



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

12 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 six** in response to your request:

- REP/20/6/639 – Report – *Strengthening Oversight of the Oranga Tamariki System Programme – Monthly Progress Report – May 2020*, and attached appendix, dated 18 June 2020
- REP/20/6/672 – Report – *Report to Minister for Children on Agency Compliance with Regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 – June 2020*, dated 25 June 2020

- REP/20/6/673 – Report – *Substantive Update on Progress with Establishment of the Independent Children’s Monitoring Function*, dated 25 June 2020
- REP/20/6/701 – Report – *Approval for related policy changes and formal agency consultation: Children and Young People’s Commission and Oversight of Oranga Tamariki System Bill*, dated 25 June 2020
- REP/20/6/701 – Cabinet Legislation Committee Paper – *Children and Young People’s Commission and Oversight of Oranga Tamariki System Bill: Approval for Introduction*, dated 25 June 2020
- REP/20/7/785 – Report – *Strengthening Oversight of the Oranga Tamariki System Programme – Monthly Progress Report – June 2020*, dated 20 July 2020
- Oral Item: *Shape of the Children’s Commission and Oranga Tamariki System Oversight Legislation*, dated 7 September 2020

The Oral Item: *Shape of the Children’s Commission and Oranga Tamariki System Oversight Legislation* is available on the Ministry’s website. Please refer to the following link: www.msd.govt.nz/about-msd-and-our-work/publications-resources/information-releases/cabinet-papers/2020/shape-of-the-childrens-commission-and-ot-system-oversight-legislation.html.

Please refer to the following link on the Independent Children’s Monitor’s website to read the Hui report mentioned in the appendix of REP/20/6/639: www.icm.org.nz/assets/Uploads/Documents/What-the-Monitors-doing/Engagement-hui-with-Maori-on-the-independent-oversight-of-the-Oranga-Tamariki-System-.pdf.

In regard to REP/20/6/701, please note that on 30 August 2022, you received the final version of the draft Cabinet Legislation Committee paper.

You will note that some information is refused 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)(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.

One document is withheld in full under section 9(2)(h) of the Act in order to maintain legal professional privilege. This document is the draft Government Bill titled ‘*Children and Young People’s Commission and Oversight of Oranga Tamariki System Bill*’. 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 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



PT

Christian Opetaiia
Policy Manager
Child and Youth Policy



Report

Date: 18 June 2020

Security Level: IN CONFIDENCE

To: Hon Carmel Sepuloni, Minister for Social Development

Strengthening Oversight of the Oranga Tamariki System Programme – Monthly Progress Update – May 2020

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 May 2020.
- 2 A summary of the report and key points of interest are included in this cover report with the full detail 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 for May 2020
 - 3.2 **note** the Monitor's report to the Minister for Children on compliance with regs 69 and 85 of the National Care Standards Regulations is on track for delivery on 26 June.

YES / NO

YES / NO


Arran Jones
Executive Director, Independent Children's Monitor

18 June 2020

Date


Hon Carmel Sepuloni
Minister for Social Development

21/6/20

Date

Summary and key points of interest in report

Programme summary

- 4 Programme status remains **AMBER** reflecting the residual timeframe risks across all workstreams. The impact of New Zealand's COVIDs-19 response on the Programme was considered at the June meeting of the Programme Sponsoring Group and included endorsement to reset key milestones within the Policy/Legislation workstream.
- 5 A draft of the Monitor's June report to the Minister for Children on compliance with regs 69 and 85 of the National Care Standards Regulations has been circulated for internal review and remains on track for delivery by the end of June.
- 6 The Monitor's first round of interviews for the Operations team took place on 28 May and the second round on 8 June. The first round included monitoring manager and principal advisor positions. We received strong interest and will be in position to make offers of employment shortly.
- 7 We are planning three pilots to test the Monitor's assessment approach. These have been delayed due to the impact of New Zealand's COVID-19 response, however will still be completed in the second half of this year.

Policy workstream

- 8 Timeframes remain extremely tight as we continue to target introduction of the new Bill ahead of the General Election.
- 9 Workshops were held this month with key agencies to work through further matters relating to the draft Bill, which could be settled at this stage.
- 10 The Policy team are instructing the Parliamentary Counsel Office (PCO), based on consultation with stakeholders and including governance arrangements for the Office of the Children's Commissioner, to allow them enough time to complete drafting. The team met with the PCO on 29 May to discuss changes to version 5 of the Bill.
- 11 Over the next few weeks, the Policy team will be focused on the legislative Privacy, Human Rights and Ethics Framework (PHraE) so it is ready for discussions with the Privacy Commissioner on the next version of the Bill.
- 12 A report outlining the risks of the new Bill having one Act to represent the three oversight functions and seeking your direction was sent to Oranga Tamariki, OCC, ICM, the Ombudsman and SSC for comment before being sent to your Office on Tuesday 19 May.

Engagement and Communications

- 13 Engagement with key agencies continues to progress well, with regular DCE level meetings with key partners occurring during the month.
- 14 An engagement plan for the Executive Director has been developed and priority engagements with the Ministries of Health, Education, Justice, NZ Police and Department of Corrections are being initiated.
- 15 The Executive Director and Chief Monitor met with the Chief Executive of the Social Workers Registration Board (SWRB) to start building connections with the Board and develop an understanding of each other's respective roles.
- 16 A tailored draft of the engagement plan for Oranga Tamariki National Office and site staff has been developed, outlining what to expect in relation to assessment visits carried out by the Monitor.
- 17 The Engagement Strategy and Plan, which brings together the engagement underway across all Programme workstreams was endorsed by the Programme Sponsoring Group at their June meeting.

Regional Hui

- 18 Preparation is underway to support the regional hui debrief with the Office of the Children's Commissioner and the Office of the Ombudsman in early June.
- 19 A survey to understand which components of the Assessment Framework the 144 hui participants would like to be involved with closed on 5 June and we received a total of 39 responses with 33 people wanting to engage further with the Monitor's development programme.

