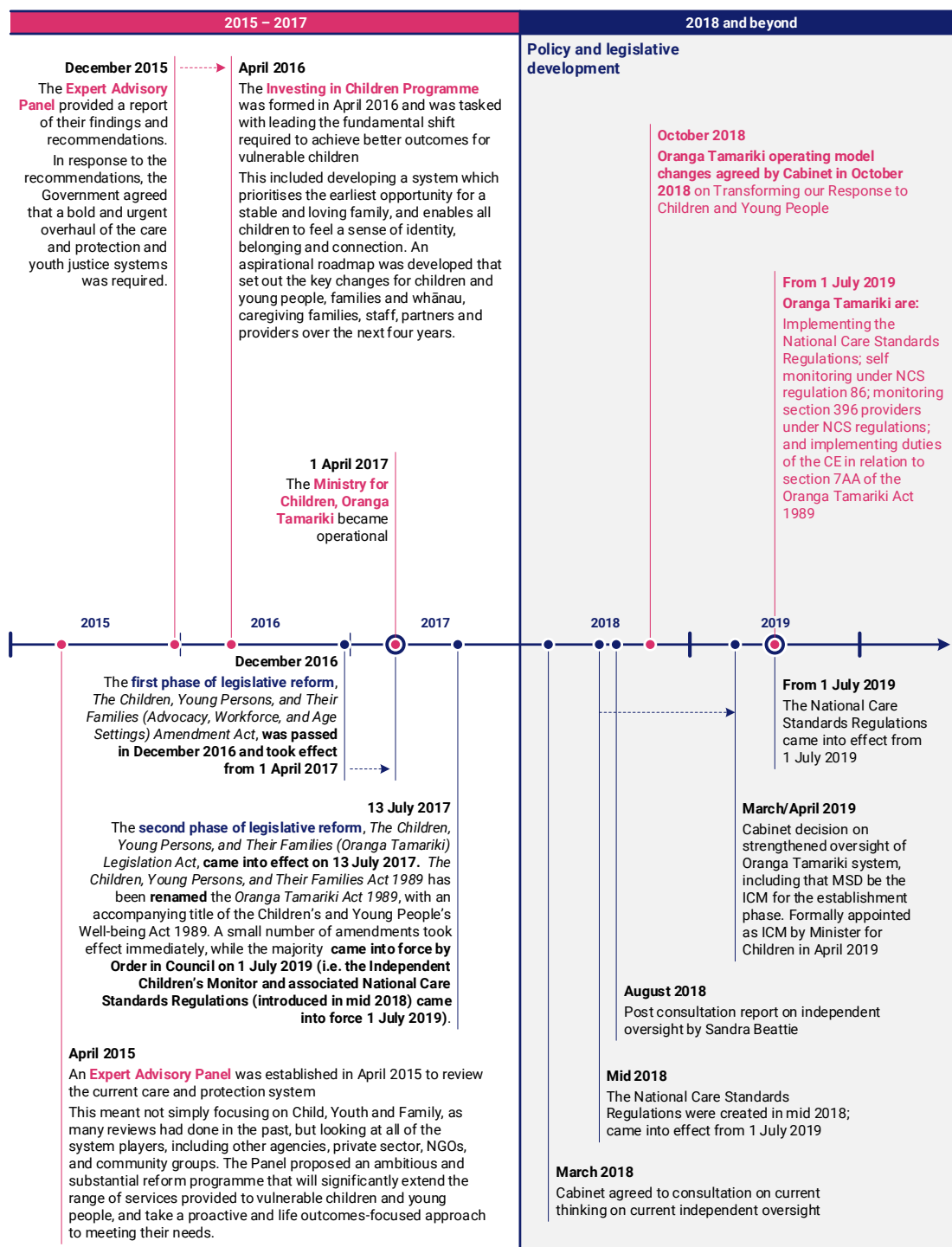


Diagram A – Timeline of Decisions Made on Independent Oversight of the Oranga Tamariki System

The decision to phase the Monitor’s functional oversight of the system was deliberate to ensure the function is set up adequately to fulfil its purpose. The second timeline below shows the phases of monitoring and when they come into effect.

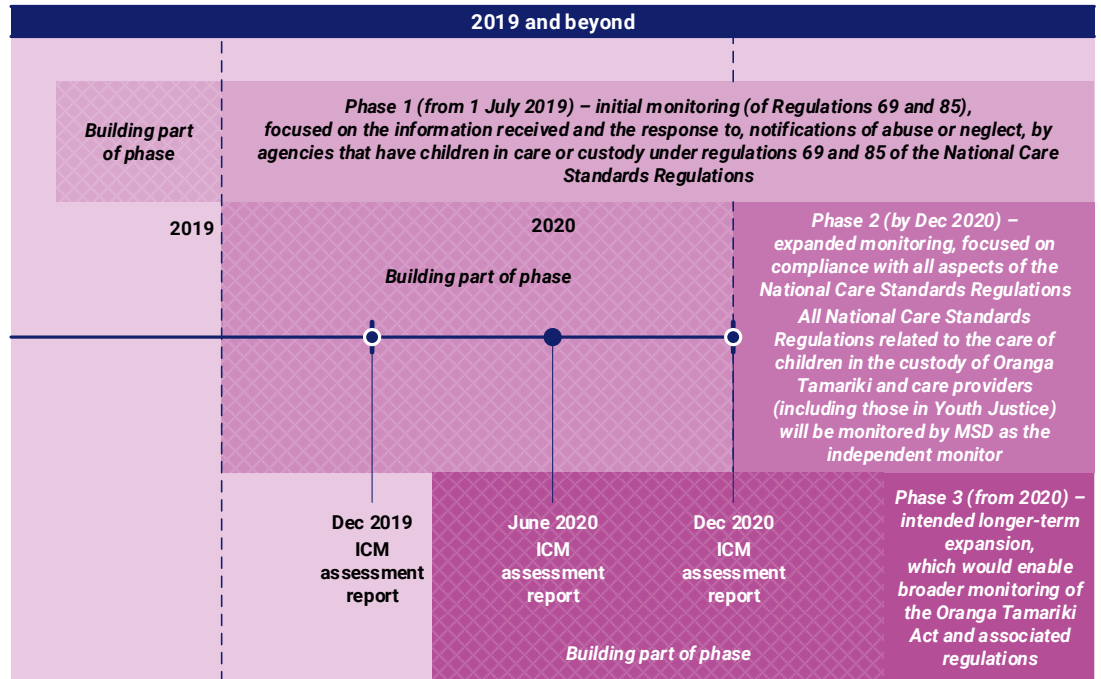


Diagram B – Timeline of Establishment Phases of the Independent Children’s Monitor

Other Oversight of the Oranga Tamariki System

The Monitor is a new function and one that has not existed in this form prior to 1 July 2019. The Office of the Children's Commissioner (OCC) currently has accountability for general monitoring of the policies and practices of monitoring Oranga Tamariki under s13 of the Children's Commissioner Act 2003 as well as accountability for system advocacy. The Ombudsman also has the power to investigate complaints for individual children, as well as broader investigations. Both agencies have roles under the Optional Protocol to the Convention against Torture (OPCAT) with OCC's focus on visits to and monitoring of places where children and young people are detained (i.e. care and protection and youth justice residences).

Providers funded and approved by Oranga Tamariki are subject to contractual monitoring (contract compliance), as well as Accreditation Assessments. The Ministry of Social Development's Social Service Accreditation team has been delegated by Oranga Tamariki to carry out independent reviews of providers under sections 396 and 403 of the Oranga Tamariki Act 1989. They assess against the Social Sector Accreditation Standards, to determine a provider's capability to deliver safe, quality services to New Zealanders.

While there are a number of organisations that play a role across the three oversight functions – advocacy, monitoring, complaints and investigations – there are gaps that a newly created Monitor will fulfil. These can be summarised as:

Addressing the monitoring gap (from an impact framework lens)	
Monitoring gap:	Oversight System opportunity:
<p>1 Organisation Capability and Compliance</p> <p>Monitoring functions focused on organisational capabilities (including ways of working and outputs) do not systematically monitor whether capabilities are fit for purpose for service delivery.</p>	<p>To identify and monitor the critical system capabilities and their contribution to the service delivery that meet the National Care Standards (and Oranga Tamariki Act).</p>
<p>2 Service Delivery and Practice Quality</p> <p>An independence gap in service delivery monitoring.</p>	<p>To provide an independent view on service delivery across the system, including assurance in the context of coercive powers to ensure all parts of the system are held to the same standards.</p>
<p>3 Child and whānau experience and outcomes</p> <p>Organisation capability and service delivery is not explicitly and systematically monitored against child wellbeing outcomes.</p>	<p>To monitor whether meeting the NCS is achieving the intended outcomes for children and young people to integrate and share system success and learning, and address collective system challenges minimise duplication of existing capability and service monitoring.</p>

Diagram C – Addressing the Monitoring Gap in the Independent Oversight System

Below are diagrams that show current and future oversight of the Oranga Tamariki system – specifically focussed on monitoring functions.

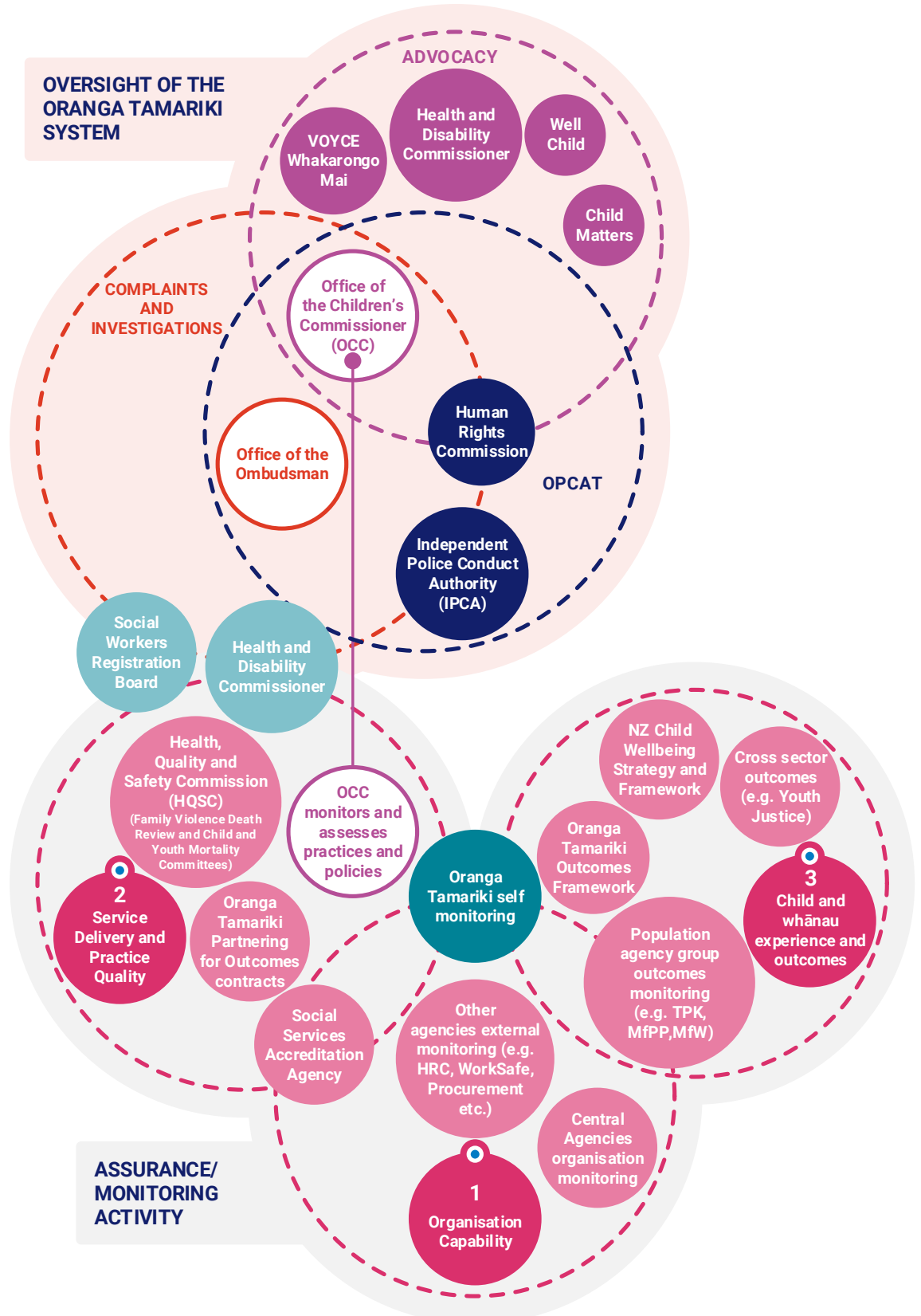


Diagram D – Current Oversight and Monitoring of the Oranga Tamariki System (pre-1 July 2019 and Pre-legislative Change)

The focus for a strengthened oversight system, particularly for independent monitoring is to:

- Reduce duplication and overlaps of functions as far as possible
- Create cohesion and comprehensiveness in the system
- Strengthen independent monitoring of the Oranga Tamariki system – across the system spectrum from compliance, through to service delivery performance and practice quality through to outcomes for tamariki
- Support continuous improvement
- Demonstrate independence, accountability and transparency
- Partner with Māori.

