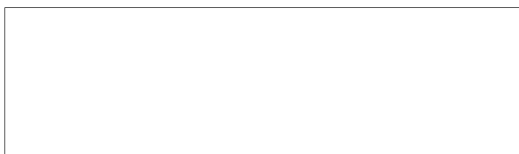




**MINISTRY OF SOCIAL  
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

15 NOV 2016



Dear 

On 26 September 2016 you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- *A copy of the covenant for children that was drafted by Carolyn Henwood*
- *All correspondence relating to this covenant in regards to what is to be incorporated into proposed Bills and other areas, and what is not going to be incorporated into bills (including emails, reports, briefings, advice, memos, aide memoires, updates)*
- *Who made the decision on any exclusions from any bills parts of the covenant for children drafted by Carolyn Henwood?*

The 'Covenant for our Nations Children' (the Covenant) drawn up by Judge Henwood and signed by iwi leaders was used to inform the development of the new child centred operating model for achieving improved outcomes for vulnerable children and their families. As you were advised, the Covenant is publicly available on the Henwood Trust website at [www.henwoodtrust.org.nz/research-publications/a-covenant-for-our-nations-children](http://www.henwoodtrust.org.nz/research-publications/a-covenant-for-our-nations-children).

Cabinet decided that the updated general principles of the Children, Young Persons and Their Families Act (CYPF Act) would incorporate those pledges in the Covenant most directly relevant to the work of the new Ministry for Vulnerable Children, Oranga Tamariki. In line with this the Government is cognisant of the importance of promoting a range of outcomes, including economic outcomes, this is demonstrated in the proposed new purposes of the CYPF Act which include 'to promote the provision of services that promote the long-term health, education, economic and social outcomes for children and young people who come to the attention of the new Ministry'.

The Minister for Social Development's Cabinet paper '*Paper 2: foundations for a child-centred system*' sets out the proposals to include Covenant principles into the CYPF Act update. Cabinet agreed to the proposals. The Cabinet paper is available on the Ministry's website at [www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/investing-in-children/sept-announcements/r-investing-in-children-legislative-reform-paper-two-foundations-for-a-child-centred-system.pdf](http://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/investing-in-children/sept-announcements/r-investing-in-children-legislative-reform-paper-two-foundations-for-a-child-centred-system.pdf).

You will find enclosed four emails in scope of your request, which detail the discussions undertaken regarding the inclusion of the Covenant. The email titled

Page 1 of 2

'Signed REP-16-08-929 Investing in Children legislative reform – Child-centred system (paper1)' dated 24 May 2016 includes comments by Hon Anne Tolley requesting reference to the Covenant be included in the paper. The rest of the paper is out of scope of your request as it contains no mention of the Covenant. The email titled 'FW: Judge Henwood Covenant papers' dated 3 October 2016, includes a document provided by Judge Henwood to Minister Tolley to consider as part of the Cabinet paper. The remaining two emails, both titled 'FW: Judge Henwood Covenant papers' and dated 24 and 27 May 2016, do not contain any attachments.

You will note that the names of some staff members have been withheld under section 9(2)(a) of the Official Information 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.

An aide-mémoire titled 'Meeting with Judge Henwood' dated 14 June 2016 has also been identified as in scope of your request, however is withheld 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.

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 after ten working days. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development'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](mailto:OIA_Requests@msd.govt.nz).

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Yours sincerely



Justine Cornwall

**General Manager, Child, Family, Community and Youth Policy**

Outside scope of request.

**From:** Sean Maxwell

**Sent:** Friday, 27 May 2016 9:34 a.m.

**To:** s 9(2)(a) OIA Privacy of Natural Persons

**Subject:** Fwd: Judge Henwood Covenant papers

Hi do you have time to have s quick chat with s 9(2)(a) etc about the J Henwood charter? Thanks

**Fwd: Judge Henwood Covenant papers**

Scheduled: Friday, 27 May 2016 from 12:30 PM to 12:45 PM

Location:

Invitees: s 9(2)(a) OIA Privacy of Natural Persons

Sent from my iPhone

Outside scope of request.