Māori Engagement

- 20 Following the regional hui debrief, discussions are planned between the Monitor and the Office of the Ombudsman to explore the opportunity for the Kāhui Group to meet with the Chief Ombudsman's Pūhara Mana Tangata Advisory Group.
- 21 Work is underway on preparing letters of introduction for the Executive Director to key iwi and Māori organisations.

Independent Children's Monitor monitoring and establishment workstreams

Monitoring Operations / Second monitoring report - due June 2020

- 22 The draft June 2020 report to the Minister for Children on compliance with regs 69 and 85 of the National Care Standards Regulations has progressed with the first substantive draft circulated for initial internal review. The report remains on track for delivery to the Minister on 26 June.
- 23 Oranga Tamariki's information and data response was received, reviewed and analysed by the team. Limited validation and testing took place with Oranga Tamariki's Safety of Children in Care Unit, and a request was sent seeking answers to several supplementary and clarifying questions resulting from receipt of their initial information and data responses.

Work on mapping current outcomes frameworks to support development of the Monitor's assessment framework

- 24 The draft version of the Monitor's Outcomes Framework was internally reviewed and incorporates feedback from members of the Assessment Framework Working Group. The Outcomes Framework represents the Monitor's perspective of what matters for tamariki, rangatahi and whānau in the Oranga Tamariki System, and will be used to measure outcomes in relation to the delivery of the National Care Standards. A revised version was finalised, and a graphic representation was developed and endorsed by the Programme Sponsoring Group at their June meeting.
- 25 Further clarity has been sought from Oranga Tamariki about its definitions and measures for Part One of the National Care Standards to inform the design and measures to support the Monitor's Outcomes Framework.
- 26 The workshop with Caring for Families Aotearoa and their Regional Co-ordinators provided useful guidance on how the Monitor could connect and engage with caregivers, including some important communication considerations. At least one further workshop is planned to continue developing the prompt sheets and engagement processes as part of the assessment matrix, which will also feed into our assessment plans.

Appendices

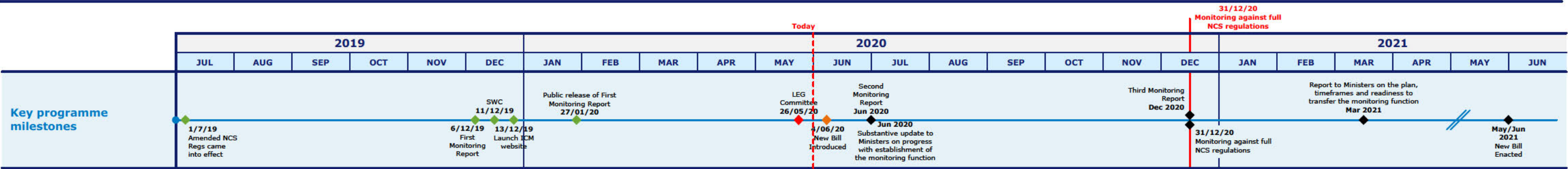
- Attached as Appendix One is the Monthly Progress Update A3 for May 2020.

File ref: REP/20/6/639

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

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

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



Programme summary:

	Previous	Current	Next	
Overall status	A	A	A	<ul style="list-style-type: none">Programme status remains AMBER reflecting the residual timeframe risks across all workstreams. The impact of New Zealand's COVIDs-19 response on the Programme will be considered at the June meeting of the Programme Sponsoring Group, which will include a proposal to reset key milestones within the Policy/Legislation workstream.A draft of the Monitor's June report to the Minister for Children on compliance with regs 69 and 85 of the National Care Standards Regulations has been circulated for internal review and remains on track for delivery by the end of June.
Programme Management:				
<ul style="list-style-type: none">A memo providing an update to the Minister for Children on progress of the Monitor's work was sent to her Office early May.The first round of interviews for the Monitor's Cohort 1 roles took place on 28 May.				

Engagement, Communications and Change

Engagement:	<ul style="list-style-type: none">An engagement plan for the Executive Director has been developed and priority engagements with the Ministries of Health, Education, Justice, NZ Police and Department of Corrections are being initiated.A draft of the Engagement Strategy and Plan, which brings together the engagement underway across all Programme workstreams will be presented to the Programme Sponsoring Group at their June meeting for endorsement.Preparation is underway to support the regional hui debrief with the Office of the Children's Commissioner and the Office of the Ombudsman in early June.A survey to understand which components of the Assessment Framework the 144 hui participants would like to be involved with and the type of engagement that works best for them was developed and sent out. The survey closes on 5 June.A tailored draft of the proposed engagement plan for Oranga Tamariki National Office and site staff has been developed, outlining what to expect in relation to assessment visits carried out by the Monitor.The Executive Director and Chief Monitor met with the Chief Executive of the Social Workers Registration Board (SWRB) to start building connections with the Board and develop an understanding of each other's respective roles.
Māori Engagement:	<ul style="list-style-type: none">The 2019 Hui Report was finalised and a pre-release copy was sent to the 2019 hui participants and key stakeholders before being published on the Monitor's website.The Kāhui Group met on 8 May and were provided with an update on aspects of the Strengthening Oversight of the Oranga Tamariki System work programme, including an update on engagement. The group also met and welcomed the new Executive Director.The Chief Monitor and Principal Advisor met with Te Arawhiti to discuss future engagement and their role in the development of the Assessment Framework.Work is underway on preparing letters of introduction for the Executive Director to key iwi and Māori organisations.
Communications:	<ul style="list-style-type: none">The draft Communications Strategy and Plan is advancing and further work will be progressed in conjunction with the Engagement Plan and Operations / Assessment Framework workstreams over the next period. An update was sent to 1,145 subscribed stakeholders informing them that the Monitor's Cohort 1 recruitment has re-commenced.Work is underway on developing the Monitor's suite of collateral, including FAQs, for a range of stakeholders.A provider for media training for the Executive Director and Chief Monitor has been identified.