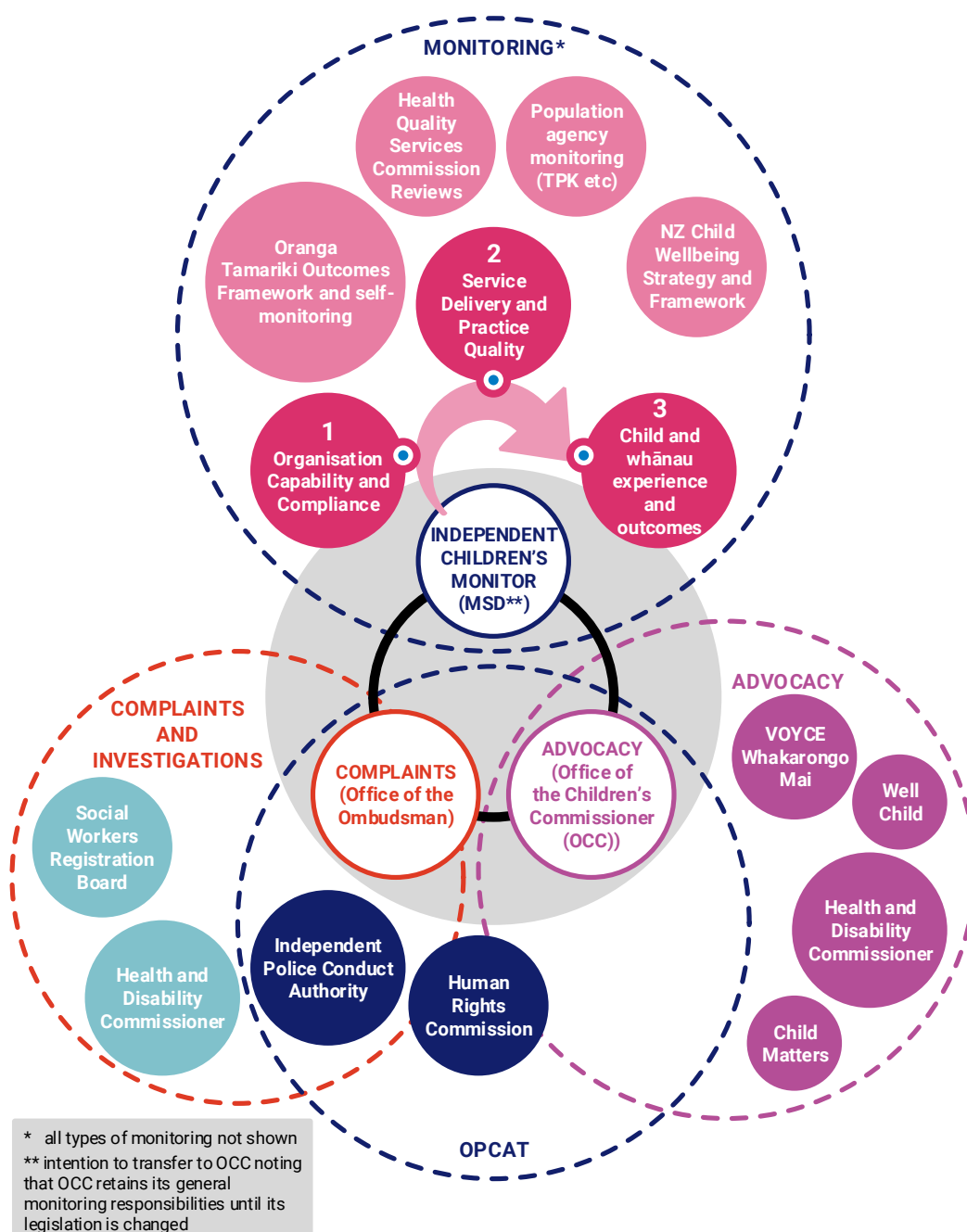


Diagram E – Future Strengthened Oversight of the Oranga Tamariki System (Post 1 July 2019 and Legislative Change)

Methodology

An Initial Assessment Framework (the Framework) was developed and consulted on with the four agencies. Individual Memoranda of Understanding (MoU) were agreed with each agency about how to work together with the Monitor. The MoU includes how information will be shared and how it will be secured safely by the Monitor. The Framework included a series of questions that the Monitor would focus on during the initial reporting period, to complete this report. The Framework was intended as guidance only and was not intended to be exhaustive nor preclude the Monitor from seeking additional information.

The initial reporting period for specific data on disclosures, as determined by the Monitor, based on the length of time the NCS Regulations have been in place and the requirement on agencies to provide the data, is 1 July 2019 – 30 September 2019.

Acknowledging there is still significant work to be done, primarily by Oranga Tamariki to establish a self-monitoring regime, the approach was taken for the agencies to demonstrate work already completed and underway as well as information that was already available and under development to inform their compliance with the NCS Regulations.

This first report is to gain a baseline understanding of policies, processes and procedures and to assess basic compliance with the NCS Regulations. The report provides a benchmark of the current state and informs future processes for the Monitor.

The initial information request was sent to the agencies on 5 July, with a return date of 16 August (see **Appendix C**). The information returned from the three non-government agencies was via secure Iron Keys that were password protected. The information provided from Oranga Tamariki was sent via secure email channels.

The data is aggregated with no identifiable information. The data is securely maintained on a separate database that is not visible to the Ministry of Social Development with access only provided to the operational team of the Monitor, which is currently limited to key employees.

On receipt of the initial information requested, the operational team of the Monitor reviewed the information and prepared a second information request for two of the agencies, to clarify and request specific data on disclosures of abuse and neglect. The second information request was sent to agencies on 6 September, with a return due date by the end of October. This reflected the time period and the time necessary to provide accurate data (see **Appendix C**).

This information was measured against the legislation and the measurement definition provided by Oranga Tamariki. Statistical information has been collated in graphs for the report and most of the report is narrative. It is also relevant to note there was repetition of some responses across the questions.

Drafts of the relevant sections of this report that related to each of the four agencies were provided to them through an iterative approach to allow for natural justice principles to be applied. Each agency was asked to:

- Fact check the information relating to their agency
- Respond to any potential adverse comment made by the Monitor in the report.

In regard to Oranga Tamariki in particular, the Monitor agreed that due to its contracting relationship any potential adverse comment relating to one of the NGO contracted agencies was also provided to them in advance to enable them to consider a response. In the context of this report, no information needed to be provided of this nature.





Analysis of Information Provided by Agencies to Assess Compliance with Regulations 69 and 85

Question One

What are the Agency's policies, processes and practices for responding to information disclosures relating to a risk of harm caused by abuse and neglect of a child or young person in care or custody?

The agencies have policies, processes and practices for responding to information disclosures relating to a risk of harm caused by abuse and neglect of a child or young person in care or custody.

Each agency provided comprehensive information on their current policies, processes and practices. Provisions are found in several different policies both generic such as a Child Protection Policy and more specific ones, such as Dingwall Trust's Prevention of Child and Young Person Abuse Policy.

The policies, processes and practices appear to be mostly focused on allegations of abuse or neglect by a caregiver. While there is a duty of care to ensure the safety of any child for whom there is a report of concern, there does not appear to be any extra requirements to support a child in care when the alleged perpetrator is a third party (i.e. not a caregiver). It is acknowledged that if the person causing the harm is the caregiver then there are extra steps to take regarding whether the caregiver is still able to care for the child or young person. However, if the alleged perpetrator is not the caregiver, the process does not appear to include any considerations of what to do differently, if anything, in these cases.

When the allegation is regarding a caregiver the policies are clear and provide guidance on how to proceed in a timely way.

Open Home Foundation – Open Home Foundation provided copies of its three relevant policies. It also stated that its organisation encourages children and whānau to talk about concerns in several ways, for example they are advised they can talk to any member of staff and can use text, email, phone or via their website. Open Home Foundation stated in its information return to the Monitor that it is also using an App called the "Better Off Tool" which asks children and young people and their whānau about their experiences with the organisation.

Dingwall Trust – The Monitor was informed that the primary guidance for staff at Dingwall Trust is the Prevention of Child and Young Person Abuse Policy. Dingwall Trust practice does not differentiate between children in their custody and those in its care through shared care arrangements.

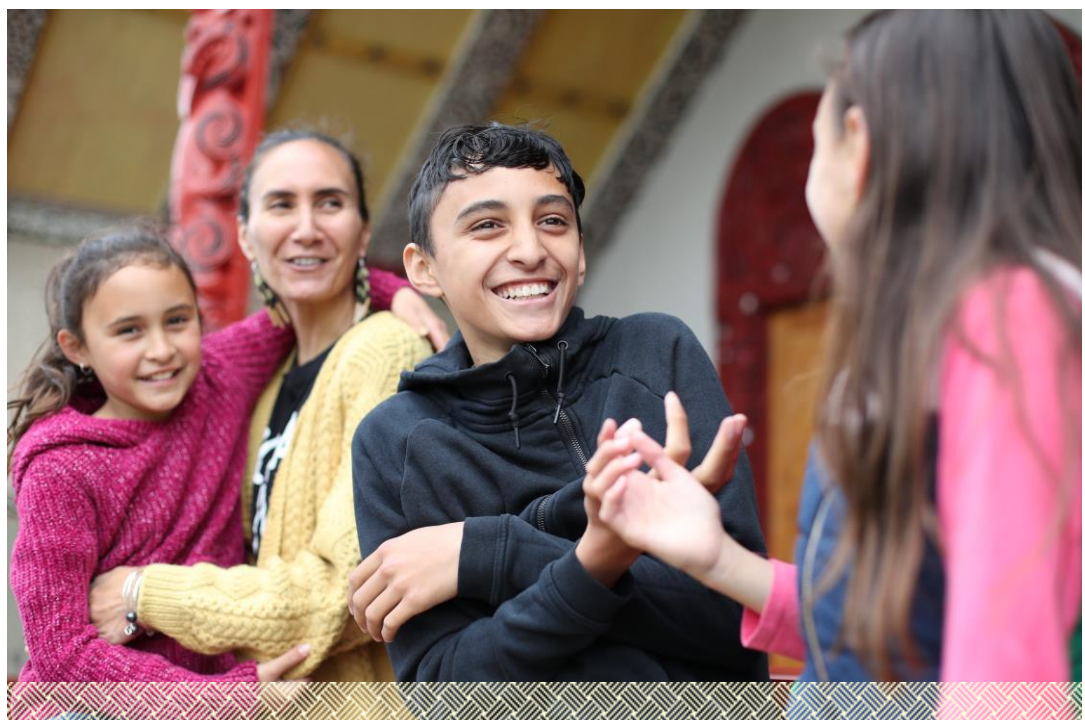
Barnardos – Barnardos' information return stated that it has several policies and processes that guide their practice in this area. All of them were provided.

Oranga Tamariki – The largest care agency provided the Monitor with multiple documents and links to its current practice guidance. Oranga Tamariki reported uploading 101 unique pages to their practice centre and that over half of the content is to support provisions specifically relating to the National Care Standards. Oranga Tamariki stated that in these new pages significant attention was paid to:

- embedding the principles of mana tamaiti, whakapapa and whanaungatanga
- applying an expanded view of wellbeing as described in section 5 of the Oranga Tamariki Act 1989
- supporting the voice and participation of tamariki in decisions affecting them, and
- working together as an integrated suite of guidance and policy.

Oranga Tamariki also provided, specifically in relation to their practice when responding to information disclosures relating to a risk of harm caused by abuse or neglect of a child or young person in care, documents covering:

- the definitions of abuse and neglect
- practice standards regarding ensuring safety and wellbeing where there is serious harm
- child and family assessments and investigations
- safety and risk screen
- the decision response tool that determines how to respond to a report of concern
- the caregiver allegation policy.



Question Two

How do these policies, processes and practices facilitate compliance with the requirements of regulation 69?

The agencies' policies, processes and practices facilitate compliance with the requirements of regulation 69.

Future Focus: *Once the NCS Regulations have agreed definitions, the Monitor will ask for each agency's self-assessments against the definitions.*

Most policies pre-dated the National Care Standards and all agencies stated they completed a review and adjusted policies to align with the standards.

Open Home Foundation – The information provided by Open Home Foundation in the policies clearly guide staff on how to respond to an

allegation. This agency has a system that alerts national office staff every time an allegation of abuse or neglect is recorded. Open Home Foundation advised it has adjusted its case management system to enable the production of three reports on abuse allegations. These reports cover whether the allegation is against a foster parent, natural parent (during contact), and any other person.

Dingwall Trust – Dingwall Trust informed the Monitor that its Incident Reporting Policy facilitates compliance with reporting of any allegations of abuse or neglect. Any incident raising concern or potential concern is overseen by the Residential Manager and a clear decision made regarding whether a report of concern is required to Oranga Tamariki. Information in the policies supports how to respond when an allegation is made.

Barnardos – Barnardos provided information stating that while no disclosures had been made in the period, if a disclosure had been made, "traceability between policy and practice would be evident on the young person's case file, with relevant forms and tasks completed"⁸. Barnardos also provided evidence that in April 2019 the Barnardos Foster Care team underwent a Ministry of Social Development National Accreditation audit which specifically addressed traceability between policies and processes and actual practice which supports the fact that policies facilitate compliance with the required practice.

While this is prior to the implementation of the NCS Regulations this information provides some assurance that Barnardos' processes are such that there is evidence of practice reflecting policy.

Oranga Tamariki – The policies supplied by Oranga Tamariki cover responding to reports of concern and reviewing caregiver status as well as what is required to respond to a child in care. Oranga Tamariki stated that its Professional Practice Group completed an assessment of its policies against the regulations and found they were sufficiently aligned to articulate the regulation requirements.

⁸ Reference Barnardos info request received 16 August 2019

Future Focus: *The work on the updated policies and tools by Oranga Tamariki was to be completed by October 2019 and will be provided to the Monitor in time for the June 2020 report.*

The assessment confirmed that while policy and guidance is fit for purpose, improvement could be made, and a working group has been established to revise and update policy and practice. The Monitor requested this assessment and was advised that there was an assessment overseen by a Governance process, however no formal written report was produced. Oranga Tamariki provided

commentary stating that the decision *“not to develop new advice and guidance ahead of 1 July 2019 was based on a collective and considered analysis that existing, new or newly updated policy and guidance addressed the key regulatory requirements...”*.

One area that stood out for the Monitor was that there is no specific practice guidance on working differently with a child or young person in care who has made an allegation of abuse, rather than where the child or young person is not in the care or custody of Oranga Tamariki. For example, there is nothing specifically in its policies about different time frames or considering further visits or additional support during the time of an investigation into the allegation. While acknowledging that the child’s plan will be reviewed when there is an allegation, there does not appear to be commentary on whether this would consider any previous allegations, or any patterns or themes that may assist in assessing what is happening for the child.

Much of the information provided covered the reports generated by the SoCiC Unit, within Oranga Tamariki. *“This unit is responsible for reviewing and reporting on non-accidental harm caused to children in care. The Unit reviews the findings of harm in line with the definitions used throughout their organisation to describe actions or inactions that cause harm and form the basis for a finding of harm for a child.”*⁹

Information provided by Oranga Tamariki states that *“allegations therefore can either be identified during the course of current case work or be reported to Oranga Tamariki through another source. In either event a report of concern must be entered, and the usual investigation/assessment procedures will be followed.”*¹⁰

Oranga Tamariki provided information on its *“ensure safety and wellbeing”* practice standard that states a new report of concern for a child in care is required in the following circumstances:

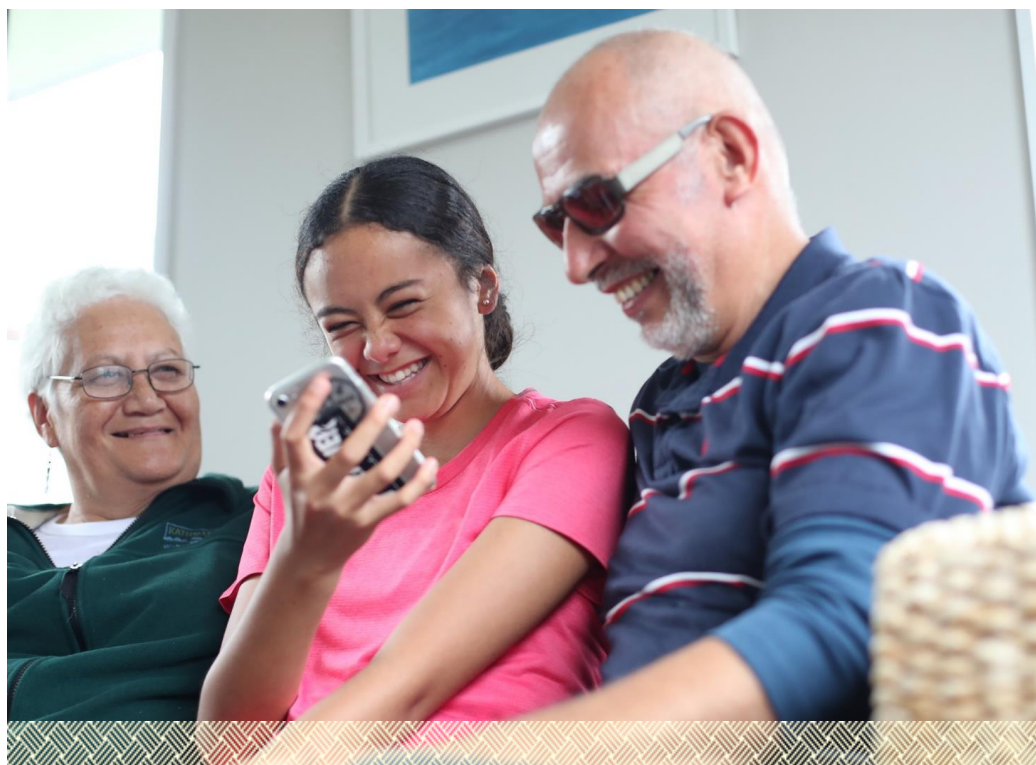
- a social worker takes action each time they have become concerned about a risk of harm to te tamaiti (the child), at any point during their engagement with Oranga Tamariki
- a social worker to thoroughly assess any new allegation for te tamaiti currently involved with Oranga Tamariki, via a new report of concern.