-----Original Message-----

From: Sean Maxwell  
Sent: Tuesday, 24 May 2016 3:27 p.m.  
To: Jack Carroll; Claire Falck  
Cc: Maree Roberts  
Subject: RE: Judge Henwood Covenant papers

Hi, the Legislative Reform team will consider this in relation to possible legislation, but it also goes into some detail that could be considered as part of the development of the new services and operating model. Cheers. Sean

-----Original Message-----

From: s 9(2)(a) OIA Privacy of Natural Persons  
Sent: Tuesday, 24 May 2016 1:44 p.m.  
To: Maree Roberts; Sean Maxwell; Jack Carroll; Claire Falck  
Cc: s 9(2)(a) OIA Privacy of Natural Persons  
Subject: Judge Henwood Covenant papers

Finally tracked it down :) attached here.

---



From: Sean Maxwell  
Sent: Monday, 15 August 2016 6:03 p.m.  
To: 9(2)(a)  
Cc:  
Subject: Signed REP-16-08-929 Investing in Children legislative reform - Child-centred system (paper 1)

RELEASED UNDER THE OIA



MINISTRY OF SOCIAL  
DEVELOPMENT  
TE MANATŪ WHAKAHIAKO ORA

# Report

**Date:** 8 August 2016

**Security Level:** IN CONFIDENCE

**To:** Hon Anne Tolley, Minister for Social Development

## Investing in Children legislative reform: Child-centred system (Paper 1)

### Purpose of the report

1. The purpose of this report is to seek policy decisions on proposals to develop a more child centred system. It outlines proposals to:
  - 1.1 update the objects of the Children, Young Persons and Their Families Act (1989) (CYPF Act)
  - 1.2 update the general principles of the CYPF Act
  - 1.3 make other amendments to the CYPF necessary to ensure equal support and protections for disabled children.

### Executive summary

Outside scope of request.

<sup>1</sup> Expert Panel Final Report, The Case for Investment, Pages 41-55

Outside scope of request.

RELEASED UNDER THE OIA

## Recommended actions

Outside scope of request.

*Sean Maxwell*

*8/8/16*

Sean Maxwell  
General Manager CYF Legislative Reform

Date

*Anne Tolley*

Hon Anne Tolley  
Minister for Social Development

*12-8-16*

Date

a) I do not see any reference to, or attempt to include, Judge Woodward's covenant as I requested — why not?

Outside scope of request.

From: [9(2)(a)]  
Sent: Monday, 3 October 2016 1:37 p.m.  
To: [9(2)(a)]  
Subject: FW: Judge Henwood Covenant papers

---

**From:** Sean Maxwell  
**Sent:** Tuesday, 24 May, 2016 3:35 PM  
**To:** [9(2)(a)]  
**Subject:** Judge Henwood Covenant papers

Hi, Judge Henwood provided this to the Minister and we need to consider it as part of our work - its relevant to the children in care workstream. It looks like it was developed from a meeting or series of meetings.

Stu, can you have a look and can we then discuss (I don't need a written response) how it might inform our work?  
Thanks. Sean

-----Original Message-----

From: [9(2)(a)]  
Sent: Tuesday, 24 May 2016 1:44 p.m.  
To: Maree Roberts; Sean Maxwell; Jack Carroll; Claire Falck  
Cc: [9(2)(a)]  
Subject: Judge Henwood Covenant papers

Finally tracked it down :) attached here.

---

## Vision

*Every child in state care must be kept safe; they belong, they thrive, and they are offered the best chance in life.*

OR

*State care is a warm and safe place where a child belongs, thrives and achieves.*

## Essential Ingredients

- A duty of care...