Workstream summary:

Policy/Legislation	Phase 1 Independent Children's Monitor Monitoring/Operations	Phase 2/3 Independent Children's Monitor Assessment Framework and Operating Model
A	G	G
<ul style="list-style-type: none">Workstream status remains AMBER reflecting the timeframe risks as a result of New Zealand's COVID-19 response. The timeframes remain extremely tight as we continue to target introduction of the new Bill ahead of the General Election.The Policy team are actively sending instructions to the Parliamentary Counsel Office (PCO), based on consultation with stakeholders and including governance arrangements for the Office of the Children's Commissioner, to allow them enough time to complete drafting. The team met with the PCO on 29 May to discuss changes to version 5 of the Bill.Two workshops were held with key agencies this month, including Oranga Tamariki, the Ministry of Justice, the Office of the Ombudsman, the Monitor and the Office of the Children's Commissioner, to work through further matters relating to the draft Bill which could be settled at this stage. Over the next few weeks, the team will be focused on the legislative Privacy, Human Rights and Ethics Framework (PHraE) so it is ready for discussions with the Privacy Commissioner on the next version of the Bill.A report outlining the risks of the new Bill having one Act to represent the three oversight functions and seeking your direction was sent to Oranga Tamariki, OCC, ICM, the Ombudsman and SSC for comment before being sent to your Office on Tuesday 19 May.	<ul style="list-style-type: none">The draft June 2020 report to the Minister for Children on compliance with regs 69 and 85 of the National Care Standards Regulations has progressed with the first substantive draft circulated for initial internal review. The report remains on track for delivery to the Minister before the end of June.Oranga Tamariki's information and data response was received, reviewed and analysed by the team. Limited validation and testing took place with Oranga Tamariki's Safety of Children in Care Unit, and a request was sent seeking answers to several supplementary and clarifying questions resulting from receipt of their initial information and data responses.The Monitor's Child and Protection Policy was approved by the Programme Sponsoring Group at their meeting on 14 May and will be included in the draft Ethics Framework, which is currently in development.Discussions have continued with Oranga Tamariki's Partnering for Outcomes team about the planned webinars in early June with contracted s396 providers. The Monitor will have the opportunity to present a topic on its role and function and to discuss how providers could contribute to the development of the Assessment Framework, in particular what monitoring might look like for them from 2021.	<ul style="list-style-type: none">The draft version of the Monitor's Outcomes Framework which repositions desired outcomes, definitions and indicators within child and whānau centred principles was internally reviewed and incorporates relevant feedback from members of the Assessment Framework Working Group. A revised version is being finalised and a graphic representation is under development for presentation at the June meeting of the Programme Sponsoring Group for endorsement, ahead of socialising with sector stakeholders and the broader public, as appropriate.Further clarity has been sought from Oranga Tamariki about its definitions and measures for Part One of the National Care Standards to inform the design and measures to support the Monitor's Outcomes Framework.A workshop with Caring for Families Aotearoa and their Regional Co-ordinators was held this month. Useful guidance was provided on how the Monitor could connect and engage with caregivers, including some important communication considerations. At least one further workshop is planned to continue developing the prompt sheets and engagement processes as part of the assessment matrix, which will also feed into our assessment plans.Re-planning is underway for pilot testing of the Monitor's Assessment Framework components, tools and processes based on what is now likely to be feasible for the second half of this year given the impact of New Zealand's COVID-19 response.

What's coming up:

Meetings with you:

- Meetings as required to discuss LEG paper at date (TBC).

Reports to you:

- Substantive update on progress with establishment of the monitoring function – June.
- Draft LEG papers – July.

Memo

**Independent
Children's
Monitor**

To: Hon Tracey Martin, Minister for Children
From: Arran Jones, Executive Director
Date: 25 June 2020
Security level: IN CONFIDENCE

The monitor
for the
Oranga Tamariki
system

Report to Minister for Children on Agency Compliance with Regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 – June 2020

Action: For information and action

Purpose of the report

1. The purpose of this report is to provide you with a summary of the findings from and a copy of the second Independent Children's Monitor (Monitor) report on agency compliance with regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (NCS Regulations) June 2020 (Report).

Recommended actions

2. It is recommended that you:
 - 2.1 **note** the findings of the second Independent Children's Monitor Report on agency compliance with regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (NCS Regulations) – June 2020 (Report) (Appendix A) **YES/NO**
 - 2.2 **note** that a meeting is scheduled with you on 1 July to discuss the Report **YES/NO**
 - 2.3 **agree** to provide a copy of this cover report and the Report to the Minister for Social Development and any other Ministers you consider appropriate **AGREE/DISAGREE**
 - 2.4 **agree** to send the attached draft letters (Appendix B) enclosing a copy of the Report to each of the chief executives of the four agencies being monitored inviting their response to you on the Report's findings by 7 August 2020 **AGREE/DISAGREE**
 - 2.5 **agree** to the Monitor publishing the Report on its website by 11 August 2020 **AGREE/DISAGREE**
 - 2.6 **agree** to the Monitor confirming with the four agencies whether to publish their responses to the Report on either their websites or the Monitor's website by 10 August 2020 **AGREE/DISAGREE**
 - 2.7 **agree** that the Monitor provide a briefing on its Report to the Office of the Children's Commissioner, the Ombudsman and the Kāhui Group under embargo up to two days prior to the Report's publication on the Monitor's website **AGREE/DISAGREE**

- 2.8 **note** a communications plan will be sent to your Office by 31 July 2020 outlining the Monitor's plan for publishing the report, accompanying FAQs and draft reactive media statement **AGREE/DISAGREE**
- 2.9 **note** the next Report of the Monitor will be provided to you by 30 November 2020. **AGREE/DISAGREE**

Arran Jones
Executive Director

Date

Hon Tracey Martin
Minister for Children

Date

Background

3. The Ministry of Social Development is responsible for setting up the Independent Children's Monitor for the Oranga Tamariki system and overseeing the substantial changes to policy and legislation needed to achieve Government aims across the whole independent oversight system.
4. The independent monitoring and assurance of the operations and obligations delivered under the Oranga Tamariki Act 1989 is phasing in over time:
 - 4.1 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).
 - 4.2 Phase two - expanded monitoring by December 2020 focused on compliance with all aspects of the NCS Regulations.
 - 4.3 Phase three – intended longer-term expansion, which would enable broader monitoring of the Oranga Tamariki Act and associated regulations.
5. In relation to the phase one monitoring, there are four agencies who currently hold care or custody of children in their own right:
 - 5.1 Oranga Tamariki
 - 5.2 Open Home Foundation
 - 5.3 Dingwall Trust
 - 5.4 Barnardos.
6. The Monitor's initial report on the agencies' performance against the above regulations for the period 1 July – 30 September 2019 was completed on 6 December 2019. This subsequent report covers the period from 1 July – 31 December 2019.