⁹ Safety of Children in Care Quarter Three January – March 2019, Oranga Tamariki

¹⁰ Information response from Oranga Tamariki 18 October 2019

Future Focus: Oranga Tamariki to clarify what constitutes a report of concern of abuse or neglect of a child in care.

What is unclear to the Monitor is what constitutes a report of concern of abuse or neglect of a child in care relating to situational circumstances. Questions have been raised by the Monitor and other agencies about what they are required to report to Oranga Tamariki. For example, is a teenager who gets into a fight with a friend while out, receiving physical injuries, a report of concern.



Question Three

How consistently are the Agency's own policies, processes and practices being followed?

For the two agencies who had disclosures, Open Home Foundation is applying its policies and processes consistently and Oranga Tamariki is applying its policies and processes some of the time.



Open Home Foundation – Open Home Foundation described several assurance processes that would suggest it reviews consistency between policy and practice. The information provided also demonstrated compliance with its policies when a disclosure of abuse or neglect is made.

Dingwall Trust – Dingwall Trust also provided information on assurance processes including that a specific manager oversees the practice in relation to the young

people in its custody, providing an additional layer of assurance.

Barnardos – Barnardos described several assurance processes in place to support consistency of practice including the accreditation assessment mentioned in the response to question two.

Oranga Tamariki – Oranga Tamariki is partially compliant and is not consistently following its policies, processes and practices.

Oranga Tamariki advised, as part of its preparation for commencement and implementation of the NCS Regulations, it required each Services for Children and Families, Youth Justice and Residences (sites) to complete a self-assessment of their readiness. This process was completed between January and March 2019, to inform any planning and support requirements for 1 July 2019, when the NCS Regulations came into effect.

The Monitor recognises that self-assessment is only one part of a quality assurance process and that it has limitations, for example subjectivity. Nevertheless, it has value in building visibility of the required practice. It is an opportunity for staff to look critically at their own practice and seek comment from stakeholders and service users on their work. It provides a structured way for sites to focus on areas of improvement while recognising areas of practice excellence. It is relevant to note that while the self-assessment process is valuable, it is not an assessment of compliance with the NCS Regulations. The information is useful for providing the context within which Oranga Tamariki was preparing for the commencement of the NCS Regulations and the support it provided to its NGO providers to prepare. It also supports monitoring of compliance with regulation 86 (which relates to self-monitoring) in so far as it applies to the two regulations being monitored.

Oranga Tamariki also provided the self-assessment process to its contracted NGOs to support their planning for the NCS Regulations. For those agencies included in this report,

we have received information from each of them on this process and their information is reflected in this report.

The information provided by Oranga Tamariki stated that the response rate for the 2019 self-assessment process was excellent, with completed assessments received for all Services for Children and Families sites and Youth Justice sites and six out of eight residences. Sites rated themselves at the degree to which they met various aspects of the Care Standards using the following scale:

- Almost always: we consistently achieve this in our practice with tamariki
- Most of the time: we achieve this for more than half of the tamariki we work with
- Some of the time: we achieve this for between one quarter and half of the tamariki we work with
- Rarely: we achieve this for less than one quarter of the tamariki we work with
- Almost never: we almost never practice in this way with the tamariki we work with.

The information provided states that the Services for Children and Families sites considered themselves to be meeting the care standards “almost always” or “most of the time” in 55% of the responses. For Youth Justice sites this was true in 65% of responses. It is noted by the Monitor that this is in relation to all the care standards and is not specific to regulations 69 and 85¹¹.

The information provided stated that while sites identified improvement opportunities across all five parts of the Care Standards, supporting tamariki during transition was the area of care practice that sites assessed as least consistently meeting requirements. Part 4 (supporting tamariki in care to participate in decision making) was also identified as an area for improvement. Youth Justice sites identified a particular strength in meeting the requirements of Part 2 of the Care Standards (support to meet the needs of tamariki) and residences considered Part 3 (caregiver and care placement assessment and support) as an area of particular strength.

The information provided also outlined provisions in the Care Standards where both Services for Children and Families sites and Youth Justice sites consistently identified challenges in:

- Making reasonable efforts to ensure tamariki in care have access to practitioners with experience in Māori models of health
- Enabling tamariki to provide feedback or complaints
- Sharing assessments with tamaiti and whānau and including the views of hapū, iwi, family group in assessments.

Provisions in the Care Standards that sites identified as being areas of strength include acting when there are concerns about risk of harm to tamariki and meeting Care Standards requirements for assessment of caregiver households.

The Monitor notes the information provided shows site action plans will form a core document for subsequent monitoring activity and currently there is work underway with the Oranga Tamariki Quality Practice Tool and site Practice Checks, including triangulation of all monitoring activity.

¹¹ Information Response, Oranga Tamariki, August and October 2019

The Monitor acknowledges the potential limitations of subjective self-assessments in this context and their intended use for improvement planning and states that it is still an important aspect of overall assurance processes that it is interested in building a picture of over time.

Future Focus: *Results from the repeated self-assessment being completed by Oranga Tamariki in Jan-March 2020 will be required and included in the Monitor's June 2020 report.*

Oranga Tamariki informed the Monitor that the self-assessments will be repeated between January and March 2020 which will provide a view of progression post implementation and training.

Oranga Tamariki provided information to the Monitor about its continued development of its internal monitoring processes in line with

regulation 86 with three key processes being implemented.

Firstly, a Practice Check is being introduced as the primary source of objective information on the strengths and areas of improvement for an individual site. It provides a broader context in which the site operates. The inclusion of voices of tamariki, whānau and caregivers is a core component of this assurance approach. The first check is being completed between October and December 2019 and a report will be available for the Monitor's next report in June 2020. The practice check is on a three yearly cycle to cover every site, including youth justice and will be completed by the Professional Practice Group in Oranga Tamariki.

Secondly, a newly developed Quality Practice Tool will be the primary mechanism for routine monitoring of the trends and themes. An initial check was completed in September 2019 with the first report due in November 2019, so the data was unable to be included in this report.

Future Focus: *Quality Practice Tool and site Practice Checks reporting will be required from Oranga Tamariki and will be included in the Monitor's June 2020 report.*

Thirdly, the Professional Practice Group is introducing a case-file analysis process that will focus on a limited set of priority aspects of practice quality. The purpose is twofold, to test and advise on the validity of practice leader led assessments of practice with the quality practice tool and to create information that is sufficiently robust and regular for external reporting purposes.

Question Four

How well do the Agency's responses to information disclosures referred to in regulation 69(1) comply with regulation 69(2), i.e., are the information disclosures responded to and do the responses meet the requirements of regulation 69(2)?

Oranga Tamariki is partially compliant with the requirements of regulation 69 and Open Home Foundation is compliant. Barnardos and Dingwall Trust had no disclosures during the period.

When answering this question, the Monitor has interpreted the regulation as being a dual responsibility between the NGO agencies and Oranga Tamariki. Oranga Tamariki is responsible for completing the statutory investigation under s17 of the Oranga Tamariki Act 1989¹². The NGO who has custody of the child or young person is responsible for reporting the disclosure to Oranga Tamariki and ensuring the immediate safety of the child. It is also responsible for supporting the child or young person throughout the investigation and at the end of the process.

Neither **Barnardos** nor **Dingwall Trust** had any disclosures for the period and therefore compliance with the regulation is not relevant to this question.

Open Home Foundation – For the period, 1 July to 30 September 2019, Open Home Foundation provided information on three disclosures in relation to a risk of harm caused by abuse or neglect of a child or young person in its custody. Due to the small number of children involved in these disclosures the detail has not been provided.

From the information provided, and the aspects of the regulation within its control, there has been compliance with the regulation. It is apparent from the information provided that there have been extra supports put in place for the children and young people as well as more contact with their social workers. The information also indicates that extra contact and supports are in place for the other parties involved in the allegations.

The three disclosures from children or young people in the care of Open Home Foundation all had a finding of not found, meaning the children or young people did not have a finding of harm, as defined by Oranga Tamariki.

Oranga Tamariki – The SoCiC Unit within Oranga Tamariki has provided the majority of information required to assess regulations 69 and 85. The SoCiC Unit reviews the data quarterly and the data for the first quarter of this year has been summarised into general findings for children and young people in care with a reported incident of harm. This data is required to be provided to the Monitor under the NCS Regulations.

For the period, 1 July to 30 September 2019, Oranga Tamariki provided information on 335 disclosures in relation to a risk of harm caused by abuse or neglect of a child or young person in their custody where a Child and Family assessment (CFA) or investigation was recorded. Oranga Tamariki reported to the Monitor that it *“receives reports of abuse and neglect for children in care and not all of them may be genuine reports of concern, for example a sibling might be added to a report of concern but they do not live in the same circumstances*

¹² S.17 of the Oranga Tamariki Act 1989 provides the authority to investigate a report of ill-treatment or neglect of a child or young person

as another sibling or the care order was made at the same time as a report of concern was received and therefore the child was not in the care at the time of the concern arising.”

Future Focus: *The Monitor will be seeking information on those reports of concern that are entered on the case management system, that are genuine reports of alleged abuse and do not have a finding.*

This means that the number of reports to the agency will differ from those reported on by the SoCiC Unit, due to the requirement to ensure the cases of genuine abuse of children in care are reviewed by the Unit and where children are not harmed this is accurately reflected in their record.

Oranga Tamariki is partially compliant with the two regulations. The detail of its compliance is outlined in the graphs and narrative below¹³.

For the period of 1 July to 30 September 2019 the following table provides an overview of the number of children and young people reported by Oranga Tamariki to have had an incident of harm shown with the total number of findings of harm reported. These numbers are not equal as some children and young people had more than one finding of harm.

Oranga Tamariki intends to report on the flow of information over the course of a year in their annual report, due to be published in December 2019. Figures taken for quarterly reporting reflect a point in time and are subject to change throughout the year for various reasons such as a reclassification in abuse type due to more information coming to light. Numbers will also differ across the quarters as reports of concern may be reported in one quarter and the finding or outcomes occur in the next quarter.

Harm of children or young people in care July 1 to 30 September			
Children or young people with harm recorded		Findings of harm	
108		201	
Findings of harm by type			
Emotional	Physical	Sexual	Neglect
74	94	26	7

Table Two – Incidents of Harm Broken Down into Abuse or Neglect Type, 1 July – 30 September 2019

¹³ All data in this report was provided by Oranga Tamariki (and other agencies as relevant) – Information Request responses provided October/November 2019

Gender		Age Placement		Ethnicity		Placement	
Male	47%	0-1 Years Old	< 5%	Māori	60%	Family	52%
Female	53%	2-5 Years Old	14%	Māori and Pacific	10%	Non-Family	21%
		6-9 Years Old	21%	Pacific	8%	Return/remain home	22%
		10-13 Years Old	26%	Other	21%	Residential	< 5%
		14+ Years Old	38%				

Table Three – Demographic and Placement Type of the 108 Children and Young People who had Reports of Harm by Percentage, 1 July – 30 September 2019

Figures in table Two and table Three exclude incidents where there was a finding of “not found” or “behavioural/relationship difficulty”. These findings are:

Number of children or young people with a “not found” finding		Children or young people with relationship/behavioural difficulties recorded	
Children or young people	Findings	Children or young people	Findings
136	149	22	24

Table Four – Incidents of Not Found or Relationship/Behavioural Difficulties Recorded, 1 July – 30 September 2019

The SoCiC Unit within Oranga Tamariki does not publicly report on findings of “not found” or “relationship/behavioural difficulties” as they are not considered to be reports of harm. These findings are however included in Oranga Tamariki reporting of abuse of children in care incidents (AOCIC) which total 335 and are used by the Monitor for analysis of compliance further in the report (tables Seven, Eight, and Nine).

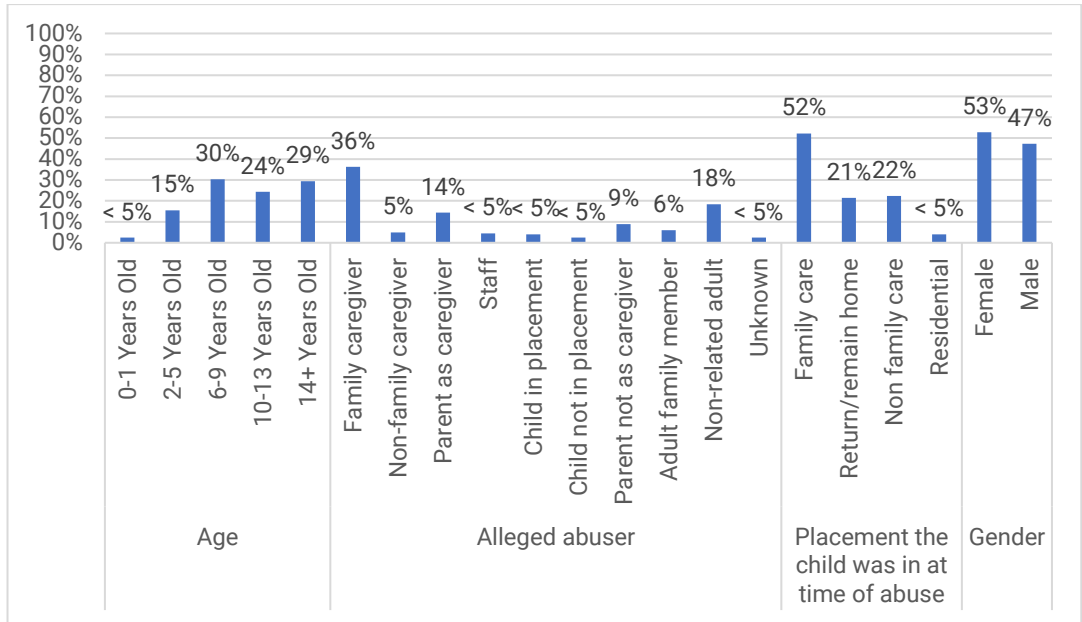


Table Five – Percentage of Total Findings of Harm of Each Cohort, 1 July – 30 September 2019

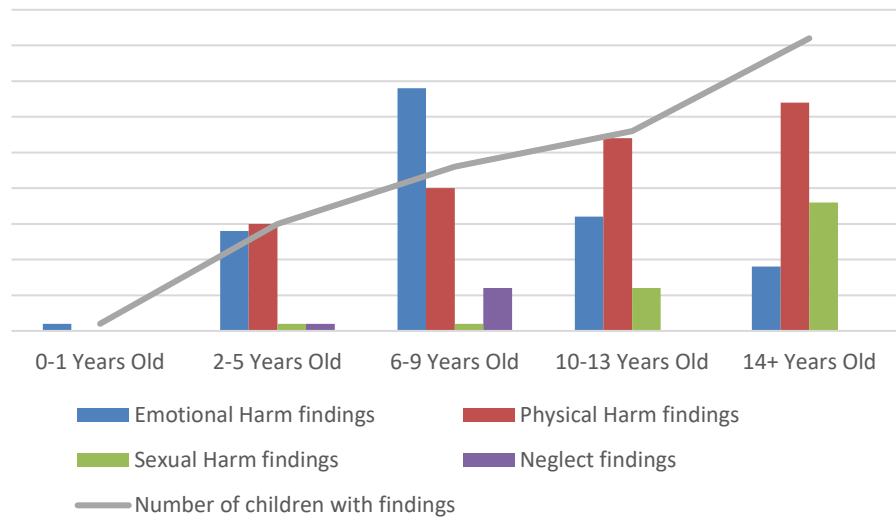


Table Six – Number of Findings for Each Harm Type by Age Group Tracked Against Number of Children with an Incident of Harm by Age Group, 1 July – 30 September 2019

Overview of Compliance with Regulation 69 (2)

The following graphs and narrative demonstrate the level of compliance with each component of Regulation 69 (2). The first graph is a general overview of compliance with Regulation 69 (2) (a) and (b).

