



15 December 2022

Tēnā koe

On 30 May 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *Under the Official Information Act 1982 I request all information held by the Ministry in relation to policy analysis and advice in regard to policy issues relating to and leading up to the introduction of the Oversight of the Oranga Tamariki System and Children and Young People's Commission Bill that has not already been publicly released.*
- *As part of your response could you identify for me (and provide links to) all material relevant to the request that has been publicly released.*

On 14 June 2022, you agreed to limit the timeframe of your request to 1 January 2018 onwards.

On 29 June 2022, the Ministry emailed you to advise that more time was required to respond to your request as your request is for a large quantity of information, and it would take longer than the 20 working day, time limit to collate the material requested and assess whether any interest might be prejudiced by its release.

Please find attached the following documents as **batch ten** in response to your request:

- REP/21/8/817 - Aide-mémoire - *MSD Comment on Direction for Oranga Tamariki SWC Paper*, dated 2 August 2021
- REP/21/8/854 - Report - *Strengthening Oversight of the Oranga Tamariki System - Monthly Progress Update - July 2021*, and attached appendix, dated 19 August 2021
- REP/21/9/977 - Report - *Strengthening Oversight of the Oranga Tamariki System - Monthly Progress Update - August 2021*, and attached appendix, dated 23 September 2021

- REP/21/10/1144 - Aide-mémoire – *Meeting with the Child and Youth Wellbeing Strategy Ministerial Group*, dated 19 October 2021.

You will note that some information regarding individuals is withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

Some information is withheld under section 9(2)(g)(i) of the Act to protect the effective conduct of public affairs through the free and frank expression of opinions. I believe the greater public interest is in the ability of individuals to express opinions in the course of their duty.

Where information is not related to the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill, this has been withheld and marked as 'out of scope'.

Two further documents were identified to be within scope of your request:

- REP/21/8/893 – Draft Cabinet paper – *Cabinet paper: Oversight of the Oranga Tamariki System and Children and Young People's Bill*, dated September 2021
- REP/21/8/893 – Draft Legislation – *Cabinet paper: Oversight of the Oranga Tamariki System and Children and Young People's Commission Bill*, dated September 2021

The draft Cabinet paper has previously been released under the Act by Hon Carmel Sepuloni, Minister for Social Development and Employment. This paper can be accessed at the following link: www.msd.govt.nz/about-msd-and-our-work/publications-resources/information-releases/independent-oversight-of-the-care-of-children.html.

The Ministry also provided you with a link to this information via email communication on 4 October 2022. As such, this paper is refused under section 18(d) of the Act as it is publicly available.

The draft legislation is withheld in full under section 9(2)(h) of the Act in order to maintain legal professional privilege. The greater public interest is in ensuring that government agencies can continue to obtain confidential legal advice.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,

- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter and attachments on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding the Oversight of the Oranga Tamariki System and Children and Young People's Bill, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

 18

Christian Opetaia
Policy Manager
Child and Youth Policy

Aide-mémoire



**MINISTRY OF SOCIAL
DEVELOPMENT**
TE MANATŪ WHAKAHIATO ORA

Cabinet paper

Date: 3 August 2021

Security Level: Cabinet Sensitive

For: Hon Carmel Sepuloni, Minister for Social Development and
Employment

File Reference: REP/21/8/817

MSD Comment on Direction for Oranga Tamariki SWC Paper

**Cabinet
Committee**

Social Wellbeing

Date of meeting

4 August 2021

Minister

Hon Carmel Sepuloni, Minister for Social Development &
Employment

Proposal

This aide-mémoire provides you with comment from the Ministry of Social Development (MSD) on the *New Direction for Oranga Tamariki* Cabinet paper (the Paper) being considered by Social Wellbeing Committee (SWC) on 4 August 2021.

The Paper

The Paper sets out the Minister for Children's proposed direction for Oranga Tamariki over the next two years, informed by the recommendations of a report prepared by the Oranga Tamariki Ministerial Advisory Board (the Report).

The Report is attached as an annex to the Cabinet paper, along with a document which links the Report's recommendations to actions through which Oranga Tamariki will operationalise the recommendations.

MSD was informed about the paper on 30 July 2021 but was not consulted in the development of the Paper.

**Alignment with
MSD work**

The recommendations contained in the Report reinforce the importance of robust and independent monitoring and oversight of Oranga Tamariki, as agreed to by Cabinet in March 2019 [CAB-19-MIN-0113 refers].

Many of the recommendations also align well with the work MSD has been leading with Oranga Tamariki on the Social Sector Commissioning Project. It will be important to keep this alignment.

**Oranga
Tamariki's
purpose, review,
and governance**

Clarifying Purpose

The Report recommends that the purpose of Oranga Tamariki is clarified, including who Oranga Tamariki primarily exists to support, and more broadly the responsibilities of the state system for tamariki and their whānau. The Report further identifies the need to clarify Oranga Tamariki's role within the government system and the roles of other government agencies. It is not entirely clear from the Paper itself what this means.