Monitoring process

7. The Monitor has followed the same process as for the completion of its initial report. On 20 December 2019, a draft set of reporting requirements was developed and sent to the four agencies for review and the agencies' feedback was discussed with them at a meeting on 28 January 2020. Following agency feedback, the revised 'Phase One Second Cycle Reporting Requirements' (Reporting Requirements) was issued to the agencies on 28 February 2020, with information responses due by 15 March and data requirements due by 31 March.
8. All data used in this Report has been provided to the Monitor directly by the agencies. Data sent to the Monitor is aggregated with no identifiable information and is stored securely on a separate database that is not visible or accessible to the Ministry of Social Development. Access to this database is limited to relevant team members of the Monitor.
9. On receipt of the initial information requested, the Monitor reviewed the information and prepared a second information request for two of the agencies, to clarify and request additional information. Supplementary information was requested from Open Home Foundation on 23 April and this was

provided on 6 May. Supplementary information was sought from Oranga Tamariki on 20 May with the response provided on 26 May 2020.

10. Each agency was provided with draft versions of this Report that applied to its agency and had two opportunities to review, fact check and respond to any adverse comments in the draft Report prior to its finalisation. The Monitor also spoke with Oranga Tamariki prior to sending the first draft of the Report to ask for further supporting information and commentary on content.
11. The Monitor had expected this Report to include validation and testing of the information provided by the agencies through fieldwork engagements with agency national office and front-line staff. Due to the Covid-19 response, the planned fieldwork was not able to be completed and therefore this Report includes only limited validation where the Monitor has been able to engage with people using remote or digital means.

Compliance with Regulations 69 and 85 and key findings

12. As noted above, Phase One initial monitoring is required on compliance with regulations 69 and 85 by the four agencies – for completeness these are provided below:

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 caused 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.*

13. The Report's high-level summary findings reflect data from the second quarter, 1 October 2019 to 31 December 2019. All four agencies are compliant with Regulations 69, 85 and 86 from a policy and procedure perspective.
14. Barnardos and Dingwall Trust did not disclose any allegations of risk of harm caused by abuse or neglect and therefore testing their compliance with those regulations was not required for this report.
15. There was one allegation of abuse or neglect about a child in the custody of Open Home Foundation. Based on the information provided, its practice complied with Regulations 69 and 85.

16. Data provided by Oranga Tamariki shows that practice is only partially compliant with Regulation 69. The Oranga Tamariki initial safety response was mostly timely. Oranga Tamariki has been successful in ensuring that the requirement to review a child's plan was undertaken with 90 percent compliance and there was improvement in reviewing caregiver care plans and providing support. However, there is significant focus and improvement needed in timeliness of investigations and assessments and in letting tamariki and rangatahi know about the outcome.
17. The Monitor also notes that Oranga Tamariki is yet to provide assurance over approximately one third of allegations, where a decision is made either at the National Contact Centre or a local site that no further assessment is required. Oranga Tamariki have advised that they have started sampling these decisions for review, but it is too soon to provide a view on this.
18. It is acknowledged that the findings reflect only the second quarter of practice since the NCS Regulations were introduced so trends and patterns cannot be drawn, and it is also acknowledged that practice change takes time to embed.
19. The Report notes the agencies' responses in relation to their continuous improvement programmes and improvement made to date. It also notes the information and updates provided by agencies in response to the areas for future focus outlined in the Monitor's initial report and identifies further areas of focus the Monitor will include in its November 2020 report.

Next steps

20. The Monitor's next regular meeting with you is scheduled for 1 July to discuss the findings of the Report.
21. Following your receipt of this Report, you may wish to provide a copy of this cover memo and the Report to the Minister for Social Development, and any other Ministers you consider appropriate.
22. In line with the process followed in relation to the Monitor's initial report in December 2019, it is recommended that you forward a copy of the Report to each of the chief executives of the four agencies and invite them to provide you with their response to this Report within 30 working days. This has been calculated as starting on 29 June with 30 working days falling on 7 August 2020.
23. Draft letters for you to send to the agencies are attached to this memo (soft copies have also been provided to your Office along with a PDF copy of the Report). I am also happy to meet with any of the agencies once they have received a copy of this report, if they would prefer a further verbal briefing. As noted previously, the content of the Report is already familiar to them.
24. We will provide your Office with a communications plan by 31 July 2020 which will include the Monitor's plan for publishing the Report. The Report will be available on the Monitor's website in both PDF and HTML format for accessibility purposes and there will also be a small number of printed copies.
25. Confirmation of how the agencies would like their responses published i.e. directly on the Monitor's website or as a link to their own website; and details of any planned proactive or reactive media releases by the Monitor and your Office will also be in the communications plan.

26. Once the agencies' responses are received by 7 August 2020, the Monitor will publish its Report and the agencies' responses in the format agreed with them, on the Monitor's external website, by 11 August 2020.
27. It is recommended that the Monitor provide a briefing on the Report to the Office of the Children's Commissioner, the Ombudsman and the Kāhui Group under embargo up to two days prior to the Report's publication on the Monitor's website.
28. In line with the approach taken for the Monitor's first report, it is not proposed that you table this Report in Parliament, but you may wish to do so with future reports by the Monitor.
29. Based on the learnings from this Report, the Monitor will update and issue a revised Phase 1 Third Cycle Reporting Requirements to reflect the additional information and data it will require to provide the annual report in November 2020. This next report will include the validation of information through case reviews, site visits and interviews with relevant staff, whānau, and caregivers, as appropriate. The Monitor is also developing its assessment framework to support its overall monitoring programme and will test aspects of this framework during late 2020.
30. The Monitor is required to begin monitoring all the NCS Regulations from 31 December 2020. The Monitor's report which will be provided to the Minister for Children in November 2021, will therefore encompass all the regulations and will be an annual report, for the period 1 July 2020 to 30 June 2021.