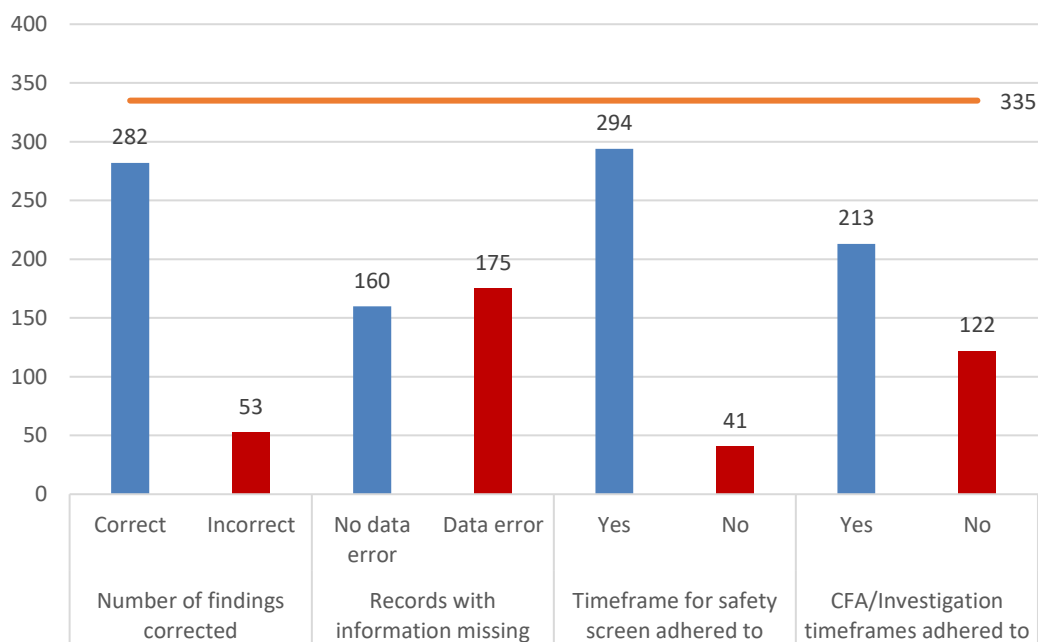


Table Seven – Overview of Consistency of Recording and Timeliness of Response, Regulation 69 (2) (a) and (b),

1 July – 30 September 2019

Section 69(2)(a) requires that the response to an allegation of abuse or neglect in care or custody must be prompt.

Oranga Tamariki carry out a safety screen within defined timeframes specified in its operational policies when a report of concern is received by a site. The purpose is to review the safety of a child at that point in time and to determine what next steps or actions are required. Reported data shows that in 88% of the incidents the timeframe for completing a safety screen was adhered to.

Child and Family Assessments (C&FA) and Investigations (including those referred to Police under the Child Protection Protocol (CPP)) are carried out after a safety screen has been completed. Oranga Tamariki has defined timeframes for the completion of these processes.

The total compliance with the requirement for timeliness is:

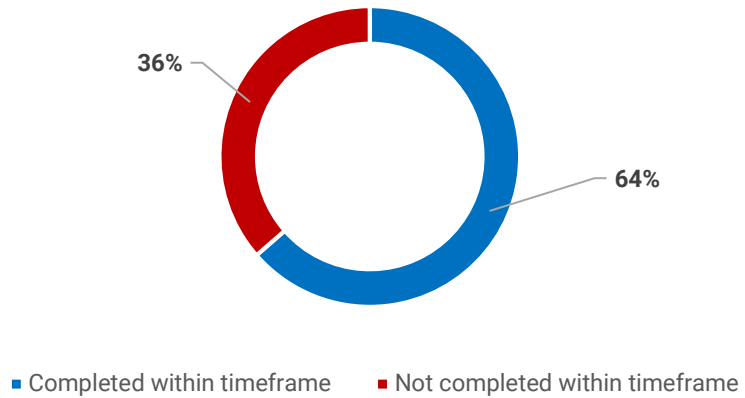


Table Eight – Child and Family Assessments or Investigations Completed within the Required Timeframes, 1 July – 30 September 2019

C&FA/ CPP investigation timeframes are split into three categories:

- 20 days to complete an investigation or C&FA where the allegation relates to an approved caregiver
- 36 days to complete an investigation or C&FA where the allegation relates to children under the age of five years
- 43 days to complete an investigation or C&FA where the allegation relates to children or young people over the age of five years.

Compliance with these time frames is reported as:

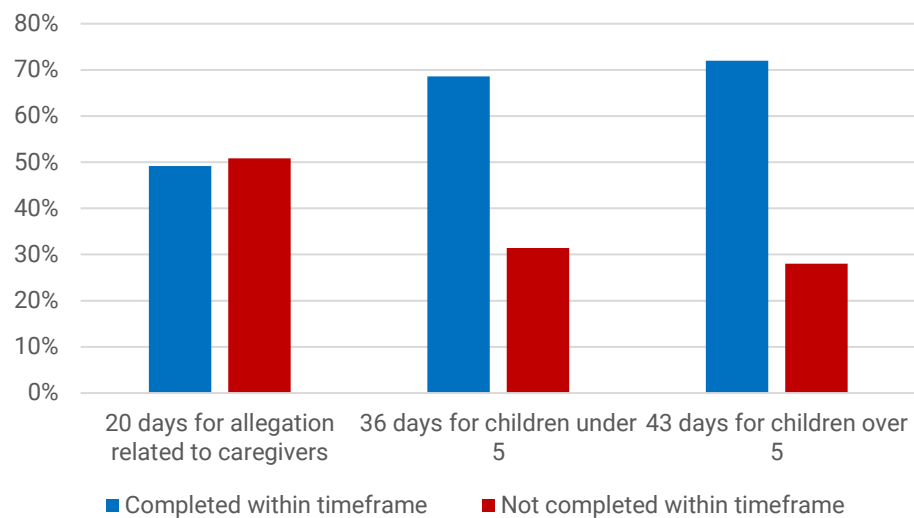


Table Nine – Timeframes Broken Down by Specific Policy Requirements, 1 July – 30 September 2019

Section 69(2)(b) requires the information about the allegation to be recorded and reported in a consistent manner. Findings were reported for two areas:

- 16% of records checked had incorrect findings recorded
- 52% of records checked had missing or insufficient information.

Section 69(2)(c), (that indicates where appropriate a child or young person is informed of the outcome) and 69(2)(d) (where appropriate steps are taken with the parties to the allegation, including a review of the caregiver's plan), have been reported on in the following tables. The average percentage of people who were informed of the outcome was 45% with 39% each of children and parents/guardians being informed. Oranga Tamariki advised that the formal recording of this information is an area for development.

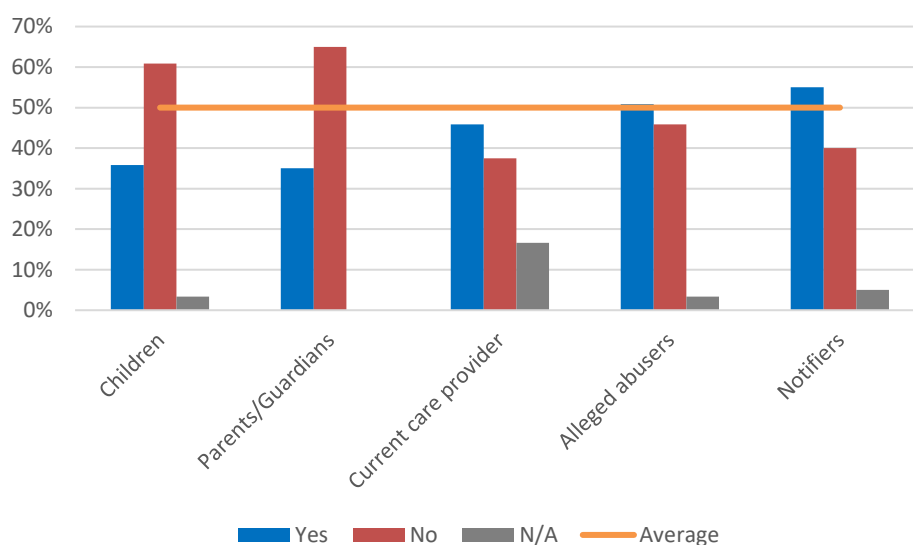


Table Ten – Percentage of People Informed of the Outcome, Where Appropriate, 1 July – 30 September 2019

Number of people who have been informed of the outcome:

Person Characteristic	Yes	No	N/A ¹⁴
Children	43	73	< 5
Parents/Guardians	42	78	0
Current care provider	55	45	20
Alleged abusers	61	55	< 5
Notifiers	66	48	6

Table Eleven – Number and Type of People Informed of the Outcome, 1 July – 30 September 2019

Section 69(2)(d) requires the Chief Executive to ensure appropriate steps are taken with the parties to the allegation, including a review of the caregiver's plan. The figures provided count a child or young person each time there is a separate report of concern within the reporting period (i.e. there may be more than one report within the period). For this reason, the numbers do not add up to the total number of children or young people in care with findings of harm, of which there were 108 in the period.

¹⁴ N/A refers to an incident where somebody was not informed of the outcome, but an appropriate rationale was recorded.

One of the appropriate steps that may be taken in these cases is the need for the child or young person to leave their current care placement. For this period, in 15% of cases children and young people with a finding of abuse or neglect were moved from their placement.

In 85% of cases Oranga Tamariki reported that children and young people were assessed as safe to remain in their placement.

Children and young people had supports put in place 71% of the time following a finding of abuse or neglect. In some situations, additional support is not necessarily required.

Regarding the requirement to review the child or young person’s plan in 73% of cases the plan was reviewed following an incident.

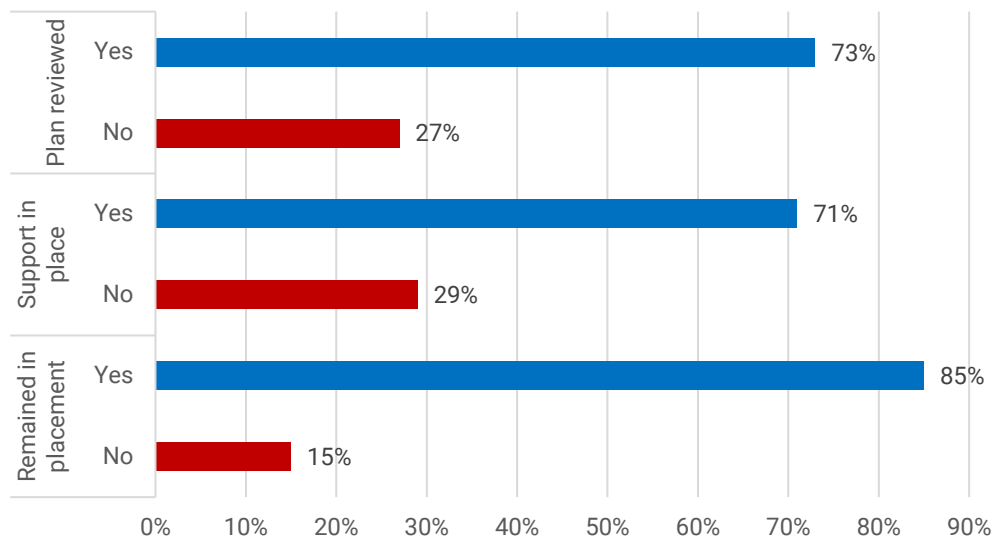


Table Twelve – Outcomes for Children and Young People, 1 July – 30 September 2019

In 62% of cases a caregiver’s plan was reviewed. In some cases, this was not a requirement as the caregiver was no longer providing care or children were placed in other care arrangements.

Caregiver plan review completed	Total
Yes	44
No	40
N/A	20

Table Thirteen – Number of Caregiver Plans Completed, 1 July – 30 September 2019

Future Focus: Case validation and analysis of raw data will be required to further understand compliance with the NCS Regulations for the next report.

Question Five

How is the Agency responding to cases of abuse or neglect of Māori children and young people in Care or Custody?

The agencies' responses to cases of abuse or neglect of Māori children and young people in care or custody are largely done on a case by case basis, with Oranga Tamariki having made a significant number of practice enhancements to consider responses to Māori.

Future Focus: *With specific regard to tamariki Māori, one area that was not strong for any agency was information on supports that could be offered when an allegation is made such as cultural supports. This is something the Monitor did not request or focus on and is likely to be included in the next information request.*

The three NGO agencies may want to consider or highlight specific responses to Māori in the next data response.

Open Home Foundation – None of the disclosures during the relevant time period for Open Home Foundation were in relation to tamariki Māori. Open Home Foundation have stated regardless of ethnicity it follows its Abuse of Child or Young Person in Care policy and process.

Dingwall Trust – Like Open Home Foundation, Dingwall Trust informed the Monitor that it does not draw a distinction in response to abuse or neglect of

children or young people based on ethnicity. It does state that within casework and child/whānau interactions that the child's ethnicity will be taken into account to ensure a culturally safe response.

Barnardos – Barnardos' information stated that it records a child's ethnicity on their file and track responses accordingly. No further information was requested or provided at this time regarding this question given there were no disclosures of abuse for those in its custody.

Oranga Tamariki – the Oranga Tamariki SoCiC Unit's review process has been enhanced to include the provisions of s7AA of the Oranga Tamariki Act 1989 which sets out the duties of the Chief Executive to recognise and provide a practical commitment to the principles of the Treaty of Waitangi (te Tiriti o Waitangi). Oranga Tamariki advised the Monitor that it includes the following:

- the use of hui-a-whānau in decision making
- engagement of Kairaranga and other roles to support evidence of whakapapa searching and/or cultural advice when creating plans
- reviewing the understanding of and demonstration of mana tamaiti in assessment and planning.