You may wish to ask:

- Does the Minister intend for Oranga Tamariki to have a narrow focus (i.e Care and Protection, Youth Justice) or retain a wider focus (including prevention etc)?
- If the focus is narrow, has there been any thought as to what implications will this have for government and non-government agencies?
- Is there further work planned to clarify the purpose of Oranga Tamariki, and what support will the Minister for Children need for that?

Confirming the support needed to deliver change

The paper also acknowledges that Oranga Tamariki and its predecessors have been subject to multiple reviews and inquiries, and the findings of these have had recurring themes.

You may wish to ask Minister Davis what support he needs from his ministerial colleagues and government agencies in order to ensure that the transformation process achieves its intended outcomes.

Governance

The Paper proposes the expansion of the Ministerial Advisory Board, by adding two additional members, and instituting it as a permanent part of the governance structure of Oranga Tamariki.

You may wish to ask what skill set the additional roles require to fulfil the duties of the Board. Minister Davis may wish to consider the need for disability expertise and financial/resource management expertise when appointing additional Board members.

**Regional Public
Service Leads**

Oranga Tamariki proposes to "co-locate with partners" – but does not include in the Paper how this might work. This is something we will need to understand more about, given MSD has a unique regional presence. MSD has also pursued co-location as an aspect of regional service delivery and there could be opportunities to grow this in partnership with Oranga

Tamariki, as well as other agencies.

Paragraph 27 of the Paper should be clarified to represent more accurately the role of Regional Public Service Commissioners (RPSC).

Currently, the Paper implies that the role of RPSCs will be to co-design services and co-locate with partner agencies. The role of RPSCs in coordinating across government and aligning work could be emphasised, as this more accurately characterises their work on a day-to-day basis.

Paragraph 27(c) should read *"Work with iwi and community leaders in each region to identify opportunities to co-design services and co-locate partners and the Regional Public Service Commissioner to support co-ordinated delivery of services and supports across government within the regions, and ensure alignment to national and regional strategies to support the wellbeing of children in care"*

You may wish to note that further work could explore the role of Regional Public Service Commissioners in supporting this work.

Financial implications

s9(2)(g)(i)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Oversight of Oranga Tamariki System and Children and Young People's Commission Bill (the Oversight Bill)

Pending the 2022 enactment of the Oversight Bill, the Monitor and wider oversight system will play an important role in supporting the proposed Oranga Tamariki Governance Board. Further work could clarify how the Monitor and the Board can work together effectively, including sharing information and minimising duplication in requests for information.

You may wish to note that future work could clarify how the Monitor and the Board could work together.

Talking points

- Overall, I support the Paper and the thorough report of the Ministerial Advisory Board. The Report further reinforces the findings of similar reports examining Oranga Tamariki, including the recent Waitangi Tribunal report, *He Pāharakeke, he Rito Whakakīkinga Whāruaru*. The Board's recommendations align with work MSD is doing in developing the Oversight of the Oranga Tamariki System and Children and Young People's Commission Bill,

and the work MSD has been leading with Oranga Tamariki on the Social Sector Commissioning Project.

- I am unclear whether there is more work planned to clarify Oranga Tamariki's purpose in accordance with the recommendations of the Board. How will Oranga Tamariki's purpose be clarified? Will this impact on services or support provided by other government agencies?
- MSD has pursued co-location as an aspect of regional service delivery. Given the Paper suggests this as an approach for Oranga Tamariki, there may be opportunities to grow this approach in partnership with Oranga Tamariki, as well as other agencies.
- The Minister may like to consider what support Oranga Tamariki needs from other Ministers and their agencies, to ensure that the recommendations of the Board's Report are successfully implemented.

Author: s 9(2)(a) OIA Graduate Policy Analyst, Child and Youth Policy

Responsible manager: Melissa Cathro, Policy Manager, Child and Youth Policy

RELEASED UNDER
OFFICIAL INFORMATION ACT



Report

Date: 19 August 2021

Security Level: IN CONFIDENCE

To: Hon Carmel Sepuloni, Minister for Social Development and Employment

Strengthening Oversight of the Oranga Tamariki System Programme – Monthly Progress Update – July 2021

Purpose of the report

- 1 This report provides you with a progress update for the Strengthening Oversight of the Oranga Tamariki System Programme for the period ending 31 July 2021.
- 2 Key points of interest are included in this cover report with a summary provided in the attached A3.

Recommended actions

- 3 It is recommended that you:
 - 3.1 **note** the contents of this Strengthening Oversight of the Oranga Tamariki System Programme Monthly Progress Update which covers May 2021.