Appendix A – draft letters to chief executives of the four agencies being monitored

Appendix B - Report to Minister for Children on Agency Compliance with Regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 – June 2020

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

Responsible manager: Debbie Power, Chief Executive

Memo

Appendix B – Draft letters to agencies

25 June 2020

Grainne Moss
Chief Executive
Oranga Tamariki
P.O. Box 546
Wellington 6011

s9(2)(a) [REDACTED]@ot.govt.nz

Dear Grainne

Please find attached a copy of the second report of the Independent Children's Monitor - Agency Compliance with Regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations for June 2020.

I understand that you have seen drafts of this Report which related specifically to your organisation. This Report covers the Monitor's general observations and findings from information provided by the four agencies that have the care and custody of children in New Zealand.

The Report identifies your agency's partial compliance with regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 and identifies areas for continuous improvement where practice could be strengthened. The Report also notes various areas for future focus for the Monitor's November 2020 report.

I welcome your response on actions you will take in relation to areas for improvement noted in the Report. This response will be published along with the Report on the Monitor's website and the Monitor will be in touch with you directly to discuss options for publication. I request that your response be sent to me by close of play on Friday 7 August 2020.

The Monitor has offered to meet with you to discuss the Report, if you would like to do so. Please contact Arran Jones, Executive Director, Independent Children's Monitor, directly if you wish to meet with him.

Yours sincerely

Hon Tracey Martin
Minister for Children

25 June 2020

Don Irwin
Chief Executive
Open Home
Level 1, 46 – 50 Railway Avenue
Lower Hutt
5040

s9(2)(a) @ohf.org.nz

Dear Mr Irwin

Please find attached a copy of the second report of the Independent Children's Monitor - Agency Compliance with Regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations.

I understand that you have seen drafts of this Report which related specifically to your organisation. This Report covers the Monitor's general observations and findings from information provided by the four agencies that have the care and custody of children in New Zealand.

The Report identifies your agency's compliance with regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 as well as areas for continuous improvement where practice could be strengthened and notes various areas for future focus in the Monitor's November 2020 report.

I welcome your response to the Report, which will be published along with the Report on the Monitor's website. The Monitor will be in touch with you directly to discuss options for publication. I request that your response be sent to me by close of play on Friday 7 August 2020.

The Monitor has offered to meet with you to discuss the Report, if you would like to do this. Please contact Arran Jones, Independent Children's Monitor, directly if you wish to meet with him.

Yours sincerely

Hon Tracey Martin
Minister for Children

25 June 2020

Mike Munnelly
Chief Executive
Barnardos New Zealand
P.O. Box 6434
Wellington 6141

s9(2)(a) @barnardos.org.nz

Dear Mr Munnelly

Please find attached a copy of the second report of the Independent Children's Monitor - Agency Compliance with Regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations.

I understand that you have seen drafts of this Report which related specifically to your organisation. This Report covers the Monitor's general observations and findings from information provided by the four agencies that have the care and custody of children in New Zealand.

The Report identifies your agency's compliance with regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 as well as areas for continuous improvement where practice could be strengthened and notes various areas for future focus in the Monitor's November 2020 report.

I welcome your response to the Report, which will be published along with the Report on the Monitor's website. The Monitor will be in touch with you directly to discuss options for publication. I request that your response be sent to me by close of play on Friday 7 August 2020.

The Monitor has offered to meet with you to discuss the Report, if you would like to do this. Please contact Arran Jones, Independent Children's Monitor, directly if you wish to meet with him.

Yours sincerely

Hon Tracey Martin
Minister for Children

25 June 2020

Claudine Young
Chief Executive
Dingwall Trust
8 Dingwall Place
Papatoetoe
Auckland 2025

s9(2)(a) @dingwall.co.nz

Dear Ms Young

Please find attached a copy of the second report of the Independent Children's Monitor - Agency Compliance with Regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations.

I understand that you have seen drafts of this Report which related specifically to your organisation. This Report covers the Monitor's general observations and findings from information provided by the four agencies that have the care and custody of children in New Zealand.

The Report identifies your agency's compliance with regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 as well as areas for continuous improvement where practice could be strengthened and notes various areas for future focus in the Monitor's November 2020 report.

I welcome your response to the Report, which will be published along with the Report on the Monitor's website. The Monitor will be in touch with you directly to discuss options for publication. I request that your response be sent to me by close of play on Friday 7 August 2020.

The Monitor has offered to meet with you to discuss the Report, if you would like to do this. Please contact Arran Jones, Independent Children's Monitor, directly if you wish to meet with him.

Yours sincerely

Hon Tracey Martin
Minister for Children



Report

Date: 25/6/2020

Security Level: IN CONFIDENCE

To: Hon Carmel Sepuloni, Minister for Social Development

Substantive Update on Progress with Establishment of the Independent Children's Monitoring Function

Purpose of the report

- 1 This report provides you with a substantive update on progress with establishment of the Independent Children's Monitoring function.