### *This for the child means...*

#### Having a sense of identity - *Who am I?*

- At least 1 primary attachment figure in my life
- Strong link to community I am placed in and a place of belonging
- Whanau advocate - for where I belong. This is ongoing so it shows me that I belong and gives me a sense of identity. I have a 'go-to' person in the whanau, who is found for me if necessary.
- Role of iwi in the intent of Article 2 of the Treaty
- Protected from family/ whanau when necessary e.g. alcohol, drugs, violence
- Stability, no unnecessary moves and preferably one secure placement

#### My needs are met

- Emotional wellbeing
- Physical, mental health, and behavioural
- Educational opportunities - vocational, jobs, study
- I know the ministries are all working together for solutions

#### I am safe

- Please protect me from:
  - Domestic violence, alcohol and drug abuse, criminal behaviour
  - Bullying, beatings, threats and put downs
  - And please don't sexually molest or rape me
- Keep me safe at night, don't let the 'uncles' sleep nearby especially when the family are partying and beware of who has access to me.
- And also do you know that even places that seem good like church, social or sports clubs can have abusers.

**I have a voice**

- I need to be heard
- I need to be believed
- I need to have a say about access to whanau
- I need to have a say in placement
- I need to have an independent advocate - in addition to the social worker
- I need to have a chance to talk away from placement environment

**My life is stable**

- One secure placement
- Don't hand me around
- I have friends and supportive adults around me
- I stay at one school
- I am involved in my community - sports teams, clubs, music, kapa haka, drama

**People help me reach my potential**

- I live with people who:
  - Care about my future
  - believe I can reach my potential and that my potential is the same as any other New Zealand child
  - offer a place to shine, have fun
- Government agencies make sure I have equity of achievement outcomes especially in education and health, the same as with any other NZ child
- I am in school and engaged in education that is tailored, focused and relevant to me
- Capture necessary resources to help me reach my potential

*For the system this means...*

### Placement that is safe, secure and monitored

- One plan
- Find suitable placement
  - whanau/kin
  - out of home
- Placement:
  - At least 1 primary attachment figure but all adults must accept the child
  - Offers aroha - warmth, human touch
  - Strong links to community and place of belonging
  - People who believe in their potential
  - A place to thrive, shine and have fun
  - A safe place - no violence, abuse, drugs, alcohol, domestic violence, sexual abuse
  - Not placed with criminals or active offenders
- System to note:
  - Motivation for placement
  - Expectations of the placement
- Child-centred time frames and agreement on what that is i.e. under 5s, 6 months. Under 2s less than 6 months
- Right for their plan to include the rehabilitation and support of family/whanau. Part of this includes assessment of whether parents are able to change within child's framework
- Monitoring is independent and external

### Focusing on meeting the children's needs

- Care based on comprehensive understanding of all needs - emotional, physical, mental, behavioural, educational, vocational and cultural
- Needs are met - emotional trauma of going into care, well assessed and trained care givers
- Access to relevant therapies
- Child's grief is acknowledged - loss of parent who is still alive
- Involvement of all relevant government agencies
- Inclusion of relevant community agencies in solutions

### Monitoring

- Multi-party support for prioritising the safety and well-being of children in care
- Children's voices are heard independently
- Independent monitoring of children Tracking/ reporting across all agencies
- KPI's based on outcomes not outputs for leader of the state agencies for children
- Accountability for outcomes for child is clear
- Ministries are working together for solutions

### Independent space

- Provide place for a voice in their care - views sought and heard
- Independent friend, advocate to make confidential concerns known, trusted
- Independent monitoring



#### **Social Workers outcomes are child focused**

- Social worker with sufficient time and resource
- Social Work systems to note:
  - o Motivation for placements articulated, noted and told to the child
  - o Expectations are noted and monitored

#### **Resources focused on needs of the children**

- Need to identify data/ information need to assist understanding of children's needs - and identify who is to do this and when
- Quality care givers - trained, supported, resourced, motivated
- Have access to necessary resources especially when most needed
- Children have the right to have their needs researched and therefore understood
  - o Need to increase the amount of statistics we have
  - o Nine universities in New Zealand and need to collaborate on research
- Children know ministries are working together for solutions

#### **Transition**

- Systems for support into early adulthood
- Quality transition - person, link with the family or other important people in their lives to help transition