YES / NO

Arran Jones
Executive Director, Independent Children's Monitor

Date

Hon Carmel Sepuloni
Minister for Social Development and Employment

Date

Summary and key points of interest

Programme summary

- 4 Overall programme status is on track.
- 5 We have completed the six community visits that will inform our first report on the full National Care Standards, which is due with the Minister for Children in November.
- 6 We have now commenced our late July visit to Nelson and are well underway for our August visit to North/West Auckland. Planning has also now begun for our next block of scheduled visits to Canterbury and Te Tai Tokerau later this year.
- 7 We have started planning the transition of the Monitor from MSD to be hosted by ERO and have held initial meetings with the ERO Chief Executive and Deputy Chief Executive Corporate Services, and the Ministry's Programme Sponsoring Group now includes the Chief Executive of ERO.

Policy/Legislation workstream

- 8 Work continues on the revised version of the Bill and LEG paper to go to Cabinet prior to introduction. A draft LEG paper, and Version 21.1 of the Draft Oversight of Oranga Tamariki Bill was circulated for agency consultation on 2 August 2021.
- 9 Version 21.1 of the Bill has been provided to the Ministry of Justice, to be vetted in accordance with the New Zealand Bill of Rights Act 1990.
- 10 Following consideration of agency feedback, a further draft will be provided to Ministers, before the LEG paper is lodged in early-mid September.

Independent Children's Monitor monitoring and establishment workstreams

Monitoring Operations

- 11 During the first half of 2021, community visits were completed in Gisborne/Tairāwhiti, West Coast, Porirua/Kapiti, Kaitiā and Mangere/Otahuhu. We received a positive response from these communities and there were many groups willing to connect and share their experiences. Across the six visits we engaged with over 700 people. Feedback has now been delivered to all of the Oranga Tamariki sites visited and analysis of the combined qualitative data gathered from these communities has begun for the Monitor's Annual report.
- 12 Oranga Tamariki delivered their response to the Monitor's information request on 16 August 2021. We provided this information request to Oranga Tamariki in March, to provide a view of their compliance with all of the National Care Standards for the 2020/21 reporting period. We made the request in lieu of Oranga Tamariki having established their own self-monitoring system and measures for the National Care Standards. Oranga Tamariki previously advised that would be able to respond to 107 queries, or 64% of the information request. The majority of their response is based on information found through case file analysis with some additional information from financial information's and other business reporting. The other three monitored agencies (Dingwall, Barnardos and Open Home Foundation) have also provided their responses. Analysis of the requested data will be undertaken in the coming weeks in preparation for the Monitor's Annual Report.
- 13 Our late July visit to Nelson has commenced and teams are meeting with a variety of organisations and people to hear their experiences in the community of the Oranga Tamariki system. Planning for the August scheduled visit to West/North Auckland is well underway. Preparation for the October/November visits to Canterbury and Te Tai Tokerau has begun and planning is in its early stages.

Key engagements and communications

- 14 The July meeting with Te Kahui focussed on the current version of the drafted legislation, and their feedback. Discussions were also held on updates for our Monitoring visits and approach.
- 15 The Executive Director, Chief Monitor and Manager of Corporate, Strategy and Insights met with the Chief Executive of ERO to commence discussions around how the Monitor and ERO will work together before, during and after the Monitor's transition. ERO has also been included in the Monitor's Programme Sponsoring Group and will provide ongoing input into the Monitor's oversight programme.

IT infrastructure and information management establishment requirements

- 16 Work to develop the data and analytics platform was not completed in the last quarter. MSD are currently prioritising work for the next quarter. Although having the platform in place is not critical to completing our next report, it will make the analysis of information more efficient.
- 17 At a time suitable to ERO, the Monitor will begin working on a process of discovery on the systems and support that they currently have. This work will have two goals – the first to refine the future state for the Monitor and the second to map out transition steps, timeframes and interim processes or systems that are needed before or during the transition.

- Attached as Appendix One is the Monthly Progress Update A3 for the period ending July 2021.

File ref: REP/21/8/854

Author: (Arran Jones, Executive Director, Independent Children's Monitor)

Responsible manager: (Stephen Crombie, Deputy Chief Executive, People and Capability)

Strengthening Oversight of the Oranga Tamariki System Programme | Monthly Progress Report for the Minister for Social Development | July 2021



Programme summary:

	Previous	Current	Next	
Overall status	G	G	G	<ul style="list-style-type: none">Programme status continues to track GREEN overall.
Programme Management:				
	<ul style="list-style-type: none">Following the decision on the permanent home of the Monitor, we are planning for a successful transition from MSD to ERO.			

