

Annex One: Actions in response to the findings and recommendations of the Public Inquiry into the Disappearance of the Phillips Children

CHAPTER 3: BEFORE	
This chapter discusses the involvement of government agencies with Tom Phillips and the children before he took them for a second time, in December 2021.	
CHAPTER 3.1: Police	
Finding 1	Police had limited options to impose constraints on Tom Phillips to mitigate the risk of a second disappearance
Finding 2	Police report of concern to Oranga Tamariki was commendable, but Police should have ensured all information was provided and critical discussions were ongoing
The Government acknowledges these findings.	
Recommendation	Actions
1 The Inquiry recommends that Police review their existing policies and practices regarding making reports of concern to Oranga Tamariki The Government accepts this recommendation.	1 By 15 September 2026, Police will amend its operational guidance to require that, where information obtained, provided, used to inform, or considered in assessing whether a person is or remains fit and proper to possess firearms raises concerns about the safety or wellbeing of a child, staff must: - consider whether a Report of Concern to Oranga Tamariki is required; and - if the threshold is met, ensure the Report of Concern clearly identifies the child-safety or wellbeing concerns, sets out the information and circumstances giving rise to those concerns, and explains Police's assessment of the risk to the child, and the reasons for that assessment. Firearms Safety and Education New Zealand, once established on 23 September 2026, will carry policy and practice improvements forward.

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	2 By the end of 2026, Police will strengthen its practice so that: • Reports of Concern clearly explain what Police is concerned about, the information and circumstances giving rise to the concern, and Police's assessment of the risk to a child; and • it continuously shares material new information and engages with Oranga Tamariki while relevant concerns, investigations or other Police involvement with a child remain live.
	3 By 15 September 2026, Police, Oranga Tamariki and Health NZ will finalise the refreshed Child Protection Protocol, which: • expands the range of circumstances that should trigger a Child Protection Protocol response to include situations where access to children is used as a means of control, particularly in family violence contexts; and • explicitly recognises the impact of isolation on children as a form of harm. This could include an explicit trigger for multi-agency consideration where concerns for a child's safety, wellbeing or development arise from deliberate concealment, prolonged isolation, repeated disappearance, or removal from family, education, health or community supports. Related training will be finalised by the end of 2026.
	4 By 15 September 2026, Police will amend its Missing Persons policy to make clear that the deliberate concealment, prolonged isolation, repeated disappearance, or removal of a child from their family, education, health or community supports, is a significant welfare risk, even where there is no immediate evidence of physical harm.

CHAPTER 3.2: Oranga Tamariki – Ministry for Children	
Finding 3	When preparing a s 132 report in 2019 Oranga Tamariki could have identified, and advised the Family Court of the risk of Tom Phillips isolating the children’s mother from them.
Finding 4	Oranga Tamariki did not take all practicable steps to fully understand concerns raised by Police after the first disappearance.
Finding 5	Oranga Tamariki did not take reasonable steps to understand concerns raised by the maternal whānau after the first disappearance.
Finding 6	Oranga Tamariki should have more carefully considered Tom Phillips’ mental health.
Finding 7	Oranga Tamariki’s initial response to the report of concern was appropriate and reasonable.
Finding 8	Oranga Tamariki did not adequately engage with, and did not accurately inform, the Family Court on 6 October 2021.
The Government acknowledges these findings.	
Recommendation	Actions
2 The Inquiry recommends that Oranga Tamariki review the role and operation of s 132 reports, in terms of scope, guidance, and facilitation of its interaction with the Court. The Government accepts this recommendation.	5 By 31 October 2026, Oranga Tamariki will finalise new guidance on report writing to the Family Court to make clear that staff: • can and should go beyond what the Family Court has asked for to ensure it is fully briefed on all matters relevant to child safety and wellbeing, reflecting the full scope of social work practice; • should consider the presence of exclusion and alienation behaviours, particularly in conjunction with other coercive and controlling behaviours. Once the guidance is finalised, a training package will be developed and training will be rolled out by the end of the year.
	6 Alongside new guidance and training, Oranga Tamariki will improve oversight of the report writer workforce, including increased supervision and enhanced quality assurance processes to ensure consistency in practice.