Oranga Tamariki informed the Monitor that it also captures tamariki ethnicity in its data and analysis, enabling trend analysis and the extent to which it is meeting core practice requirements in responding to harm for tamariki Māori.

The following overview information for tamariki and rangatahi Māori, with incidents of harm in care reviewed by the SoCiC Unit since July 2018 has been captured in the table below:

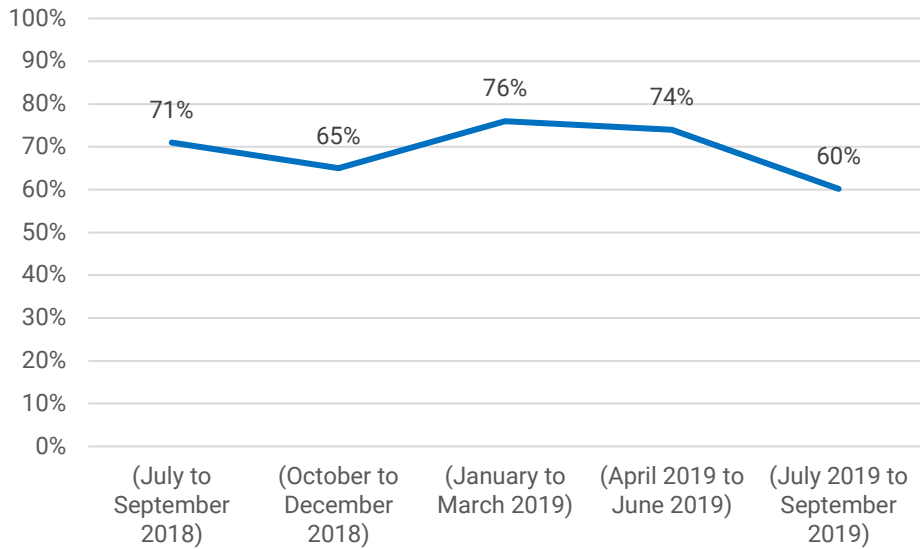


Table Fourteen – Tamariki and Rangatahi Māori with Incidents of Harm as a Percentage of the Total Number of Incidents

Given the short time period, the Monitor is unable to ascertain any real trends in this data. However, over time, it will be useful to reflect on the impact (if any) of targeted or national interventions under section 7AA of the Oranga Tamariki Act 1989.



Question Six

What are the Agency's internal assurance policies, processes and practices (self-monitoring) that ensure that information disclosures referred to in regulation 69(1) are responded to and meet the requirements of regulation 69(2)?

The agencies' internal assurance policies, processes and practices (self-monitoring) that they say ensure that information disclosures referred to in regulation 69(1) are responded to and meet the requirements of regulation 69(2) cannot be tested at this stage.

Open Home Foundation – The information provided is the same as mentioned previously in the report. Open Home Foundation also informed the Monitor that it has now included reports to its Board on the numbers of allegations regarding abuse and neglect in care and is also updating its case management system to reflect the requirements of compliance with regulations 69 and 85.

***Future Focus:** Evidence of assurance processes in practice will be required for the Monitor's June 2020 report.*

Dingwall Trust – Similar to Open Home Foundation, Dingwall Trust stated it also reports to its Board any allegations of abuse or neglect of children in its custody. Its internal structures include staff training and regular supervision.

Barnardos – Much the same as Open Home Foundation and Dingwall Trust, Barnardos stated that it has supervision of staff and processes in place where managers oversee and track all allegations of abuse and neglect. It is also developing a national template to capture all the information relevant to regulations 69 and 85.

Oranga Tamariki – Information regarding the assurance system of Oranga Tamariki has been covered in response to previous questions and the SoCiC Unit is the most relevant assurance practice in regard to regulations 69 and 85. To support the introduction of the NCS Regulations, specifically the requirement under regulation 86 to self-monitor, Oranga Tamariki informed the Monitor that it is implementing a new suite of quality assurance and improvement processes designed to provide assurance that the organisation is meeting its core requirements. A core part of the approach, as mentioned above, is to include the voices of tamariki at site level. These processes are at an early stage of development and implementation, so it is too early to know how effective they will be, and this will be assessed in future monitoring reports.

Question Seven

What improvement processes does the Agency have in place to address any issues identified (such as through assurance activities)?

The agencies have identified improvement processes to address any issues identified (such as through assurance activities) and while some processes are underway, it's too early for any impact of these changes to be reported to the Monitor.

Open Home Foundation – As mentioned previously, Open Home Foundation stated that one of the key improvement processes is the introduction of the National Manager/Principal Advisor overseeing any allegations and addressing any concerns that may arise.

Dingwall Trust – Dingwall Trust stated in its information that the self-assessment it completed highlighted the need to develop more robust internal quality assurance mechanisms which are now in development.

Barnardos – The information provided by Barnardos stated that it has a number of generic assurance processes in place, including and not limited to policies and procedures being reviewed at different levels of the organisation, quarterly monitoring meetings with contract managers and the ability to escalate risk regarding serious incidents to the Executive Team and the Board.

Future Focus: Evidence of improvement processes and progress will be required for the Monitor's June 2020 report.

Oranga Tamariki – In addition to what has already been mentioned Oranga Tamariki informed the Monitor that it is establishing a System Enhancements Board to drive a coordinated approach to processing system-level insights gathered by its internal activities and external mechanisms. The Board will create effective feedback loops and decision-making to better the likelihood of continuous improvement. Oranga Tamariki has also informed the Monitor that it will be repeating its self-assessment process (including for all NGOs) between January to March 2020.

Question Eight

What specific improvements are being considered or implemented by the Agency in relation to responding to information disclosures referred to in regulation 69(1)?

The agencies have identified specific improvements in relation to responding to information disclosures referred to in regulation 69(1).



Open Home Foundation – Open Home Foundation told the Monitor that it is considering implementing the “Mind of my Own” App which would enable children and young people to feed back their views and alert social workers in several different ways.

Dingwall Trust – Dingwall Trust advised that it is also trialling a new phone-based App which will assist staff to raise and log incidents or issues of concern. This enables managers to track responses and

improve capacity to report accurately on various issues of concern, including disclosures.

Barnardos – Barnardos stated it will be conducting audits of responses to information disclosures for all children and young people in its custody. A national template is also being developed to capture the information relevant to regulations 69 and 85 in one location.

Oranga Tamariki – In addition to what has already been mentioned the information provided by Oranga Tamariki stated that significant work was completed prior to 1 July 2019 to prepare for the regulations being introduced. This included the development of guidance and policy associated with an expanded definition of a child in need of care and protection and guidance on serious harm. Oranga Tamariki also identified its Children’s Experiences Survey as a vehicle for monitoring the experience of practice and experience-based outcomes important to tamariki.

It has also identified the opportunity to work with its providers to strengthen understanding of how the related processes of harm, concerns, abuse and neglect are described and reflected.

Question Nine

Is the information available to the Agency and provided to the Monitor under regulation 85 and, when requested, under regulation 84, sufficient to enable the Monitor to fulfil its monitoring role?

Given the short monitoring period, there is not currently sufficient information to enable the Monitor to fulfil its monitoring role.

Future Focus: *With an initial baseline now established through this report, the Monitor will be reviewing its initial assessment framework with a view to seeking more targeted responses that will enable it to wholly fulfil its monitoring function.*

This initial assessment process has provided the Monitor with substantial background and baseline information regarding each agency's policies, processes and practices. This enables the Monitor to have a comprehensive understanding of each of the agency's ways of working relative to regulations 69 and 85 and provides a benchmark for future reports.

The Monitor's data request has also triggered each agency to consider its policies, processes and practice and to make enhancements as appropriate. The process has also provided them with an opportunity to assure themselves they have enough practice guidance as well as provide continuous improvement opportunities.



Question Ten

What progress has the Agency made in implementing and monitoring regulations 69 and 85? What has gone well and what are the issues or challenges?

The agencies have made progress in implementing and monitoring regulations 69 and 85. All agencies have recognised the additional work required to meet requirements and provide evidence through self-monitoring that they are meeting their statutory obligations.

All the agencies have provided information on their ongoing work plans to ensure adherence with the NCS Regulations and to improve the quality of their practice, which should lead to enhanced wellbeing for the children and young people in their care.

Open Home Foundation – Open Home Foundation advised that it has amended its case management system to reflect the information required and in line with colleagues also recognises the resource required to make these changes.

Oranga Tamariki – Oranga Tamariki made an investment in establishing the SoCiC Unit in March 2018 and has spent considerable time developing its self-monitoring requirements as required under regulation 86 of the NCS Regulations. It also informed the Monitor that it has dedicated resource to providing guidance and new service specifications for the s396 care agencies.

Oranga Tamariki provided the Monitor with its publicly available reports on “The Safety of Children in Care, prepared by the SoCiC Unit, Oranga Tamariki for the period beginning 1 July 2018 to June 2019”. As the annual report (including quarter four) was not available at the time of preparing this report, Oranga Tamariki provided an embargoed copy of the quarter four data on 6 December 2019. The annual report is due for publication in mid December 2019. It is likely to have alterations to figures that have since been reviewed by the SoCiC Unit, therefore the figures may differ from those shown in this report.

The information provided from 1 July 2018 to 31 March 2019 is publicly available on the Oranga Tamariki website. The annual report and data for 1 April to 30 June 2019 will be available on the website once published by Oranga Tamariki. The data on the first quarter of 2019/20, that is the period of this report 1 July to 30 September 2019, is not publicly available information and is required to be provided to the Monitor under the NCS Regulations.

Oranga Tamariki informed the Monitor that the SoCiC Unit “*was established to primarily implement a new measurement approach...Fully understanding this data will better enable us to focus our efforts on improving practice, supports and services for children, young people in care and their whānau and caregivers.*”

Given the timeframes of this report the data was provided in advance of a full analysis. This analysis is necessary to fully understand the practice context in order to inform targeted actions to improve performance.”

The SoCiC Unit does not report on trends from quarterly data as it is recognised that findings data can peak exceptionally due to a handful of isolated incidents that, for example could

reflect a large sibling group experiencing a number of harm types by multiple alleged abusers.

Oranga Tamariki informed the Monitor that its annual report will provide a more fulsome analysis of the first year of reporting. By collecting a series of data sets that relate to the same measure across quarters, Oranga Tamariki can track trends within harm incidents for children and young people in their care. At this stage the Monitor is unable to do any extensive comparative analysis given only overview findings have been requested. For the next round of reporting the Monitor will request a breakdown of information for each individual child or young person with a record of harm. This will allow the Monitor to draw insights across different information streams.

The Monitor also notes and comments that trends and patterns over time should be able to be drawn upon as data and information from a variety of sources analysed over time provide rich insight into areas that may require targeted or national intervention approaches. The Monitor expects to see analysis of this nature as the Oranga Tamariki operating model, assurance and reporting approaches mature.

The data for the 18/19 year has enabled comparison with the current reporting period for this report, 1 July 2019 to 30 September 2019. This focuses on the number of findings, type of finding and where the incident occurred.

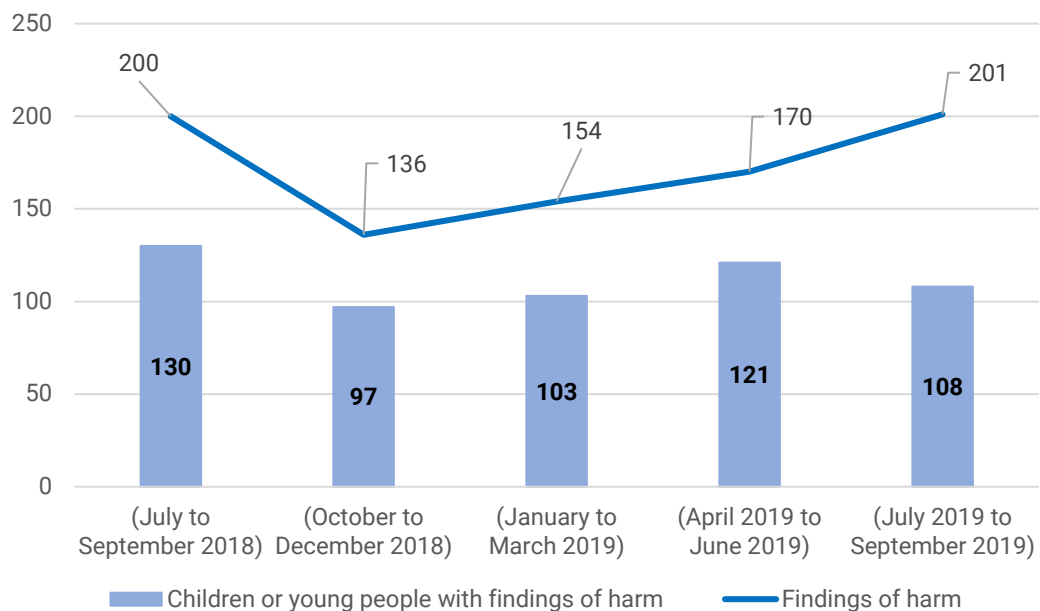


Table Fifteen – Number of Children and the Number of Findings of Harm Against Children and Young People in Care for July 1 2018 to 30 September 2019

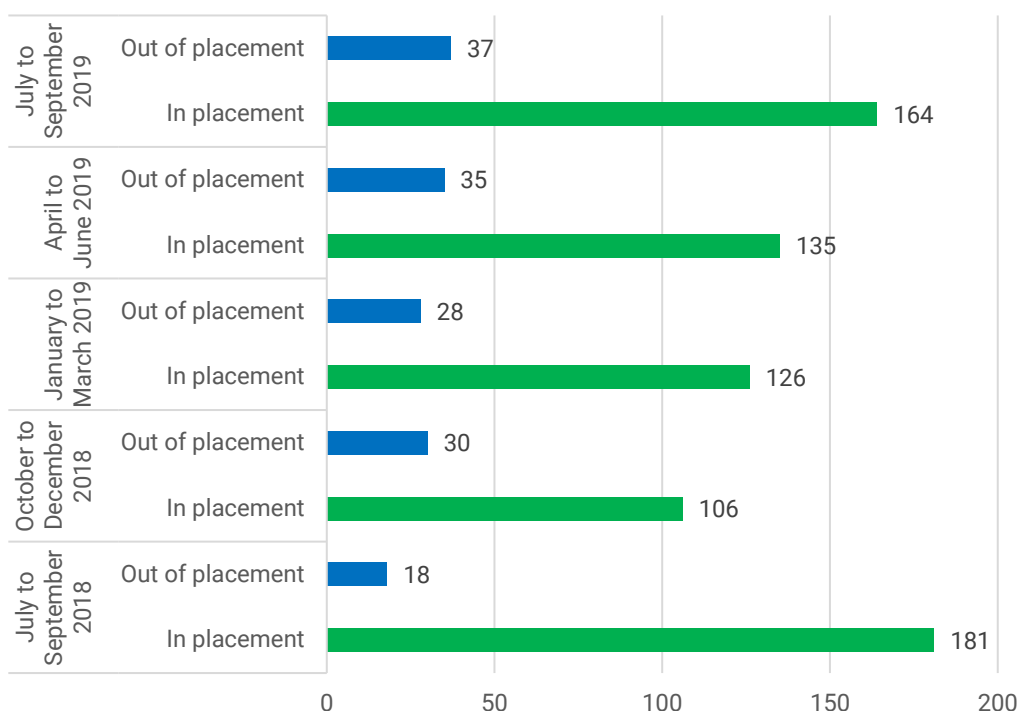


Table Sixteen– Number of Findings by Where the Incident Occurred 1 July 2018 – 30 September 2019