Engagement, Communications and Change

Engagement:	<ul style="list-style-type: none">The Executive Director, Chief Monitor and Manager of Corporate, Strategy and Insight met with the Chief Executive of ERO to commence discussions around how the Monitor and ERO will work together moving forward. ERO has also been included in the Monitor’s Programme Sponsoring Group and will provide ongoing input into the Monitor’s oversight programme.
Māori Engagement:	<ul style="list-style-type: none">The July meeting with Te Kahui focussed on the current version of the drafted legislation, and their feedback. Discussions were also had on updates for our Monitoring visits and approach.
Communications:	

Workstream summary:

Policy/ Legislation	Independent Children’s Monitor Monitoring/Operations	Completing IT infrastructure and information management establishment requirements.
G	G	G
<ul style="list-style-type: none">With Cabinet having made the decision on the long-term home of the Monitor, we have started planning for the transition away from MSD. The Executive Director and Chief Monitor have worked to revise existing Governance arrangements to oversee this next phase of the Monitor’s establishment. This includes the inclusion of ERO representation.Work continues on the revised version of the Bill and LEG paper to go to Cabinet prior to introduction.A draft LEG paper, and Version 21.1 of the Draft Oversight of Oranga Tamariki Bill was circulated for agency consultation on 2 August 2021. Agencies were asked to provide feedback by 13 August.Version 21.1 of the Bill has been provided to the Ministry of Justice, to be vetted in accordance with the New Zealand Bill of Rights Act 1990.Following consideration of agency feedback, a further draft will be provided to Ministers, before the LEG paper is lodged in early-mid September.	<ul style="list-style-type: none">Our late July visit to Nelson has commenced and planning for the August scheduled visit to West/North Auckland is well underway.Preparation for the October/November visits to Canterbury and Te Tai Tokerau has begun and planning is in its early stages.Analysis of the combined qualitative data gathered from communities visited in the first half of 2021 has now begun for the upcoming Monitor’s Annual 2021 report. The communities were: Porirua/Kapiti, Gisborne, Kaitaia, the West Coast, Blenheim/Kaikoura, and Mangare/Otahuhu. Across the six visits we engaged with over 700 people.Oranga Tamariki have advised they remain on track to deliver their response to our annual data request by 16th August. The other three monitored agencies (Dingwall, Barnardos and Open Home Foundation) have provided their responses.	<ul style="list-style-type: none">Work to develop the data and analytics platform was not completed in the last quarter. MSD are currently prioritising work for the next quarter. Although having the platform in place is not critical to completing our next report, it will make the analysis of information more efficient.At a time suitable to ERO, the Monitor will begin working on a process of discovery on the systems and support that they currently have. This work will have two goals – the first to refine the future state for the Monitor and the second to map out transition steps, timeframes and interim processes or systems that are needed before or during the transition.

What’s coming up:

Meetings with you:
<ul style="list-style-type: none">Meetings as required to discuss LEG paper at date (TBC).
Reports to you:
<ul style="list-style-type: none">Draft LEG papers (TBC).



Report

Date: 23 September 2021

Security Level: IN CONFIDENCE

To: Hon Carmel Sepuloni, Minister for Social Development and Employment

Strengthening Oversight of the Oranga Tamariki System Programme – Monthly Progress Update – August 2021

Purpose of the report

- 1 This report provides you with a progress update for the Strengthening Oversight of the Oranga Tamariki System Programme for the period ending 31 August 2021.
- 2 Key points of interest are included in this cover report with a summary provided in the attached A3.

Recommended actions

- 3 It is recommended that you:
 - 3.1 **note** the contents of this Strengthening Oversight of the Oranga Tamariki System Programme Monthly Progress Update which covers August 2021.

YES / NO

Arran Jones
Executive Director, Independent Children's Monitor

Date

Hon Carmel Sepuloni
Minister for Social Development and Employment

Date

Summary and key points of interest

Programme summary

- 4 Overall programme status is on track.
- 5 We have now completed our late July visit to Nelson. The August scheduled visit to North and West Auckland commenced however, was then halted due to increased COVID-19 Alert levels. This visit will be resumed in 2022. Initial planning has also now begun for our next block of scheduled visits to Canterbury and Taranaki in October and November. Please note the original plan to visit Te Tai Tokerau this year has been postponed until 2022 due to the COVID-19 landscape. This visit has been swapped for Taranaki.
- 6 We have continued planning for the transition of the Monitor from MSD to be hosted by ERO and have attended meetings with ERO, Te Kawa Mataaho and the Treasury. This includes discussing potential arrangements for the host/departmental agency relationship and confirming that the Monitor will not be putting forward a budget bid for Budget 22.
- 7 Our Annual Report remains on track to be delivered to you in late November.