Foster Care forum - Maori  
13 May 2013

TOP CONSIDERATIONS

- Work force capacity/capability
- Iwi/whanau capacity/capability
- Development of a constitutional document around a vision
- Creating traditional Maori models of care e.g. *whangai* and differences in terms of cultural definitions of safety. Taking the time to work out the organisation - not one size fits all.
- Implement a role that a whole range of people take over a care continuum
- Note linking to iwi is important but it is whanau who do the mahi/work
- Pathways that create the options
- Culture and quality are synonymous
- Knowing the numbers i.e. not talking in percentages
- The 'City Factor'
- Note too, the bicultural similarities when looking at duty of care

STRENGTHS at the end of the forum

- Something on the table
- Perspective good but ...Weakness
- When a placement's working well, what does success look like?
- Understanding of the Treaty to scaffold into what we're seeking under a Duty of Care
- Discussion under the Treaty - perspective for this has been absent to date
- We cannot view both role of tamariki and whanau and relationship with the state outside the whanau
- The embedding of 'mokopuna' into the language - engagement immediately. Tiaki mokopuna - importance of language is critical here
- Perspective of grandparents - stepping up (but carrying the burden).

WEAKNESSES at the end of the forum

- I belong in a whanau
- Could have children involved in its development
- Protection from the **dynamics** of whanau, not protection from whanau
- Need reframing - what is about the duty of care that is difficult to define?
- Challenges thinking around locality - e.g. The challenge being laid down correctly - at whanau's feet or regionally
- Parents missing in the draft - a child needs the state not to give up until all else has failed
- Tension here too e.g. CH's point on state only talking to parents

- Questioned the word 'belong'? State's role is to be restorative in this sense

### Record of discussion during the day

#### At the frontline - Key concerns/observations/insights

- Conflicts in policies
- Need agencies to prioritise services of care
- Looking for stronger accountabilities
- Who is responsible for this child in this wrap around of care
- Get focused on tiaki (caretaking) mokopuna
- Issues over relationships with whanau, hapu, iwi break down
- Danger of looking too far down the funnel of failure
- Realising the layers of people around our mokopuna - point of kaitiaki mokopuna (guardians for children) for us - i.e. we have the initial gateway but not the depth of support for these whanau
- Must consider Maori concept/notions of safety/caring/reconnecting/disconnection - what does safe mean for mokopuna? What does our ideal state look like?
- Emphasis on state is good is plural, not just CYF
- Desire that if you are cared for by the State, you should get the 'gold standard' of care
- View must be of tamariki as resilient but in vulnerable situations
- Putting in the time and going back to the whanau/hapu/iwi first
- Connection back to everything
- Aroha/love/manaakitanga/look after - stepping up and making a change
- Breaking through the iwi/hapu connections i.e. getting the right names
- Breaking systemic blocks. Where the system is so rigid, it fails our children
- Our caregivers need to be qualified/specialised
- Understanding the dynamics better to improve/start real engagement
- Key challenges in operationalising this work above the talk
- And do we place culture above the hierarchy of safety
- We hear about 'whanau care', everyone stepping up etc but is there a pathway? i.e. the how to?
- Question around culture vs quality of care - different to whakapapa i.e. you're born with this but culture can and does change. Maori are demanding higher quality; you can't have quality without whakapapa.
- Very much about mindset - note: no compromise on safety
- We have to step up - what's our vision of our children/mokopuna?
- Our expectations of iwi are very high - interesting and salient to note where iwi will/want to focus and be responsible for
- Scope for iwi to make contribution over and above state - i.e. not just one model
- Making the most of the richness in iwi
- Having a voice i.e. of the child