Executive summary

- 2 The Monitor has an established identity, and early work has been completed to set up the function, including the Monitor's high-level Operating Model. This includes the design principles, service lifecycle, organisation structure and tikanga approach.
- 3 We are embedding a te ao Māori approach and this is reflected in the Monitor's values, ways of working and assessment approach.
- 4 Using the Te Arawhiti engagement model, the Monitor's engagement strategy has been focussed on engaging early, being inclusive and thinking broadly. We have actively engaged with Māori and wider communities, including through hui held throughout New Zealand in 2019 and 2020. The Monitor has also been working closely with Office of the Children's Commissioner and the Office of the Ombudsman, the four organisations who have custody of tamariki in their care and other government agencies who have a range of interests in the Monitor.
- 5 We are developing our assessment approach in partnership with stakeholders and have established an Outcomes Framework. The Framework draws upon the Government's six wellbeing outcomes (Hua) from the Child and Youth Wellbeing Strategy and incorporates key dimensions from Oranga Tamariki's Outcomes Framework and the Whānau Ora Framework. It is strengths-based, taking a positive child and youth development approach.
- 6 Future Monitoring reports will be structured around the outcomes, using both quantitative data that agencies provide from their own assurance processes and qualitative data that the Monitor will collect from its fieldwork by way of validation.
- 7 The Monitor is developing measures linked to the outcomes - including strengthening the focus on measures that support the reduction in disparity between Māori and non-Māori. We will also work with key stakeholders to identify information and data sources for each of the measures. The Outcomes Framework and assessment approach will then be tested in fieldwork pilots in the second half of this year.

- 8 Phase 1 of monitoring started from 1 July 2019 and the first monitoring report on agencies' compliance with Regulations 69 and 85 of the National Care Standards Regulations was delivered to the Minister for Children in December 2019. The second report will be delivered to the Minister on 26 June 2020, with Phase 1 on track to complete with the third and final report due in December 2020.
- 9 We are currently recruiting the operational monitoring roles. This will allow for operational monitoring teams to be in place by September to trial the assessment approach. A strong focus will be placed on further developing the Monitor's culture and ensuring that we work to our values, design principles and tikanga in a practical and meaningful way.
- 10 Two years of funding to establish and operate the Monitor was agreed in Budget 19 with on-going funding approved in Budget 20 to support the continuation and growth of the Monitor function beyond 2020/21.
- 11 We are on track to commence Phase 2 of our monitoring and assurance programme by 31 December 2020. This will see monitoring against the full Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (the NCS Regulations).
- 12 From mid-March, MSD has engaged with key stakeholders to discuss version 5 of the Bill. This consultation has enabled us to provide further drafting instructions to PCO. A new version of the Bill has now been prepared and, subject to the Ministers approval, we will be ready to undertake formal agency consultation. A draft LEG paper and cover report, seeking further policy decisions, will be sent to the Minister on the week ending 26 June, along with the consultation draft Bill.

Recommended actions

It is recommended that you:

- 1 **note** the contents of this report
- 2 **agree** to share this report with the Minister for Children, the Minister for Whānau Ora, Minister of State Services and the Minister for Māori Development

Agree / Disagree

- 3 **agree** to meet with Officials and discuss the report.

Agree / Disagree



Arran Jones
Executive Director
Independent Children's Monitor

25/6/2020

Date

Hon Carmel Sepuloni
Minister for Social Development

Date

Cabinet agreed that we provide an update on the establishment of the Monitor in mid-2020

- 4 On 25 March 2019, Cabinet agreed that the Ministry of Social Development (the Ministry) be appointed the Independent Children's Monitor (the Monitor) and noted that the Ministry's role was to design and establish the framework for the monitoring of compliance with the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (the NCS Regulations) [CAB-19-MIN-0113 refers].
- 5 Cabinet also directed the Ministry to work with Oranga Tamariki, the Office of the Ombudsman and the Office of the Children's Commissioner on restructuring the current legislation that underpins the independent oversight of the Oranga Tamariki System and children's issues.
- 6 It was agreed that the Ministry would commence monitoring of Regulations 69 and 85 from 1 July 2019, and the remainder of the NCS Regulations on or before 31 December 2020. This allows for refinement of the Monitor function. Once established and a new legislative framework in place, the in-principle intention is that the Monitor will be transferred to the Office of the Children's Commissioner.
- 7 Cabinet confirmed that the Ministry would provide reports to you and other key ministers, (including the Minister for Māori Development and the Minister for Whānau Ora) regularly on progress on establishment of the monitoring function, including this substantive update.

We've completed early work to establish the function...

By creating an interim brand for the function...

- 8 Priority has been given to establishing an identity for the Independent Children's Monitor, and on 13 December 2019 an interim brand and stand-alone website was launched (www.icm.org.nz). Individuals and organisations have subscribed to updates via the website, and at the time of writing the Monitor has 1,131 subscribers who receive monthly updates from the Executive Director.

...and establishing the basics for the organisation...

- 9 The Monitor has established a high-level Operating Model, following a review of international jurisdictions, gathering insights from desktop research and conducting in-depth interviews with other monitoring agencies (attached in Appendix One).
- 10 The Operating Model includes:
 - design principles and key functions for the Monitor and the centralised support services required to enable the Monitor to effectively fulfil its duties
 - the Monitor's service lifecycle, from initial engagement (whanaungatanga) through to follow up and maintenance (turukitanga)
 - the proposed organisational structure required to deliver on the functional model
 - the Monitor's tikanga approach.
- 11 The Operating Model is grounded on a design-principle of "built-to-move" and is flexible to accommodate its eventual transition from the Ministry. This approach will support the Monitor to grow in a deliberate and timely way, and to effectively meet its deliverables.

- 12 The organisational structure is commensurate with other New Zealand monitoring agencies, and necessary if the Monitor is to fulfil its purpose of monitoring the full Oranga Tamariki System, including validation of data through meaningful community engagement. Over three-quarters of the positions are operational monitoring team roles. The balance of the work-force includes analysis, data and insights and other strategy and performance roles. Corporate services such as HR and finance are not included in the current Monitor structure as they are provided as shared services by the Ministry, however these services will need to be considered as part of the transition of the Monitor from the Ministry.
- 13 Budget 2020 provided funding of \$31.5m over three years (from the \$38.4m sought), allowing for 38 roles from July 2021, and the organisational structure has been scaled accordingly. We intend to submit further budget bid(s) to address the shortfall in funding to implement the full operating model.
- 14 Engagement has commenced on hardware deployment, property, and procurement relating to the Monitor's operations. Progress has been made on a data analysis and reporting tool, including analysis and interviews with external agencies to better understand what tools would best support the monitoring work.

...with priority on embedding a te ao Māori approach...