Policy/Legislation workstream

- 8 On 2 August, a draft LEG paper, and Version 21.1 of the Draft Oversight of Oranga Tamariki Bill was circulated for agency consultation. Agencies provided feedback on 13 August. Feedback on the draft LEG paper and Version 21.1 of the draft Bill has resulted in a number of changes, culminating in Version 23.0.
- 9 Version 23.0 of the Bill has been provided to the Ministry of Justice, to be vetted in accordance with the New Zealand Bill of Rights Act 1990.
- 10 Feedback received through agency consultation on the draft LEG paper in August has identified unforeseen issues relating to the scope of the monitoring function in respect of Police activity in the Youth Justice system. MSD Policy, the Independent Children's Monitor and Police Policy are currently working through solutions to ensure that the Bill is introduced in 2021.
- 11 On 17 September, the draft LEG paper and draft Bill was provided to your Office, ahead of Ministerial consultation.
- 12 In addition, delays to Cabinet Committees caused by COVID-19 mean that the Bill and LEG paper will now go to Cabinet in mid-late October, for introduction in early November.

Independent Children's Monitor monitoring and establishment workstreams

Monitoring Operations

- 13 Due to the increase in COVID-19 Alert Levels across Aotearoa during August and the subsequent Alert Level 4 lock down, our in-person monitoring visits to North and West Auckland were halted. Our teams continued to engage with members of the community remotely where possible. Our August visit to Nelson was completed prior to the increase COVID-19 alert levels and analysis of this is now completed.
- 14 The visit to North and West Auckland was at the start of our annual monitoring cycle, and we are confident that we can complete the visit later in the financial year. This will mean that it can still inform next year's report on the National Care Standard Regulations as planned.
- 15 Our visit to Te Tai Tokerau, which was originally planned for November 2021, has now been delayed until 2022 due to the current COVID-19 landscape and increased alert levels in the upper North Island. In its place, the team will now visit the Taranaki-Manawatu region in early November and planning has commenced for this. Preparation for the October visit to Canterbury continues and this remains on track.

Transition Planning

- 16 The Monitor and ERO have met with representatives from Te Kawa Mataaho to discuss possible structural arrangements for the Host/Departmental Agency relationship, as well as establishing a Memorandum of Understanding (MoU) between MSD and ERO for how the two agencies will work together to plan the transition. The MoU includes principles for making decisions, which include providing value for money as well as maintain the culture and independence of each organisation.
- 17 Both the Monitor and ERO have met with Treasury to discuss potential budget bids for Budget 22. The Monitor has advised that it will not be seeking any additional funding in Budget 22, for either operations or transition costs. ERO has advised that they will put forward a placeholder bid, as contingency to cover any additional costs they could incur once they become host. This bid would be additional to funding ERO will receive directly from the Monitor for shared services.
- 18 We continue to develop the detailed transition plan and are meeting with business units within MSD to validate tasks, using the programme plan to establish the Ministry of Housing and Urban Development as a guide.

Key engagements and communications

- 19 Engagements were limited during August due to increased COVID-19 alert levels. This also meant that the August scheduled Te Kahui meeting did not proceed.
- 20 The Monitor and ERO have met to discuss structural arrangements for the Host/Departmental Agency relationship, as well as establishing a Memorandum of Understanding for how we will work together to plan the transition.
- 21 We have also met with the Social Wellbeing Agency to discuss their budget bid to establish a scalable analytics platform. We are very supportive of the bid. Provided we could identify the children in care, the proposed analytics platform would allow us to access a wider range of data and produce faster insights. This could include tracking outcomes across domains such as health and education without the need to collect the data ourselves.

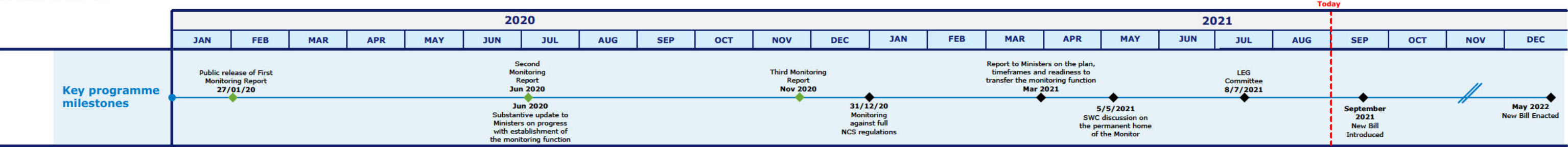
- Attached as Appendix One is the Monthly Progress Update A3 for the period ending August 2021.

File ref: REP/21/9/977

Author: (Arran Jones, Executive Director, Independent Children's Monitor)

Responsible manager: (Stephen Crombie, Deputy Chief Executive, People and Capability)

Strengthening Oversight of the Oranga Tamariki System Programme | Monthly Progress Report for the Minister for Social Development | August 2021



Programme summary:

	Previous	Current	Next	
Overall status	G	G	G	<ul style="list-style-type: none">Programme status continues to track GREEN overall.
Programme Management:				<ul style="list-style-type: none">Following the decision on the permanent home of the Monitor, we are planning for a successful transition from MSD to ERO.