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	7 By 30 November 2026, Oranga Tamariki will raise with the Principal Family Court Judge opportunities to improve flows of information between Oranga Tamariki and the Family Court.
	8 By end of October 2026, Oranga Tamariki will work with the Ministry of Education on the mandatory training (including any specialist module) to be rolled out as part of the response to the Poutasi review to ensure it includes awareness of parental alienation and coercive control.
	<i>Relevant actions completed since 2021</i> Oranga Tamariki has introduced a new Practice Framework that explicitly addresses unconscious bias, and this has been included in the roll out of its practice approach and embedded in induction training. Oranga Tamariki introduced a core suite of assessment and planning tools in 2025 to support critical thinking, balancing information, ensuring wide engagement with all whānau, testing information with others and addressing unconscious bias. This supports stronger decision making, including ensuring a wider range of safety and wellbeing concerns are addressed before a case is closed. Strengthened whānau-engagement guidance now explicitly promotes seeking whānau views including siblings. Oranga Tamariki has developed and implemented a new Initial Determination Tool which will support better information gathering and analysis (including with whānau) in responding to Reports of Concern. Oranga Tamariki has introduced a digitised report of concern to enhance the information provided to Oranga Tamariki in Reports of Concern. Induction training now strengthens legal training including on providing courts with accurate, balanced information.

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3 The Inquiry recommends that in its ongoing policy implementation and updates, Oranga Tamariki ensures: • Police concerns and evaluations are understood, rather than listed; and that there is a pathway for Oranga Tamariki and Police to take a joint or collaborative approach to reports of concern • parental and sibling exclusion and alienation is identifiable as a form of harm under s 14 of the Oranga Tamariki Act • ongoing training and support is provided to staff, where needed, to better understand and identify the causes for distress of notifiers • staff consider making referrals for mental health assessment when concerns about mental health of a parent have been raised in the context of safety to children • that when reporting to the Family Court about reports of concern, Oranga Tamariki makes the Family Court aware of all concerns raised by the relevant parties, including unresolved concerns by family members, and the fact of any ongoing and related Police investigation. The Government accepts this recommendation.	9 By the end of 2026, Oranga Tamariki will update guidance to clarify that parental and sibling exclusion and alienation can be considered to constitute harm to a child.
	10 By February 2027, Oranga Tamariki will explore legislative options to amend sections 14-14AA of the Oranga Tamariki Act 1989 to include parental and sibling exclusion and alienation as an identifiable form of harm. s9(2)(f)(iv)
	11 By early 2027, Oranga Tamariki will review all its practice, guidance and training to make sure that the Inquiry's findings are addressed.
	12 By early 2027, Oranga Tamariki will reinforce the ability to make referrals as part of its ongoing training and induction programmes. Oranga Tamariki will review its guidance and training on our responses to all notifiers.
	13 By March 2027, work will be undertaken between Oranga Tamariki and the Ministry of Justice to review their joint protocol relating to services Oranga Tamariki provides to the Family Court. Updates will include scope and core requirements for s 132 of the Care of Children Act 2004, two way information exchanges when child safety or wellbeing concerns emerge, and information sharing where there are concurrent Care of Children Act 2004 and Oranga Tamariki Act 1989 activities. Both agencies will consult with the Principal Family Court Judge on these matters.
Also refer to action 3. <i>Relevant actions already completed</i> Oranga Tamariki practice in relation to any concerns from family or any other notifiers has been changed: all contact with Oranga Tamariki expressing any concerns about a child is to be recorded as a Report of Concern rather than a contact record. Also refer to actions completed at Recommendation 2.	

CHAPTER 3.3: MINISTRY OF EDUCATION AND EDUCATION REVIEW OFFICE	
Finding 9	Ministry of Education should have required more information on applications for home education.
Finding 10	Ministry of Education and the Education Review Office should have reviewed Tom Phillips' applications for home education after the first disappearance.
Finding 11	Ministry of Education could have contributed to a multi-agency response.
The Government acknowledges these findings.	
Recommendation	Actions
4 The Inquiry recommends that the Ministry of Education requires additional information when considering applications for, or reviewing, exemptions from enrolment. The Government accepts this recommendation.	14 From January 2027, the Ministry of Education intends to implement a centralised application and assessment process to determine whether applicants meet the statutory threshold of providing education "as regularly as" and "as well as" a registered school. The Ministry is engaging with representatives of the homeschooling sector in the design of this process.
	15 The Ministry of Education will continue to progress its policy review through 2027, in consultation with homeschooling organisations. Recommendation 4.1.3 is already in scope of this review. Recommendations 4.1.1 and 4.1.2 will be added. The Ministry will work with Oranga Tamariki and New Zealand Police on data sharing arrangements as part of the policy and operational review.
5 The Inquiry recommends that the Ministry of Education requires consent from all parents and guardians The Government accepts this recommendation.	16 The Ministry of Education will change the application process for the 2027 schooling year to request consent from both parents or guardians.
	17 Legislative change to require consent from all parents and guardians will be considered during 2027 as part of the Ministry's policy and operational review.