- 15 The Monitor is committed to embedding a te ao Māori approach. This includes ensuring that the Monitor:
- has te ao Māori capability, including Māori leadership and governance oversight
 - has te ao Māori values and ways of working across the organisation
 - partners with Māori and Māori organisations
 - adheres to tikanga, internally and with all external organisations
 - has an assessment approach that has te ao Māori outcomes and indicators, including linkages and mapping outcomes for whānau.
- 16 A Kāhui Group was set up in July 2019 to provide overall support and direction for the engagement process and work. This includes advising on how feedback from the engagement process can be incorporated into the design and how to apply the principles of the Treaty of Waitangi in a practical way. The Kāhui Group has been actively supporting the policy and legislative programme, as well as the development of the Monitor's assessment approach.
- 17 Kāhui Group members are Sir Mark Solomon, Druis Barrett, Katie Murray and Eugene Ryder. Donna Matahaere-Atariki joined the Kāhui Group in December 2019 as the Chair.
- 18 The values of the Monitor reflect the Monitor's principles of being child-centred with a te ao Māori lens across all that it does. The values are:
- Kia māia – courageous: We are brave, bold, capable and confident
 - Kia pono, kia tika – trustworthy: We are honest and genuine
 - Manaaki – respectful: We show respect and care for others
 - Kia Huritao – to be reflective: We are considered and reflective.

- 19 The Monitor's culture is influenced by a tikanga approach, which underpins the way of working. This includes how the Monitor engages with providers, tamariki, rangatahi and whānau and how it collects and uses information about the Oranga Tamariki System. The Monitor is committed to taking a strengths-based approach to its work and is grounded in supporting improved outcomes for children.

...and working with Māori...

- 20 Using the Te Arawhiti engagement model, the Monitor has a Stakeholder Engagement Strategy based on underlying principles of engaging early, being inclusive and thinking broadly. A phased approach to engagement has been taken to give stakeholders the opportunity to input into this work.
- 21 Between July and August 2019, a total of 22 engagement hui were held, to discuss with Māori what a strengthened oversight system would look like. Key themes from the hui included:
- support for the Monitor, with emphasis on the oversight system taking a holistic view that encompasses a tikanga approach where whānau are factored in
 - recognising the important role that iwi play at a macro-level and they the point of difference when dealing with tamariki and whānau in the Oranga Tamariki System
 - having an outcomes focus
 - the importance of seeing tamariki within the context of their whānau
 - support for tabling and publishing reports in Parliament as an accountability and transparency tool
 - placing a strong emphasis on the Treaty of Waitangi in the legislation that governs the Monitor, and the need for the Principles to be applied in a practical way.
- 22 A summary of the themes from this series of hui is attached in Appendix Two, and the views and insights from this engagement are being reflected in the development of the Monitor and the assessment approach, as well as the policy and legislative programme.
- 23 We continue to listen as we grow. An ongoing Māori engagement plan supports the work of the Monitor, with the goal of engaging in a timely, efficient and focused manner with a range of individuals and groups who have knowledge, experience and expertise in all aspects of the Oranga Tamariki system. The participants represent a range of interests and expertise in varying aspects of the oversight system (strategic Treaty/Iwi partners, professionals, providers, children and young people, caregivers and other relevant stakeholders).

...as well as engaging broadly with agencies and communities

- 24 We are working closely with Office of the Children's Commissioner and the Office of the Ombudsman and have established regular engagements with the four organisations who have custody of tamariki in their care and with other government agencies who have a range of interests in the Monitor.

- 25 Between January and March 2020, a series of 19 regional hui took place to formally introduce the Independent Children's Monitor, Office of the Children's Commissioner and the Office of the Ombudsman as the three independent oversight agencies. This included outlining each agency's roles and functions to strengthen the independent oversight of the Oranga Tamariki system. It also provided a forum for communities to feed into the development of the Monitor.
- 26 The Kāhui Group was a key partner in the development of the hui and each hui included representatives from the Office of the Children's Commissioner and the Office of the Ombudsman, and in some cases the Children's Commissioner and Chief Ombudsman presented in person.
- 27 The hui had a total of 525 attendees across the 19 locations. The Monitor received strong and encouraging feedback around how helpful it was to have visibility and understanding of all the agencies and their functions and roles. Emphasis was placed on how important it is for the agencies to work together to provide independent oversight to improve outcomes for tamariki and rangatahi.
- 28 One of the themes to come out of the hui was the desire for the Monitor to not just focus on compliance, and to consider both quantitative compliance data and qualitative data on how services are delivered. A summary of the themes from this series of hui are attached in Appendix Three.
- 29 Following the hui, 144 people indicated their interest in being involved in the Monitor's future work. Through a recent survey we asked participants what they would be interested in engaging on, and how best to do this. To date we have received 43 responses and we are now planning how engagement will progress.

...and an assessment approach has been developed and initial monitoring has commenced...

An Outcomes Framework has been established...

- 30 The Outcomes Framework represents the Monitor's perspective of what matters for tamariki, rangatahi and whānau in the Oranga Tamariki system, now and into the future and is attached as Appendix Four. It will be used to measure outcomes in relation to the delivery of the NCS Regulations.
- 31 Developed collaboratively with the Office of the Children's Commissioner, and in consultation with the Kāhui Group and the Assessment Framework Working Group (which includes representatives from Oranga Tamariki), the Framework includes six outcomes (Whanaungatanga, Rangatiratanga, Aroha, Manaakitanga, Kaitiakitanga and Mātauranga), each with principles setting out a high-level definition, and indicators that track wellbeing for each outcome.
- 32 The Framework draws upon the Government's six wellbeing outcomes (Hua) from the Child and Youth Wellbeing Strategy and incorporates key dimensions from Oranga Tamariki's Outcomes Framework, the Whānau Ora Framework and is informed by several Māori and child-youth centered models of work and practice.
- 33 It is strengths-based, taking a positive child and youth development approach. It is focused towards building on the strengths of Māori and incorporates notions of responsibility and reciprocity to help ensure tamariki, rangatahi and whānau are active participants; and is whānau-centred and reflective of the diverse realities of Māori. The Framework is designed to be inclusive and encompasses the diversity of culture and ethnicity of all participants in the Oranga Tamariki system.