Engagement, Communications and Change

Engagement:	<ul style="list-style-type: none">The Executive Director and Chief Monitor met with the Chief Executive of ERO to continue discussions around how the Monitor and ERO will work together moving forward.The Executive Director met with Special wellbeing Agency and was briefed on the budget bid for a scalable analytics platform, we support the bid.
Māori Engagement:	<ul style="list-style-type: none">The August meeting with Te Kahui was cancelled due to COVID-19 alert levels.
Communications:	

Workstream summary:

Policy/Legislation	Independent Children’s Monitor Monitoring/Operations	Transition Planning
G	G	G
<ul style="list-style-type: none">On 2 August, a draft LEG paper, and Version 21.1 of the Draft Oversight of Oranga Tamariki Bill was circulated for agency consultation. Agencies provided feedback on the 13th of August. Feedback on the draft LEG paper and Version 21.1 of the draft Bill has resulted in a number of changes, culminating in Version 23.0.Version 23.0 of the Bill has been provided to the Ministry of Justice, to be vetted in accordance with the New Zealand Bill of Rights Act 1990.On 17 September, a draft LEG paper and draft BIM were provided to your office, ahead of Ministerial ConsultationDelays to Cabinet Committees caused by COVID-19 mean that the Bill and LEG paper will now go to Cabinet in mid-late October, for introduction in early November.	<ul style="list-style-type: none">Our late July visit to Nelson has now been completed. The visit to West/North Auckland was halted due to increased COVID-19 alert levels. Engagements that were able to progress remotely were completed where possible.Preparation for the October/November visit to Canterbury continues.The November visit to Te Tai Tokerau has been delayed until 2022 due to COVID-19 alert levels. This visit will be replaced with a visit to Taranaki and planning for this change has commenced.Analysis of the combined qualitative data gathered from communities visited in the first half of 2021 has now begun for the upcoming Monitor’s Annual 2021 report. The communities were: Porirua/Kapiti, Gisborne, Kaitia, the West Coast, Blenheim/Kaikoura, and Mangare/Otahuhu. Across the six visits we engaged with over 700 people.Oranga Tamariki delivered their response to our annual data request on 16th August. The other three monitored agencies (Dingwall, Barnardos and Open Home Foundation) have also provided their responses.	<ul style="list-style-type: none">The Monitor and ERO have met with representatives from Te Kawa Mataaho to discuss structural arrangements for the Host Departmental Agency. These discussions are continuing.We have confirmed with Treasury that the ICM will not be making a budget bid for B22We are developing a detailed transition plan to map all of the tasks required to successfully transition the ICM out of MSD.

What’s coming up:

Meetings with you:
<ul style="list-style-type: none">Meetings as required to discuss LEG paper at date (TBC).
Reports to you:
<ul style="list-style-type: none">Draft LEG papers (TBC).

Aide-mémoire



**MINISTRY OF SOCIAL
DEVELOPMENT**
TE MANATŪ WHAKAHIATO ORA

Meeting

Date: 19 October 2021 **Security Level:** IN CONFIDENCE

For: Hon Carmel Sepuloni, Minister for Social Development and Employment

File Reference: REP/21/10/1144

Meeting with the Child and Youth Wellbeing Strategy Ministerial Group

Meeting/visit details 20 October 2021, 3:30-4:30pm
Cabinet Committee Room - 8.5 Beehive or via Zoom

Expected attendees

- Rt Hon Jacinda Ardern, Minister for Child Poverty Reduction (Chair)
- Hon Kelvin Davis, Minister for Children
- Hon Chris Hipkins, Minister of Education
- Hon Andrew Little, Minister of Health
- Hon Poto Williams, Associate Minister for Children, Minister of Police, Associate Minister of Housing (Public Housing)
- Hon Kris Faafoi, Minister of Justice
- Hon Peeni Henare, Minister for Whānau Ora
- Hon Willie Jackson, Minister for Māori Development, Associate Minister of Justice
- Hon Jan Tinetti, Associate Minister of Education
- Hon Dr Ayesha Verrall, Associate Minister of Health
- Hon Priyanca Radhakrishnan, Minister for Youth, Associate Minister for Social Development and Employment

Purpose of meeting/visit You are attending the Child and Youth Wellbeing Strategy Ministerial Group (the Ministerial Group) meeting.

The purpose of this meeting is to discuss work and progress on the Child and Youth Wellbeing Strategy (the CYWS).