- Mechanisms of decision making linking back to those initiatives that work = difficulty - show mechanics of statutory body
- Point made around being clearer on guiding principles that should be guiding practitioners
- A primary attachment as the starting point - need to separate the vision for the future vs what is happening now
- Iwi resourcing issues i.e. to address the challenges being faced now
- Having a connected informed sense of roles will be critical
- Fragmentation of whanau to delivery of a fragmented response
- Different inputs/aspects - as a Maori practitioner understanding your impact
- Tensions of operating within the current system vs doing what you feel is necessary/needed i.e. allowing the whanau network to breathe - utilising tribal membership
- Every iwi is at a different place right now - crisis response vs planned response - want planned response (noting crisis situations are here and now)
- Delays for children/mokopuna being placed because timing for approval (for long-term caregivers)
- For iwi, we realise there is a big kaupapa but it is a matter of identifying a precise intervention point
- Putting in a process that empowers whanau-empowering
- Is there a bigger challenge here? A societal duty of care?
- HT looking for something that all New Zealanders can and will buy into
- No accountability in the social services sector
- The challenge of the availability of whakapapa-linked caregivers for these children/mokopuna. NB Some iwi are doing this now
- Example of Nelson based programme strengthening 10 key caregivers (specialist skills provision)
- Children in care have different needs so differential approach required
- No one agency can provide the answer - joined up approach needed but buck passing also occurs
- Challenge of reintegration of men coming out of prison
- Useful data about families that do/don't take caregiving responsibilities on. E.g. some are in full-time work so they can't leave their jobs
- When it doesn't necessarily work, we will still leave these children/mokopuna where they are
- 'Discretion' creates enormous challenges and often defaults to judiciary
- Parts of duty of care could be obligation to provide workforce development plan
- Pockets of responsibility in government are too small but CAP (Children's Action Plan) is designed to bring multi-agency response around the child via the children's teams. NB 4,000 children in system that needs this support
- Practitioners also need to lift game when identifying whanau

- And whanau, even with the desire, will sometimes need training
- Restorative role vital as whanau is forever, state is for period of time
- When children go into care, they are detained by the state - have lost their freedom
- Even if family are perpetrators, the child's rights are what is taken away
- If child hasn't created a strong relationship with institutional holder of power then they will get/be stuck there
- Note that A - F nature of funding i.e. at the coalface which is where resourcing is needed most
- Don't see Maori as Maori access i.e. district, rohe, whakapapa etc, - take the time to work out the relationships
- Legitimate world view
- Have to build on strength of whanau and community in developing this vision
- The need to be made responsible - NOT the need for charity

**Other comments to leave aside for this day**

- A lot is working
- Services moving too slow to respond
- 'At least one primary attachment' - focus is too low
- Hearing the voice of the caregivers
- Need for CYF to have options for solutions

## **A Covenant for our Nations Children**

The House of Representatives on behalf of the people of Aotearoa/New Zealand make a solemn and enduring covenant with our nation's children, whoever they are and wherever they may be, in equal measure, those children who are born and those born in the future.

We as New Zealanders undertake an unconditional duty to do all in our power to ensure that all our children are treasured, respected and enjoy a good life full of opportunity in a nation that is diverse and rich in culture and aroha.

This covenant recognises that to allow our children to thrive and stand strong at home, in their communities and in the world, we need to take responsibility for our role in the lives of all children. To that end, we will be champions for our children and will act with integrity in our dealings with them and treat them fairly in all things to ensure that they receive justice.

We will protect them from all forms of violence, abuse and neglect.

We will strive to provide them with a proper standard of living.

We will preserve and respect their sense of identity, in particular by strengthening the bonds with parents, family, whanau, hapu and iwi.

We will support the emotional, social, physical and mental wellbeing of every child.

We will provide them with education that acknowledges their individual needs and maximises their potential.

We will hear the voices of children and take their views and their interests into account.

We will ensure they are at the centre when making decisions about them.

We will strive to ensure children have the benefit of continuity and stability in their lives.

Our vision is that every child of our nation will be valued and have a sense of place, a place to stand and know their place.

We make this pledge to every child.

Childhood should be a time of joy and light. It should be free from fear and neglect and isolation.

We will do all that we can to implement this covenant both in times of plenty and in leaner times, knowing always that this solemn commitment made to our children runs deeper than money and resources, but touches upon who we are as a nation, how we define ourselves and our relationships to each other, our connection to our land and all of the peoples who live on our land.