CHAPTER 4: RECOVERING THE CHILDREN – POLICE ACTIONS

After Tom Phillips took the children for the second time in December 2021, Police were the primary agency leading efforts to locate and recover the children. This chapter of the report describes the involvement of Police during that period. It assesses whether Police responded appropriately and in a timely way to locate the children, and whether there were other practicable steps that Police could or should have taken to locate them sooner, or should take to protect children caught in any future similar situations.

CHAPTER 4.1: The first four months – “softly bring him out”

Finding 12 Police should have identified the serious risk to the welfare of the children from the time they were taken.

Finding 13 Police should have developed a proactive investigation strategy at the outset, including a Police-led multi-agency response.

Finding 14 During the first two months, Police missed specific opportunities to gather more information about where the children might be.

The Government **acknowledges** these findings.

CHAPTER 4.2: Operation Curly – an overview

Finding 15 Police applied extensive resource and investigative skill to the task of trying to locate the children over the course of an almost four-year investigation.

Finding 16 Operation Curly could and should have involved more Criminal Investigation Branch staffing from the beginning.

Finding 17 Police should have established a multi-agency working group to guide response throughout.

Finding 18 Police should have taken some steps much earlier.

The Government **acknowledges** these findings.

CHAPTER 4.3: Te Anga Road sighting

- Finding 19 In response to a sighting of Tom Phillips and the children on 28 May 2023 near Te Anga Rd:
- Police inaction on the day led to avoidable delays,
 - Police should have recognised the sighting was credible, and investigated more thoroughly and in a more timely way, and
 - had there been no delay, there might have been a real prospect of locating the children.

The Government **acknowledges** this finding.

CHAPTER 4.4: The aggravated robbery and the shopping trip

- Finding 20 In response to other sightings in 2023:
- Police took all practicable steps in response to the 2 August 2023 sightings at Bunnings and on Kawhia Rd,
 - Police took too long to identify Tom Phillips as the offender in the aggravated robbery of a Te Kūiti bank in May 2023, and
 - the delay in identification meant that some practicable steps were not taken early enough.

The Government **acknowledges** this finding.

CHAPTER 4.5: October 2024 – a “game changer” sighting

- Finding 21 In response to a sighting of Tom Phillips and the children on remote farmland in October 2024:
- the initial Police response to the sighting was prompt and thorough,
 - Police then identified, planned, invested in, and implemented appropriate techniques to narrow the area of interest, and
 - some possible actions were limited by resourcing constraints.

The Government **acknowledges** this finding.

CHAPTER 4.6: Surveillance	
Finding 22	Police rightly pursued electronic surveillance of persons of interest from August 2023 onwards.
Finding 23	Police could and should have pursued surveillance device warrants before August 2023.
Finding 24	Police could and should have made earlier use of intersection/road cameras.
Finding 25	The delay in use of surveillance had potential significance.
The Government acknowledges these findings.	
Actions relating to these findings	
Police is strengthening the resourcing, senior oversight and case-management arrangements for prolonged and complex investigations. Police now supports these investigations through oversight by Territorial Detective Superintendents, flexible deployment arrangements that give districts access to additional resources, and national redeployment of specialist capability where required. Further work is underway to strengthen leadership capability and specialist oversight, with these arrangements to be embedded in the national investigations framework to support consistent and sustainable practice. The Commissioner has also established an Unplanned Major Events contingency within the Police baseline, enabling additional funding for major operations and complex criminal matters without displacing other local crime priorities. A new Case Management Policy has strengthened expectations for case ownership, decision-making, supervisory oversight and escalation. Supporting reporting gives leaders greater visibility of risk and dedicated oversight of complex and high-risk investigative portfolios. Police is also working with Oranga Tamariki and Health New Zealand to refresh the Child Protection Protocol, including clarifying agency roles and responsibilities and strengthening coordination and information sharing. Together, these changes support more consistent practice, earlier management of risk, stronger supervisory assurance and clearer accountability for case and victim outcomes.	

CHAPTER 5: RECOVERING THE CHILDREN – OTHER AGENCIES

This chapter sets out the involvement and actions of other agencies after Tom Phillips took the children for the second time in December 2021. It makes findings about whether agencies acted in an appropriate and timely way to locate the children; and whether there were practicable steps that agencies could have taken (or could take in any future situation) to find and recover the children sooner.