You are presenting on:

- Out of scope [REDACTED]
- Update on Independent Children's Monitor LEG Cabinet paper - *Oversight of the Oranga Tamariki System and Children and young people's Commission Bill: approval for introduction*

- Out of scope [REDACTED]

The meeting's agenda includes:


- Out of scope [REDACTED]
- CYWS Tracker
- Out of scope [REDACTED]
- Update on Independent Children's Monitor Cabinet paper
- Out of scope [REDACTED]
- Youth Plan six-monthly tracker and proposed measurement framework

- Out of scope [REDACTED]

Out of scope

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

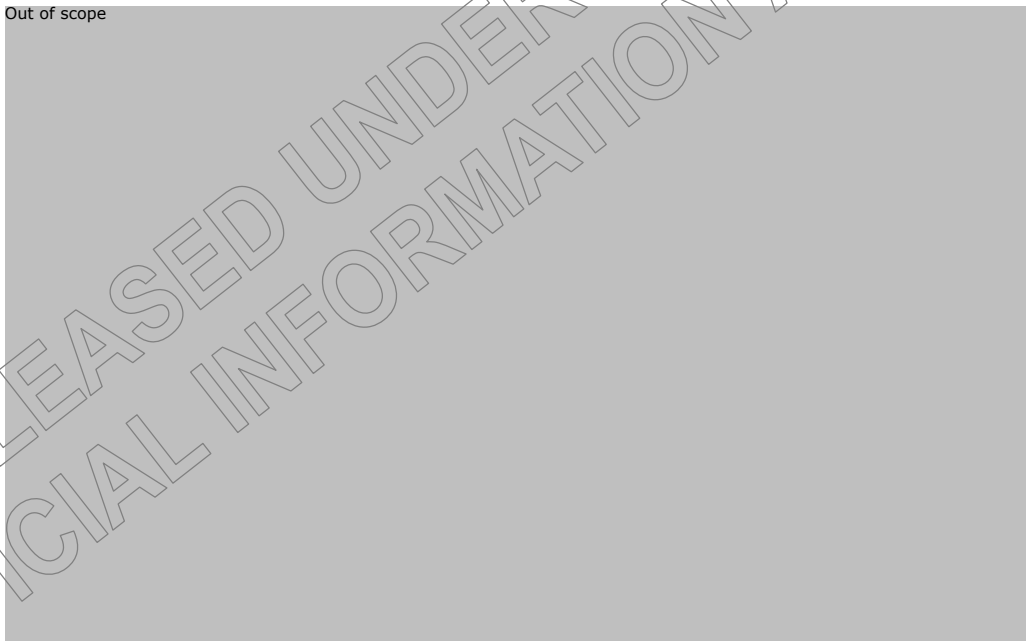
Out of scope



**Agenda item 2:
Tracker update**


The CYWS tracker updates will be discussed. You are responsible for the following actions relating to the Welfare Overhaul work programme within the outcome area 'Children and young people have what they need.' A high-level update is provided below:

Out of scope




- tracking well however timing and milestones are still to be confirmed with joint Ministers.

Out of scope



Out of scope



Out of scope

**Agenda item 4:
Update on
Independent
Children's Monitor
Cabinet paper**

The Cabinet paper – *Oversight of the Oranga Tamariki System and Children and Young People's Commission Bill* is due to be considered at the next Cabinet Legislation Committee (LEG) on 21 October 2021. This paper seeks Cabinet agreement to introduce the Oversight of the Oranga Tamariki System and Children and Young People's Commission Bill (the Bill).

The Bill seeks to improve the wellbeing of children and young people by:

- establishing a new independent monitoring agency for the Oranga Tamariki System that will be a departmental agency hosted by the Education Review Office
- providing for a strengthened complaints and investigation system for which the Ombudsman will be responsible
- strengthening children's advocacy by introducing a new model for the Children's Commission which focuses on advocacy for all children and young people in New Zealand.

Next Steps

- LEG committee (21 October), Cabinet agreement (26 October)
- introduction and first reading speech (estimated early November)
- select committee (estimated December 2021 – May 2022)
- enactment (late 2022/ early 2023).

Talking points attached as Appendix Three.

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**Agenda item 8:
Social Wellbeing
Board Quarterly
Update**

A representative of the Social Wellbeing Board will provide a quarterly update on the Board's activities.

They will be providing an update on:

- the Child and Youth Wellbeing Strategy
 - transforming New Zealand's approach to mental wellbeing
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- the future of social sector commissioning
 - the Oranga Tamariki Action Plan
 - debt to government
 - place-based initiatives
 - joined up government in the regions
 - resilience to organised crimes in communities
 - the Joint Venture.
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Appendix Three: Update on the Independent Children's Monitor

Talking points

Key features of the Bill

1. This is an omnibus Bill that seeks to improve the wellbeing of children and young people by:
 - *establishing a new independent monitoring agency for the Oranga Tamariki System.* The monitor will be a statutory officer who will be the chief executive of a departmental agency hosted by the Education Review Office.
 - *providing for a strengthened complaints and investigation system.* The Ombudsman will be responsible for leading complaints and investigations relating to the Oranga Tamariki System.
 - *strengthening children's advocacy.* The Bill replaces the current Commissioner sole model of the Office of the Children's Commissioner with a new Children and Young People's Commission (the Commission) and refocuses the Commission's functions on advocacy for all children and young people in New Zealand.
2. In addition to setting out the three key oversight functions, the Bill provides for duties for the Monitor, Ombudsmen and the Commission to work together effectively and share information as well as specific obligations in order to demonstrate a practical commitment to the Treaty of Waitangi (te Tiriti o Waitangi).