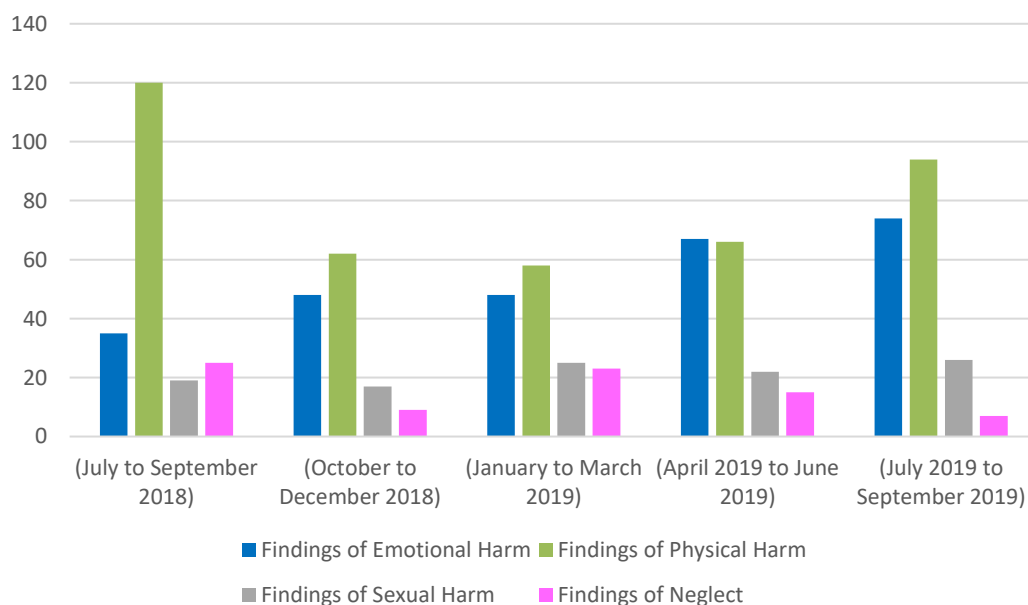


Table Seventeen –Findings by Harm Type, 1 July 2018 – 30 September 2019

Looking at higher reported numbers in comparison with total findings allows the SoCiC Unit to identify areas of concern. From the data provided from Oranga Tamariki for the 2018-2019 reporting period, comparing with the period of this report, it appears that the same concerns exist in this quarter. The number of findings across all quarters vary and there is no particular pattern or trend. It does appear however, that the total number of findings have increased every quarter since 30 September 2018.

The data also highlights that those under the age of ten are more likely to have a finding of neglect or emotional harm and those over ten are more likely to have a finding of physical or sexual harm.

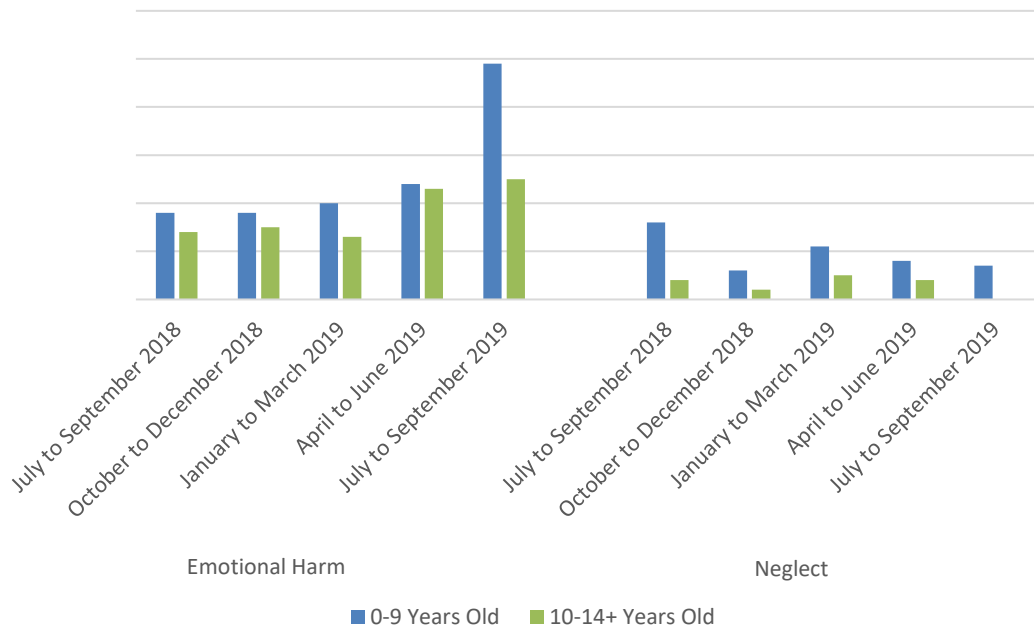


Table Eighteen – Findings of Emotional Harm and Neglect by Age, 1 July 2018 – 30 September 2019

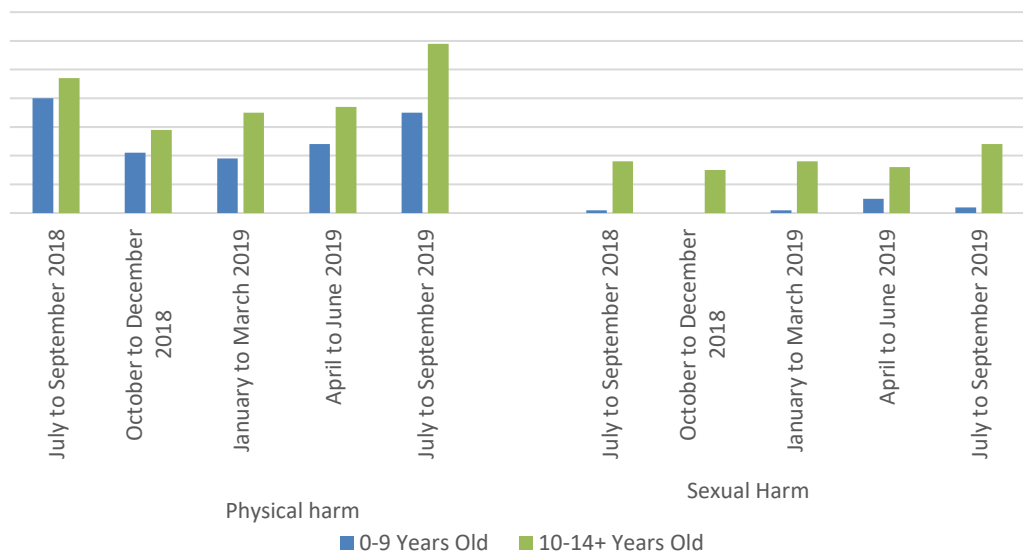


Table Nineteen – Findings of Physical and Sexual Harm by Age, 1 July 2018 – 30 September 2019

Future Focus: *The Monitor will expect to see analysis and targeted or national interventions from Oranga Tamariki that respond to the trend information from the reporting from the SoCiC Unit.*

This data, however, cannot be used to draw any conclusions given it is only representative of one quarter and could be an outlier when looking at the data over a longer period. It does demonstrate the ability the SoCiC Unit has to collect and analyse this type of data over a longer period.

After a number of reporting periods the data being collected should allow for targeted intervention.



Question Eleven

What learnings can be identified from the monitoring conducted in the previous period that can improve the Monitor's processes, the Agency's responses to information disclosures under regulation 69(1), and the Agency's provision of information under regulations 85 and 84?

Learnings have been identified from the monitoring in this reporting period that can improve both the Monitor's processes and agency responses.



The process has provided learnings for the Monitor regarding the need to revise the initial assessment framework and the need for Oranga Tamariki to provide consistent definitions and interpretation of the NCS Regulations for itself and the NGOs it contracts with.

It is evident that engagement with each agency is required to confirm and clarify information, to validate the information (including case information) as well as the requirement to consider many data sources, including staff, foster parents and children and young people and their whānau, hapū and iwi.

Question Twelve

What learnings can be identified from the monitoring conducted in the previous period that can be applied to Phase 2 monitoring and Phase 3 monitoring?

Learnings have been identified from the monitoring conducted that can be applied to both Phase 2 and Phase 3 monitoring.

In preparation for Phases 2 and 3 the Monitor is amending the initial assessment framework, as well as the Memoranda of Understanding with each agency. Given there will also be at least six months of data there will also be more opportunity to report on practice over a greater period.

Future Focus: To prepare for the June 2020 report, the Monitor will be asking for case examples to validate information and will seek to engage with a small number of those involved in the casework to triangulate the information and further inform compliance with the NCS Regulations as well as look for those continuous learning opportunities.



Summary

Based on the information received, the Monitor concludes that there is partial compliance with regulations 69 and 85 from an operational perspective. Each agency has policies and processes in place to meet the standard required as well as plans to improve practice and self-monitoring processes. However, as the monitoring requirements only came into place from 1 July 2019 there is little evidence around assurance of compliance or any trends that demonstrate practice improvements that may link to improved outcomes for children in care.

This report has provided an opportunity for each agency with children and young people in its custody and care to review their practice and assurance processes and take an objective look at themselves in terms of readiness to meet the NCS Regulations. They have also each begun a programme of work to enhance practice and processes.

The process has enabled the Monitor's Framework to be tested as to whether the necessary information has been provided for the Monitor to fulfil its current function. While baseline information has been received the Framework will require updating to request the data required to monitor the NCS Regulations including case validation through engaging stakeholders and triangulating information.

It has been a necessary starting point for both the providers and the Monitor to understand current practice and to determine what may be required to achieve full compliance with all of the regulations, not only 69 and 85. Relationships between the Monitor and the agencies have been established and a review of each Memorandum of Understanding will take place with a particular focus on the revision of the Framework. This work will be completed by February 2020 to be ready for the data request for the second report due in June 2020.

The focus of the next report will include at least six months, with the possibility of nine months, of data from each agency and will provide more of a deep dive into actual decision making at each point of the process when determining appropriate steps are taken with the parties to the allegation, including a review of the caregiver's plan. The Monitor will also be seeking information on the outcomes for children and young people as well as further practice enhancements implemented following consideration of reporting by Oranga Tamariki.



Appendices

Appendix A – Initial Assessment Framework

Appendix B – Oranga Tamariki Definition of Regulation 69 and associated documents

Appendix C – List of information requests and meetings with agencies

Appendix A: Initial Assessment Framework

Independent Children's Monitor

Initial Assessment Framework

Independent monitoring of the Oranga Tamariki system – Phase 1 monitoring – Regulations 69, 85, and 86 (to the extent relevant to compliance with regulations 69 and 85)

Document version control

Version	Date	Changes
1	1 July 2019	Not applicable.

Initial Assessment Framework – Phase 1 Monitoring

1. Background

- 1.1 The Ministry of Social Development (the **Monitor**) has been appointed under section 447A of the Oranga Tamariki Act 1989 to:
- (a) monitor compliance by Oranga Tamariki, and by organisations approved under section 396 of the Act (**Approved Organisations**), with regulations made under section 447(1)(fa) of the Act; and
 - (b) report on compliance with those regulations to the Minister for Children.
- 1.2 The regulations are the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (**NCS Regulations**). The NCS Regulations come into force on 1 July 2019 (with the exception of regulations 79-81, 83 and 84(1)(a) which will come into force on 31 December 2020). Part 6 of the NCS Regulations sets out provisions relating to monitoring and reporting on compliance.
- 1.3 The Monitor's independent monitoring function will be phased in over time:
- (a) Phase 1: initial monitoring from 1 July 2019, focused on:
 - (i) information disclosed to OT and Approved Organisations passing on concerns in relation to a risk of harm caused by abuse or neglect of a child or young person in care or custody;
 - (ii) the response by OT or the relevant Approved Organisation to such information;
 - (iii) the provision of information to MSD in relation to these matters; and
 - (iv) OT's and Approved Organisations' compliance with their self-monitoring obligations, to the extent relevant to the matters above,as per regulations 69, 85 and 86 of the NCS Regulations;
 - (b) Phase 2: expanded monitoring by December 2020 (or earlier if possible) focused on compliance with all aspects of the National Care Standards set out in the NCS Regulations; and
 - (c) Phase 3: intended longer-term expansion, which would enable broader monitoring of compliance with the Oranga Tamariki Act and associated regulations, at a date that is yet to be determined.

2. Purpose

- 2.1 This document (the **Initial Assessment Framework**, or **IAF**) sets out the initial framework for Phase 1 that the Monitor will use to undertake assessments of compliance by Oranga Tamariki and the Approved Organisations with regulations 69 and 85, and regulation 86 to the extent relevant to compliance with regulations 69 and 85, of the NCS Regulations.
- 2.2 The IAF should be read in conjunction with the Memoranda of Understanding (**MOUs**) between the Monitor and Oranga Tamariki and Approved Organisations. Additional background context is set out in the MOUs.
- 2.3 As explained in the MOUs, this IAF is expected to be further developed, iteratively, from 1 July 2019. That will involve further consultation with Oranga Tamariki, Approved Organisations, Māori, and the other agencies and bodies described in paragraph 8 (Review of IAF). The three-monthly review cycle is also described in that paragraph.

3. Focus of monitoring under this IAF

- 3.1 The Monitor's intended focus under this first version of the IAF is on:
- (a) understanding the policies and practices in place in Oranga Tamariki and Approved Organisations that relate to implementation of, and compliance with, regulations 69 and 85 of the NCS Regulations;
 - (b) receiving information from them relating to information disclosures under regulation 69(1) that pass on concerns in relation to a risk of harm caused by abuse or neglect of a child or young person in Care of Custody, and how they are responding to those information disclosures;
 - (c) working with Oranga Tamariki and Approved Organisations to refine the standards and measures by which compliance with regulations 69 and 85 will be fully assessed;
 - (d) producing Assessment Reports on compliance by Oranga Tamariki and Approved Organisations with regulations 69 and 85 (and 86 to the extent relevant to compliance with regulations 69 and 85);
 - (e) identifying learnings to enable the IAF to be improved during the review processes referred to in paragraph 8;
 - (f) providing learnings relating to application of the IAF, including its information requirements and reporting, for inclusion in development of what is expected to be the replacement assessment framework for Phase 2 monitoring.