CHAPTER 5.1: Oranga Tamariki – Ministry for Children

Finding 26 Oranga Tamariki should not have closed the report of concern in February 2022.

Finding 27 Oranga Tamariki continued to minimise the concerns of the sisters after the second disappearance.

Finding 28 Oranga Tamariki should have informed Police of the risk to the children, and had ongoing contact with Police.

Finding 29 Oranga Tamariki missed an opportunity for engagement with the Family Court.

Finding 30 From August 2023 Oranga Tamariki treated the children's disappearance as a risk of harm, however this should have occurred from December 2021.

Finding 31 From August 2023 to September 2025 Oranga Tamariki took appropriate steps to prioritise the welfare of the children.

Finding 32 Oranga Tamariki took steps to protect the privacy, welfare and safe recovery of the children on 8 September 2025: actions were commendable.

The Government **acknowledges** these findings.

Recommendation	Actions
6 The Inquiry ... further recommends Oranga Tamariki uses the insights arising from this Inquiry to strengthen its practice guidance and training. The Government accepts this recommendation.	Refer to actions 2-3 and 5-13 and in particular 11: By early 2027, Oranga Tamariki will review all its practice, guidance and training to make sure that the Inquiry's findings are addressed.

CHAPTER 5.2: New Zealand Defence Force	
Finding 33	For those requests that NZDF accepted to fulfil, the support provided by NZDF to Police was exemplary.
Finding 34	NZDF as an entity should have communicated better with Police to understand the investigation team's requests for support and discussed appropriate and available capabilities.
Finding 35	NZDF could have encouraged the setting up of a multi-agency working group early in the investigation.
Finding 36	NZDF capabilities could have been utilised more fully and earlier to help in finding the children.
The Government acknowledges these findings.	
Recommendation	Actions
7 The Inquiry recommends early operational planning by NZDF and the requesting agency. The Government accepts this recommendation.	18 By the end of 2026, NZDF and Police will action amendments to their memorandum of understanding to clarify that, where possible: - interagency planning should take place ahead of a request for support - Police should conduct internal consultation with personnel familiar with NZDF capabilities, for example with members of the Special Tactics Group, ahead of engagement with the NZDF.
8 The Inquiry recommends further review of the aspects of section 9 of the Defence Act 1990 may be appropriate. The Government accepts this recommendation.	19 By the end of 2026, NZDF in consultation with Ministry of Defence will commission an independent review of section 9 of the Defence Act. Note that this review will be subject to legal professional privilege.

CHAPTER 6: FIREARMS

The Inquiry has been asked to address how Tom Phillips obtained and maintained his firearms licence, and how he obtained the weapons and ammunition he had access to during the second disappearance.

Finding 37 Tom Phillips obtained and renewed his firearms licence in the usual way.

Finding 38 Maintaining a firearms licence: Police did not take all practicable steps to respond to allegations by former spouse about gun safety.

Finding 39 Police did not, and should have, served suspension notice sooner, and identified and seized firearms on licence suspension.

Finding 40 Police should have considered Tom Phillips' access to other firearms in the home where he was required to reside.

Finding 41 Tom Phillips likely purchased firearms and ammunition himself or obtained them from family members.

The Government **acknowledges** these findings.

Recommendation	Actions
9 The Inquiry recommends that Police ensure that: - concerns raised by former spouses to Police as to gun safety are actioned promptly and in accordance with Police process, and - on suspension of a firearms licence, Police exercise the discretionary power to check safety and security of other weapons, where held by other licence holders, in the home. The Government accepts this recommendation.	20 The Associate Minister of Justice's Letter of Expectations (to be issued in September 2026) to the Incoming Chief Executive for the regulator, Firearms Safety and Education New Zealand, can include expectations that the regulator develop operational guidance (in collaboration with Police where appropriate) regarding: - how information raising concerns about continued fitness to hold a licence is considered (including child protection and, family harm) - the threshold for making a Report of Concern, and what information should be provided in that report (see action 1) - its process for ensuring staff carrying out assessments are appropriately trained - its process for retrieving firearms following an expiry, suspension or revocation of a firearms licence, with a particular focus where the safety or character of the licence holder – and particularly the safety of any children in their care – is in question

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	the management of family and household members' licences and firearms following the suspension of a firearms licence where the safety or character of the licence holder – and particularly the safety of any children in their care – is in question.
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