Questions raised through Ministerial consultation

3. The Minister for Pacific Peoples raised concerns that the Bill does not prioritise consideration of the needs of Pacific children and young people, noting that this population is over-represented within the Oranga Tamariki system.
 - s9(2)(g)(i) [REDACTED]
4. The Minister for Children queried whether there was any scope for the Māori Advisory Group to have a greater say in the Monitor's planning and decision-making.
 - Cabinet has agreed that the Monitor will be a statutory officer rather than a shared decision-making model. To give the Māori Advisory Group a greater say in the Monitor's planning and decision-making would go beyond Cabinet's previous agreement [please refer to CAB-21-MIN-0153.01; 15,16].
5. The Prime Minister's office asked why the Bill does not require the Ombudsman to have a code of ethics or to seek consent from children and young people.
 - Cabinet agreed that the Ombudsman should seek consent when engaging with child and young people in the Oranga Tamariki system. However, this requirement does not need to be explicitly reflected in the Bill. The Ombudsman does not consider it is necessary or appropriate for a code of ethics or consent rules to be prescribed in legislation and note there is a risk this may impinge on their existing powers under the Ombudsmen Act 1975. The Ombudsman has also clarified that they fully support the need to seek consent from children and young people. They are also developing an ethics framework and considers that they are bound by the general principle to act in the best interests of the child.

Next step of the legislative process

6. The key dates ahead are:

- LEG committee (21 October),
- Cabinet agreement (26 October),
- introduction and first reading speech (estimated early November),
- select committee (estimated December 2021 – May 2022),
- enactment (late 2022/ early 2023).

Questions and answers

What is likely to be the most contentious policy issue raised during select committee?

7. Cabinet's decision to establish the Monitor as a statutory officer, rather than establishing the Monitor as an autonomous crown entity, is likely to be contested.
8. I believe the model that Cabinet has agreed, and that is reflected in the Bill, achieves the right balance to ensure the Monitor can be widely trusted by both Ministers and the public. Ministers will be able to request information, but they will not be able to stop or prevent the Monitor from carrying out an activity that the Monitor considers is necessary to enable them to perform their functions, powers or duties under the Oversight Act.

Which providers under the Oranga Tamariki Act 1989 will be included in the Ombudsman's jurisdiction and why?

9. The draft Bill empowers the Ombudsman to investigate complaints in relation to the approximately 60 partners providing care and custody under Section 396 (S396) of the Oranga Tamariki Act 1989. This is operationally feasible and aligns with public expectations that children, young people and whānau should be able to seek independent complaints resolution about the organisations that are literally responsible for their care and protection. These individuals should not have to complain first to Oranga Tamariki if they don't want to.

Which providers are not included in the Ombudsman's jurisdiction and why?

10. Broadening the Ombudsman's jurisdiction to include the approximately 500 community service providers under Section 403 (S403) (e.g. parenting programmes providers) and potentially thousands of other providers delivering other services (e.g. holiday programmes) under or in connection with the Act is more challenging.
11. I see merit in allowing children, young people and their families being able to complain to the Ombudsman directly about this wider group of providers. Otherwise these individuals would have to complain first to Oranga Tamariki despite Oranga Tamariki having a potential or perceived conflict of interest in responding fairly to these complaints.
12. However, the Bill does not provide for this wider broadening (beyond S396 providers) because of a number of challenges and uncertainties. Some S403 providers, for example, deliver Oranga Tamariki funded services to both individuals who are known to Oranga Tamariki as well as to the general public (who may self-refer to these services). Including these providers in the Ombudsman's jurisdiction could create an anomaly whereby (nearly) identical services provided by other agencies would not be subject to the Ombudsman's jurisdiction (because they are not provided under the Oranga Tamariki Act).
13. Given these concerns and uncertainties, I am seeking Cabinet agreement to recommend that Select Committee consider the merits of a wider broadening of the Ombudsman's jurisdiction – beyond what is provided for in the Bill.

How will providers impacted by this broadening be consulted?

14. Providers are aware that the Ombudsman will lead the complaints and investigation function. But there has been limited consultation on the broadening of the Ombudsman's jurisdiction to include providers. MSD's Kāhui group have discussed this issue with a small group of S396 providers who have advised that the Select Committee process provides an adequate opportunity for S396 providers to indicate their views. I would also expect that Select Committee may wish to consider seeking submissions from providers impacted by a potential wider broadening of the Ombudsman's jurisdiction.

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