4. Approach to information requirements

- 4.1 Monitoring in the initial period after 1 July 2019 will require a mix of approaches and utilise both quantitative and qualitative data.
- 4.2 The Monitor will draw on a range of different information sources and use a variety of methods and approaches to obtain the necessary information. This will develop over time and will be reflected in updated versions of this assessment framework.
- 4.3 As agreed in clause 6 of the MOUs, the Monitor:
- (a) will not seek to collect information directly from children and young people until appropriate safeguards are put in place; and
 - (b) will not seek information from third parties such as other family or whānau members, foster parents or medical professionals, without first consulting Oranga Tamariki or the relevant Approved Organisation with Care or Custody.
- 4.4 The Monitor acknowledges that, as at 1 July 2019, further work is required in relation to the provision by Oranga Tamariki and Approved Organisations of individual case records, including the extent to which they can and should be provided and the degree of de-identification that may be necessary or desirable.

5. Assessment questions and supporting information requirements

- 5.1 The table below specifies the initial set of questions the Monitor expects to consider in:
- (a) assessing compliance by Oranga Tamariki and Approved Organisations with regulations 69 and 85; and
 - (b) developing its reports on that assessment of compliance (**Assessment Reports**),
- together with the Monitor's expected information requirements.
- 5.2 The expected assessment questions and information requirements are provided as guidance but are not intended to be exhaustive and do not preclude the Monitor from asking other questions or seeking additional information.

5.3 In the table, the term **Provider** is used to refer to Oranga Tamariki and each of the Approved Organisations.

Ref	Question	Information Requirements
IAF 1	What are the Provider's policies, processes and practices for responding to information disclosures relating to a risk of harm caused by abuse and neglect of a child or young person in Care or Custody?	Copies of up to date documents which describe policies, processes and practices relevant to regulation 69. Interviews with relevant personnel as required.
IAF 2	How do these policies, processes and practices facilitate compliance with the requirements of regulation 69?	Any Materials that address this question and describe traceability between the policies and processes and actual practice in the field. Interviews with relevant personnel as required.
IAF 3	How consistently are the Provider's own policies, processes and practices being followed?	Any Materials produced as part of the Provider's own assurance systems that address this question. Interviews with relevant personnel as required.
IAF 4	How well do the Provider's responses to information disclosures referred to in regulation 69(1) comply with regulation 69(2), i.e., are the information disclosures responded to and do the responses meet the requirements of regulation 69(2)?	Any Materials produced as part of the Provider's own assurance systems that address this question. Evidence, such as administrative data, which details the functioning of business processes related to responses to information disclosures referred to in regulation 69(1). Interviews with relevant personnel as required.
IAF 5	How is the Provider responding to cases of abuse or neglect of Māori children and young people in Care or Custody?	Any Materials produced as part of the Provider's own assurance systems that address this question. Evidence, such as administrative data, which details the functioning of business processes related to responses to information disclosures referred to in regulation 69(1) of this kind. Interviews with relevant personnel as required.
IAF 6	What are the Provider's internal assurance policies, processes and practices (self-monitoring) that ensure that information disclosures referred to in regulation 69(1) are responded to and meet the requirements of regulation 69(2)?	Any documents that define the assurance system relating to compliance with regulation 69. Interviews with relevant personnel as required.
IAF 7	What improvement processes does the Provider have in place to address any issues identified (such as through assurance activities)?	Any documents that define the improvement processes that are relevant to the processes for responding to information disclosures referred to in regulation 69(1). Interviews with relevant personnel as required.

Ref	Question	Information Requirements
IAF 8	What specific improvements are being considered or implemented by the Provider in relation to responding to information disclosures referred to in regulation 69(1)?	Any documents that detail improvements relevant to the processes for responding to notifications of abuse or neglect. Interviews with relevant personnel as required.
IAF 9	Is the information available to the Provider and provided to the Monitor under regulation 85 and, when requested, under regulation 84, sufficient to enable the Monitor to fulfil its monitoring role?	A list of the information being provided under regulation 85, and information requests under regulation 84 together with their responses (compiled by the Monitor) Interviews with relevant personnel as required.
IAF 10	What progress has the Provider made in implementing and monitoring regulations 69 and 85? What has gone well and what are the issues or challenges?	Interviews with relevant personnel as required.
IAF 11	What learnings can be identified from the monitoring conducted in the previous period that can improve the Monitor's processes, the Provider's responses to information disclosures under regulation 69(1), and the Provider's provision of information under regulations 85 and 84?	Interviews with relevant personnel as required.
IAF 12	What learnings can be identified from the monitoring conducted in the previous period that can be applied to Phase 2 monitoring and Phase 3 monitoring?	Interviews with relevant personnel as required.

6. Assessment standards

- 6.1 The IAF is expected to be developed over time to incorporate clear standards on which assessments of compliance can be made. Ratings might be in the form of gradings (e.g., meets standard, partially meets, does not meet) and/or use narrative commentary. Standards and ratings will be consulted on, in accordance with clause 9 of the MOUs and the review processes referred to in paragraph 8 below.
- 6.2 Pending development of such standards and ratings and iteration of this IAF, much of the assessment of the questions in paragraph 5 above is likely to be descriptive and focus on developmental assessment rather than being based on standards and ratings.

7. Reporting to the Minister

- 7.1 As at 1 July 2019, the Monitor expects to be providing Assessment Reports to the Minister of Children on 15 December 2019, 1 June 2020 and 15 December 2020, and/or as otherwise required by the Minister.
- 7.2 Each Assessment Report is expected to address:
- (a) some or all of the matters set out in the table in paragraph 5;
 - (b) progress on the development and implementation of the initial monitoring function; and
 - (c) other any issues, matters, findings or recommendations that arise during the course of monitoring or that the Monitor otherwise considers appropriate.

8. Review of IAF

- 8.1 The Monitor will review the IAF approximately every three months from 1 July 2019.
- 8.2 In reviewing the IAF, the Monitor will consider:
- (a) any learnings from application of the IAF during the previous three-monthly period; and
 - (b) whether any changes are required to the IAF:
 - (i) in the light of those learnings;
 - (ii) to ensure that the Monitor is able to perform its role as intended;
 - (iii) to reflect further development of the IAF; or
 - (iv) for other reasons consistent with the Monitor's role and responsibilities.
- 8.3 In reviewing the IAF the Monitor will consult with:
- (a) Oranga Tamariki;
 - (b) Approved Organisations;
 - (c) the Office of the Children's Commissioner;
 - (d) Māori through the agreed Māori engagement process; and
 - (e) such other persons, bodies or organisations as the Monitor considers appropriate.

- 8.4 If, following a review of the IAF, the Monitor elects to update the IAF, the Monitor must provide a copy of the updated IAF to the chief executives or other appropriate representatives of all parties referred to in paragraph 8.3. When doing so, the Monitor must explain the changes and the reasons for them.
- 8.5 It is expected that the IAF will be superseded by the assessment framework developed for Phase 2 monitoring.

9. Definitions

- 9.1 In this IAF, unless the context indicates otherwise:

Approved Organisation has the meaning in paragraph 1.1(a);

Assessment Report has the meaning in paragraph 5.1;

Care or Custody has the meaning in regulation 5(1) of the NCS Regulations;

Initial Assessment Framework, or **IAF**, has the meaning in paragraph 2.1;

Materials means documents, data files, emails and written matter that can be used by the Monitor to understand compliance by a Provider with the relevant regulations;

NCS Regulations means the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018;

Oranga Tamariki means Oranga Tamariki – Ministry for Children;

Phase 1 has the meaning in paragraph 1.3(a);

Phase 2 has the meaning in paragraph 1.3(b);

Phase 3 has the meaning in paragraph 1.3(c); and

Provider has the meaning in paragraph 0.

Appendix B: Oranga Tamariki Overview of Care Standards Regulation 69 and 85 Practice Requirements, Monitoring Approach and Measures and Reporting Mechanisms

Reg.69 Duties in relation to allegations of abuse or neglect

In applying regulation 69 to practice expectations we take account of the Section 3 Application of regulations;

- It is reasonably practicable to do so
- If only part of the regulation can be complied with it will be and any other requirements will be met at a later point when practicable to do so
- Where obligations cannot be met we have a duty to record this in written form

We also take account of the Section 5 Interpretations in applying the regulations to individuals and in defining harm.

Abuse is defined as emotional, physical and sexual abuse and neglect. Risk of harm caused by abuse or neglect when applied within regulation 69 is limited to abuse or neglect that is caused whilst in care or custody and therefore will not apply to the harmful impact of previous trauma arising from abuse or neglect prior to entry to care.

Internal quality assurance activities such as the Practice Leader-led monitoring using the Quality Practice Tool and the Safety of Children in Care Unit's review work support the requirements for continuous improvement and self-monitoring under regulation 86. Quality assurance activities involve sites and residences and are undertaken on a cyclical basis.

We are cognisant that further privacy impact analyses will be required during the more detailed development of operational requirements to support access to and sharing of individual case-level information.

Regulation	Definition	Policy /standards/practice requirements	Monitoring /Assurance mechanism
(1) The chief executive must ensure that any information disclosed passing on concerns in relation to a risk of harm caused by abuse or neglect of a child or young person in care or custody is responded to.	<p>'... is responded to...' This means the organisation has received the information, recorded it and made a structured, transparent and evidenced decision about what action is needed, and in what timeframe.</p> <p>Response relates to both:</p> <ul style="list-style-type: none"> • the immediate safety of the child • the investigation to be undertaken to enable a 	<p>Practice Standard 5 'Ensure Safety and Wellbeing' includes the following requirement: <i>'...thoroughly assess any new allegation for te tamaiti currently involved with Oranga Tamariki, via a new Report of Concern'</i>.</p> <p>Practice Standards link: https://practice.orangatamariki.govt.nz/practice-standards/</p> <p>Practice policy links: https://practice.orangatamariki.govt.nz/our-work/assessment-and-planning/assessments/child-and-family-assessment-or-investigation/ https://practice.orangatamariki.govt.nz/our-work/practice-tools/other-practice-and-assessment-tools/safety-and-risk-screen/</p>	<p>Operational oversight: A weekly report is generated which identifies all new Reports of Concern for tamariki in care; Regional Managers follow up</p> <p>Practice Quality Assurance: The requirement to enter a Report of Concern in CYRAS for any new allegations for tamariki already involved with Oranga Tamariki is part of the 'Ensure safety and wellbeing' practice standard. This standard is monitored on a quarterly basis as part of the quality assurance system, with practice leaders applying a consistent set of criteria and a random sample to establish current levels of quality and track</p>

	<p>finding of abuse or 'not found' to be made</p> <p><i>NB: Noting there is a clear difference between grievances, complaints and health and safety concerns and allegations of abuse and the expectation is that if a concern is inaccurately managed through any of these pathways it is redirected and formally notified as a report of concern.</i></p> <p><i>Also noting that a number of issues for children in care are progressed as a report of concern but do not relate to risk of or allegations of abuse or neglect.</i></p>	<p>https://practice.orangatamariki.govt.nz/policy/assessment/</p> <p>https://practice.orangatamariki.govt.nz/assets/resources/Templates/intake-decision-response-tool.pdf</p> <p>An allegation that a tamaiti is being, or is likely to be, abused, neglected, or harmed by their caregiver must be:</p> <ul style="list-style-type: none"> recorded as a Report of Concern and a formal process for managing this is undertaken (new Intake & C&FA/Investigation) investigated or assessed by Oranga Tamariki following our usual processes. all Reports of Concern are responded to using a structured decision response tool to assess appropriate timeframes for the response, based on the nature of the concern and the needs and circumstances of the individual tamaiti <p>The service specifications for 396 providers responsible for shared care arrangements outlines the requirement for providers to:</p> <ul style="list-style-type: none"> Immediately inform the Purchasing Agency's Social Worker and Contract Manager of any information received Work with the Purchasing Agency to ensure the safety of the child or young person Co-operate fully with the Purchasing Agency while it undertakes an investigation of the allegation. This includes providing information to the Purchasing Agency as requested 	<p>changes over time. Informs individualised feedback to practitioners, and results are aggregated up to identify trends at local and national levels.</p> <p>SOCIC review reports of concern related to children in care where there has been a finding (sexual, physical, emotional abuse, neglect, behavioural/relationship difficulties and Not Found).and identifies those not related to abuse concerns.</p>
<p>(2) In carrying out the process for responding to the information, the chief executive must ensure that—</p> <p>a. the response is prompt; and</p>	<p>Prompt response relates to both the initial assessment of safety and the outcome of the assessment/ investigation.</p> <p><i>NB: Noting it is only possible to track timeframes once allegation or concerns related to abuse have been formally notified; as such any delay in information being passed on /delay in disclosure is outside of the regulatory requirements. For this reason data on time taken from abuse incident to outcome can</i></p>	<p>The policy requirements for completing the response are:</p> <ul style="list-style-type: none"> Initial safety assessment (24 hours, 48 hours, 7 working days, 20 working days) The full assessment/ investigation (CPP Investigation and C&FA have same timeframes): for 5s and under 50 days, over 5s 60 days And if the abuse allegation relates to a caregiver the timeframe for investigating and assessing is 35 days <p>Practice policy:</p> <ul style="list-style-type: none"> Assessment and Decision making Caring for children and young people policy Allegation of abuse by caregiver policy 	<p>SOCIC review will provide structured data at individual case level assessing whether policy timeframes have been met for the completion of initial safety assessment and final assessment outcome, and will provide narrative commentary to explain any instances where timeframes not met.</p> <p>SOCIC Unit will provide aggregated numbers on timeframes in quarterly report</p>

	<p><i>only be used to reflect on behaviours and patterns in disclosure and not used as an accountability or performance indicator.</i></p>	<p>Practice Policy links: https://practice.orangatamariki.govt.nz/our-work/intake/intake-decision-response-tool/decision-response-timeframes/ https://practice.orangatamariki.govt.nz/previous-practice-centre/policy/caring-for-children-and-young-people/ https://practice.orangatamariki.govt.nz/our-work/care/caregivers/allegations-against-caregivers/</p>	
<p>b. the information is recorded and reported in a consistent manner; and</p>	<p>Social work practice in relation to an allegation of abuse or risk of abuse is governed by a set of structured reporting templates and formats which include prompts to guide practice. All decision making in this area has clear approval requirements and is overseen by leaders of practice within sites. The organisation's delegation authorities ensure the appropriate level of sign off and that this is clearly understood throughout the organisation.</p>	<p>The policy requirements for recording information are:</p> <ul style="list-style-type: none"> • Information relating to any allegation relating to the abuse or neglect of tamariki in care is required to be entered in CYRAS as a new Report of Concern – a structured template • The investigation process (C&FA/ CPP Investigation) requires all information to be recorded in the assessment record and requires: <ul style="list-style-type: none"> ○ Safety screen in a structured template ○ rationale for decision making recorded in a structured assessment report (Tuituia) ○ case consult tool & decision response tool both guide practice ○ a finding outcome with details of abuse type, timeframe of incident, abuser type, alleged abuser name entered in structured fields <p>Practice standard:</p> <ul style="list-style-type: none"> • Keeping accurate records • Ensuring safety and wellbeing <p>Practice Standards link: https://practice.orangatamariki.govt.nz/practice-standards/</p> <p>Practice Policy:</p> <ul style="list-style-type: none"> • <i>Assessment and Decision making</i> • <i>Caring for children and young people</i> • <i>Allegation of abuse by caregiver policy</i> • <i>CPP protocol</i> <p>Practice Policy Links: https://practice.orangatamariki.govt.nz/our-work/assessment-and-planning/assessments/child-and-family-assessment-or-investigation/child-protection-protocol-cpp/</p>	<p>SOCIC review work examines practice in detail at an individual case level and can report on the accuracy of records and any error. Assessment practice is reviewed for all cases.</p> <p>Any absence of records is assessed as being an absence of practice.</p> <p>Practice leader – quarterly use of QPT monitors random sample of children in care cases.</p>

		<p><i>The Service Specifications for Shared Care, Role of the Provider specifies:</i></p> <ul style="list-style-type: none"> Consistently record all information received and activities undertaken in the course of the investigation 	
<p>c. where appropriate, the child or young person is informed of the outcome; and</p>	<p>We expect that in most cases children over the age of two are able to have information relayed to them in some form that enables a basic understanding of what is happening.</p> <p><i>Where appropriate</i> takes account of the child's age and level of understanding and also considers any safety issues that may pose a risk to a child or others should the information be passed on (e.g. if the child being informed of something would place someone at risk of retribution or harm).</p> <p><i>Informed of outcome</i> is taken to mean at all stages of the initial phase of assessment and then later stages of assessment and investigation to ensure that the child understands what is happening when and why as well as understanding the rationale for decisions made that lead to the final outcome.</p>	<ul style="list-style-type: none"> A social worker is required to inform the child of the following: <ul style="list-style-type: none"> outcome of the initial notification; i.e. we will complete an investigation and it looks like this and will involve these people The timeframe for completion of the investigation The outcome of the investigation <p>Social workers will complete a case note outlining what information has been communicated to the child and will reflect the child's views</p> <p>At a wider level the child's understanding of the outcome is also evidenced within safety planning and assessment overall.</p> <p>Decision making is evidenced as taking account of the child's views – e.g. when evidential interviews are not completed or when police</p> <p>Practice Standards:</p> <ul style="list-style-type: none"> Engaging with tamariki Working in partnership Ensuring safety and wellbeing <p>Practice Standards link: https://practice.orangatamariki.govt.nz/practice-standards/</p> <p>Practice Policies:</p> <ul style="list-style-type: none"> Assessment and decision making policy Caring for Children Policy Allegation of abuse by caregiver policy <p>Practice Policy Link: https://practice.orangatamariki.govt.nz/policy/participation-of-tamariki-providing-information-ensuring-understanding-and-incorporating-their-views/</p>	<p>SOCIC review will note practice in this area at an individual level and will report on the specific data related to numbers of children being informed at all stages of the assessment/investigation and of the final outcome.</p> <p>A more general narrative will indicate practice developments in building and maintaining child's voice throughout decision making in this area.</p>
<p>d. Appropriate steps are taken with the parties to the allegation, including a review of the caregiver's plan.</p>	<p>Appropriate steps is defined as:</p> <ul style="list-style-type: none"> ensuring that parents (when safe to do so) have been informed of the allegation those implicated by the outcome of the investigation have been notified by the outcome 	<p>Practice Standards:</p> <ul style="list-style-type: none"> Engaging with tamariki Working in partnership Ensuring safety and wellbeing <p>Practice Standards link: https://practice.orangatamariki.govt.nz/practice-standards/</p> <p>Practice Policies:</p> <ul style="list-style-type: none"> Assessment and decision making policy Caring for Children Policy 	<p>SOCIC review will note practice in this area at an individual level and will report on the specific data related to numbers of parties being informed where appropriate of the final outcome.</p> <p>A more general narrative will indicate developments in communication practice in this area and note limitations where seen.</p>

	<ul style="list-style-type: none"> any other notifiers have been informed that the matter has been investigated caregivers have been informed and where relevant a review of their caregiver approval status and support plan has taken place (this to occur for all allegations when child living with a caregiver at time of outcome as it suggests a change of circumstances for the child and therefore will require review of supports in place to ensure all risks managed and impact on child taken account of) where relevant those providing support to the caregiver (396 providers) have been given a copy of written outcome report 	<ul style="list-style-type: none"> Caregiver assessment & approval & support policies Allegation of abuse by caregiver policy <p>Practice Policies link: https://practice.orangatamariki.govt.nz/our-work/care/caregivers/allegations-against-caregivers/ https://practice.orangatamariki.govt.nz/our-work/care/caregivers/allegations-against-caregivers/allegations-involving-section-396-providers/</p> <p>The Service Specifications for 396 providers of Shared Care states;</p> <ul style="list-style-type: none"> If an allegation of abuse or neglect is made while the child or young person is in the care of the Provider: Support the caregiver during the investigation Suspend the caregiver's approval status if necessary, and inform the purchasing agency Once the purchasing agency has reported the outcome of the investigation to the Provider, carry out a caregiver review process (including a review of the caregiver's approval status and the caregiver support plan). Report the outcome of the review, and the outcomes of any additional processes that arise from the review, to the Purchasing Agency Social Worker and Contract manager. <p>If the allegation is against one of the Provider's staff:</p> <ul style="list-style-type: none"> Support the staff member during the investigation Suspend the staff member if necessary, and inform the Purchasing Agency Once the Purchasing Agency has reported the outcomes of the investigation to the Provider, take these findings into account in completing an employment review. Report the outcome of the review, and the outcomes of any additional processes that arise from the review, to the Purchasing Agency Social Worker and Contract Manager. 	
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Policy and practice guidance is in the process of being updated to reflect a number of practice developments which impact in this area of work. The developments reflect legislative changes, the implementation of the Care Standards and best practice initiatives in responding to allegations of abuse and neglect and include, but are not limited to, assessment, safety planning, joint working memoranda with Police and recording practice.

Current practice expectations have been communicated to practitioners in light of the implementation of the Care Standards on 1 July 2019 in the following process steps guidance document as an interim measure:

Oranga Tamariki Allegation of Abuse or Neglect of Tamariki in Care – Steps to follow

1

An allegation of abuse, neglect, harm or concerns for wellbeing of tamariki in care is received

When we are working with tamariki in our care, there may be worries or concerns brought to our attention alleging that te tamaiti is being abused, neglected, harmed, deprived or concerns about their wellbeing. These concerns may come to us in the course of our work with tamariki, or be reported to us by someone in the community. This process should be followed no matter who reports the concerns or about whom the allegations are made. (i.e caregiver, parent, other tamaiti, member of the public)

Definitions of abuse, neglect and harm¹⁵
Care and protection pathway guidelines
Oranga Tamariki Act 1989 Reporting of concerns to chief executive
Ensure safety and wellbeing

2

Create a Report of Concern

At the top of the Report of Concern indicate this report is about a tamariki in care. If it is an allegation against a caregiver, ensure this is also clearly noted at the top.

Gather and record all the information about the concern or allegation from te tamaiti or other person/s making a report of concern. Identify who the concerns or allegations are about. Follow these steps regardless of who the allegation is against. However, if the concern or allegation of abuse, neglect, harm or wellbeing is against a caregiver who has other tamariki, give careful consideration to their safety and well-being (see Step 4 for links).

It is **not** appropriate to record the concerns as a case note or contact record when they relate to tamariki in care. It is important to record all the details of any person alleged to have harmed te tamaiti and record them as a participant in CYRAS.

Care and protection pathway guidelines
Participation of tamariki – providing information, ensuring understanding and incorporating their views
Ensure safety and wellbeing
Keep accurate records
CYRAS Handbook
Recording policy – Key information

3

Assess and Determine Response

The Report of Concern is assessed to determine the appropriate pathway and response time. Use the Intake Decision Response tool (DRT) to support your decision making. The DRT asks us to consider the vulnerabilities of te tamaiti which includes being in care, note there is a new vulnerability trigger in the DRT. Where the DRT supports critical, very urgent or a 7 day response, immediate and direct contact will be made with the site to flag a Report of Concern for a child in care has been received.

Any change to the decision response determined by the site pathway meeting must be recorded in the Pathway Rationale case note template. This should clearly state how and why the different decision has been reached.

Intake decision response tool
Assessment and decision making policy – Key information
Ensure safety and wellbeing
Keep accurate records

¹⁵ Links to all the referenced documents can be found in the copy of this report available on the ICM website.



Complete an Assessment

The Assessment must be completed in the new CFA / INV phase and not the current intervention phase for te tamaiti. Complete a safety assessment to establish immediate safety for te tamaiti and record in a new safety and risk screen. Take the necessary steps to ensure te tamaiti is safe.

Engage and inform te tamaiti, the caregiver and parents (unless this poses a risk to te tamaiti) about what is happening. Update the All About Me plan.

Ensure the following:

- Support for the tamariki throughout
- Tamariki are informed of when, why, what and how things are happening

Care and protection pathway guidelines

Intake decision response tool

Assessing safety needs for tamariki in care

Building safety around children and young people

See and engage tamariki

See and engage whanau, wider family, caregivers and when appropriate victims of offending by tamariki

Whakamana te tamaiti: Practice empowering tamariki Maori

Ensure safety and wellbeing

Keep accurate records

Explaining rights and entitlements to tamariki and rangatahi

As mentioned Step 2, if the concern or allegation of abuse, neglect, harm or wellbeing is against a caregiver the following policy and processes must be followed (paying particular attention to the safety and wellbeing of any other tamariki:

Working with tamariki when allegations of abuse, neglect, or harm are made against their caregiver

Review of caregiver approval



Inform te tamaiti of the outcome

The Social Worker must inform te tamaiti of the outcome of the assessment or investigation. This will need to take into account their age and understanding and will need to respect the privacy of those involved whilst also ensuring te tamaiti has the support they need during the discussion. Te tamaiti needs to understand that someone has taken their concerns seriously, has taken action to support them, is managing their care safely and any risks from the person causing the harm.

When outcomes of concerns or allegations are not known within the timeframe of an assessment or investigation (i.e. criminal proceedings) we have a duty to inform tamariki where reasonable and practicable to do so.

Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 69 Duties in relation to allegations of abuse or neglect

See and engage tamariki

Participation of tamariki – providing information, ensuring understanding and incorporating their views



Record outcome and clear rationale

Clearly record the outcome in the Tuituia review template in the current CFA or Investigation phase. Identify further needs to be met and update the current Tuituia assessment and All About Me Plan. Complete the outcome screen and roll the CFA / Investigation into the current Intervention phase. The recording of all the activities that have been undertaken will ensure that in the future a child or young person could understand what action was taken.

Working with tamariki when allegations of abuse, neglect, or harm are made against their caregiver
Response pathways
All About Me plan



Act on identified needs

Any new needs identified from this assessment will need to be included and updated in the All About Me plan. The caregiver plan will need to be reviewed and updated, whether or not the allegation was against them. The impact of harm on te tamaiti is likely to affect care arrangements so it is important additional supports are considered in meeting the needs of tamariki.

Completing the Tuituia report
All About Me plan to meet the needs of tamariki
Caregiver support plan



Take appropriate steps with parties to the allegations

We must inform all parties involved with the concerns and allegations of the outcome of the assessment. We must record that this has happened. This could include informing s396 provider, full care partner, health provider, education, police any other social service provider or agency providing support for te tamaiti. Make sure that you have recorded your discussions with te tamaiti as well.

Recording policy – Key information
All About Me plan to meet the needs of tamariki
Keep accurate records
Caregiver support plan
All About Me plan to meet the needs of tamariki
Keep accurate records
Ensure safety and wellbeing
Use professional supervision
Create, implement and review a written assessment and plan
Whakamana te tamaiti: Practice empowering tamariki Maori

Reg. 85 Provision of information to independent monitor

The chief executive must ensure that information is provided to the monitor on

- a) reports of abuse and neglect that the CE has received under reg 69 and
- b) how those reports were responded to.

Oranga Tamariki currently holds this information on an individual case basis within the case management system (CYRAS). This information is used to manage the safety of children at an operational level and the monitoring measures and safeguards in place across our practice seek to assure the organisation that practice is meeting the intent and regulations of the Care Standards (as outlined above).

The Safety of Children in Care Unit receives data at an individual case level to monitor and review practice at the end of the response to an allegation. This information is collated at an individual case level and can be routinely scrutinised to assure self-monitoring is adequate. The Safety of Children in Care Unit report on a quarterly basis at an aggregated level.

General principles underpinning reporting:

All of the working definitions of Regulation 69 apply to the reporting of information required under regulation 85.

It is proposed that reporting does not risk identification or self-identification by any parties. Any individual level data will need to be deemed unidentifiable and redacted accordingly.

Numbers and percentages will be provided where appropriate to ensure the specific detail is understood as well as the contextual analysis.

Appendix C: List of Information Requests from the Monitor and Meetings with Agencies

Date	Attendees/To	Meeting purpose/request detail	Information requested	Due date and status
5-Jul-19	Email and letter to Oranga Tamariki, Open Home Foundation, Barnardos, Dingwall Trust	Initial information request as outlined in Initial Assessment Framework to undertake first monitoring report	Initial Framework questions. Refer to Appendix A	Due 16 August – received by 16 August 2019
16-Aug-19	Email to Oranga Tamariki	Information received in response to initial information request	Response to initial information request	
29-Aug-19	Meeting with Oranga Tamariki	Discuss the information provided on 16 August in response to the initial data request sent out on 5 July.	Outlined information to be requested in a second information request relating to self-assessment results, quality practice and practice check tool, and SoCiC data.	Included in 6 Sept information request
29-Aug-19	Meeting with Oranga Tamariki	Discuss the information provided on 16 August in response to the initial data request sent out on 5 July.	n/a	
6-Sep-19	Email to Oranga Tamariki	Supplementary information request to support and clarify initial information provided	Information on assessment of existing policies against NCS, site readiness self-assessment results, processes to identify a report of concern for a child in care, and how to differentiate cases of increased vulnerability and data on the number of children in custody and reports of abuse or neglect.	Due 31 Oct – narrative information provided in Oct, substantive data provided 20 Nov, Q.4 data for 18/19 provided 6 Dec 19
6-Sep-19	Email to Open Home Foundation	Supplementary information request to support and clarify initial information provided	Information and data on the number of children in custody and related to reports of abuse or neglect	Due 31 Oct – received 10 Oct 19
9-Sep-19	Meeting with Oranga Tamariki	Follow up discussion on email to OT 6 September, requesting clarification and further information to inform the December report. This meeting was to clarify the request.	n/a	

9-Oct-19	Meeting with Oranga Tamariki	Meeting re second information request	OT to provide information as requested and screen shot of Safety and Risk screen	Due 31 Oct – narrative information provided in Oct, substantive data provided 20 Nov, Q.4 data for 18/19 provided 6 Dec 19
6-Nov-19	Email to Oranga Tamariki, Open Home Foundation, Barnardos, Dingwall Trust	Tailored version of draft December monitoring review for fact and sense check	Feedback required by 14 Nov 19	Feedback required by 14 Nov, received from all agencies by 14 Nov 19
18-Nov-19	Meeting with Oranga Tamariki	OT to provide and talk through Q1 data to inform the first monitoring report.	n/a	
25-Nov-19	Email to Oranga Tamariki, Open Home Foundation, Barnardos, Dingwall Trust	Further tailored version of draft December monitoring review for fact and sense check	Feedback required by 28 Nov 19	Feedback required by 28 Nov, received from all agencies by 28 Nov 19

Independent Children's Monitor

The monitor
for the
Oranga Tamariki
system

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