- 34 We have mapped the National Care Standards to each of the outcomes and future Monitoring reports will be structured around them, using both quantitative data that agencies provide from their own assurance processes, and the qualitative data that the Monitor will collect from its fieldwork by way of validation.
- 35 We will now develop the measures that are linked to the Outcomes Framework - including strengthening the focus on measures that support the reduction in disparity between Māori and non-Māori and will work with key stakeholders to identify information and data sources for each of the measures.

...which forms part of the wider assessment approach

- 36 The Outcomes Framework provides the frame for the Monitor's assessment approach. It uses the outcomes and key system elements against which agencies will be monitored and allows for a tailored approach to each type of stakeholder. Relevant questions will be developed using the assessment matrix to seek their views and experiences.
- 37 The matrix also provides much of the qualitative information required for a number of the measures in the Outcomes Framework, to determine whether the outcomes for children and young people are heading in the right direction. Through combining quantitative and qualitative data the Monitor will be able to provide a richer understanding of how the Oranga Tamariki System is meeting the needs of tamariki and rangatahi and identify areas of success as well as barriers.
- 38 The Monitor is working with key sector groups and interested agencies to develop a stakeholder specific lens to ensure that fieldwork will appropriately allow for and capture their experiences and perspectives and those of their clients. The success of the development of this lens relies heavily on working with Māori and the Monitor is being supported by the Kāhui Group to further develop this engagement.

The inaugural report was published

- 39 The Monitor's monitoring and assurance programme is divided into three phases:
- **Phase 1** the Monitor's initial focus on agencies¹ compliance with Regulations 69 and 85 of the NCS Regulations.²
 - **Phase 2** the Monitor will oversee and monitor all the requirements of the National Care Standards Regulations by December 2020.
 - **Phase 3** once the new legislation is passed, the Monitor will expand the monitoring function to cover the whole of the Oranga Tamariki System, from early intervention to post transition from care or custody.

¹These are the agencies that hold custody and care of children and young people (Oranga Tamariki, Barnados, Open Home Foundation and Dingwall Trust.

² Regulations 69 and 85 of the NCS Regulations relate to notifications of abuse or neglect of children and young people in care or custody.

- 40 On 1 July 2019, the Monitor commenced its Phase 1 monitoring, and on 6 December 2019 the Monitor's first monitoring report was delivered to the Minister for Children and was then published on 27 January 2020. The report covered the first three months of monitoring from 1 July to 30 September 2019, and provided a baseline understanding of policies, processes and procedures and assessed basic compliance with Regulations 69 and 85. The report found that Oranga Tamariki was partially compliant with the Regulations and included a number of future focus areas for all the agencies.
- 41 The second report will be completed by the end of June 2020 and will be for the period 1 July to the end of December 2019, and we are on track to complete Phase 1 by December 2020.

... there's more work to do...

We will continue to refine our approach and the scope of our monitoring will continue to expand

- 42 Monitoring of the full NCS Regulations will require additional data to be shared by those agencies with care or custody of tamariki and rangatahi, and we will work with them to understand how they can provide it efficiently and minimise impact on their operations. Oranga Tamariki and the three other agencies that currently hold custody and care of tamariki and rangatahi are required to monitor themselves against the NCS Regulations, and we will rely predominantly on the quantitative data that they gather for their own assurance processes. We will be undergoing a discovery phase to understand what data Oranga Tamariki and the agencies already gather, and work with them on areas where greater assurance could be gained.
- 43 The Outcomes Framework, assessment approach and associated artefacts will be tested in fieldwork pilots during the second half of 2020. These pilots will include engaging with communities that includes agency sites, tamariki, rangatahi, caregivers and whānau in addition to a small number of service providers from across the Oranga Tamariki System. This will provide useful experience and feedback about the feasibility and practical application of the assessment approach across the whole of the NCS Regulations, and how we validate the quantitative data provided by Oranga Tamariki and the other statutory care agencies.

Recruitment is underway...

- 44 Advertising for the first cohort of positions for the Monitor's Operations team started in early May, following a delay due to the impact of New Zealand's COVID-19 response. This will allow for operational monitoring teams to be in place by September to trial the assessment approach ahead of Phase 2.
- 45 A strong focus will be placed on further developing the Monitor's culture and ensuring that we work to our values, design principles and tikanga in a practical and meaningful way.

We are seeking the Minister's approval to commence formal agency consultation on the Bill

46 From mid-March 2020, MSD consulted with the following key stakeholders to discuss version 5 of the Bill:

- Oranga Tamariki Complaints Panel Chair
- Oranga Tamariki – Ministry for Children
- Office of the Children's Commissioner (the OCC)
- Office of the Ombudsman
- Independent Monitor
- Ministry of Justice
- Kāhui Group
- Office for Māori Crown Relations: Te Arawhiti
- Te Puni Kōkiri
- Legislative Design and Advisory Committee.

47 This consultation has enabled us to provide further drafting instructions to PCO. A new version of the Bill has now been prepared and, subject to the Minister's approval we will be ready to undertake formal agency consultation. A draft LEG paper and cover report, seeking minor policy decisions, will be sent to the Minister on the week ending 26 June 2020, along with the draft Bill for consultation.

The Monitors third Monitoring Report is due in December 2020

48 The Monitor's third and final report on the first phase monitoring is due in December 2020, for the period from the 1 July 2019 to 30 June 2020. This will build on the first two reports. As well as assessing compliance with Regulations 69 and 85, the report will also include practice enhancements implemented by the monitored agencies to improve their levels of compliance, as well as the outcomes for those children and young people who have made allegations of abuse or neglect while in care.

49 The report will also contain information gathered from site visits to validate and triangulate the information provided by the agencies.

... and we are on track.

50 The Monitor will be ready for Phase 2 to oversee and monitor against all National Care Standards by 31 December 2020.

51 Two-years of funding to establish and operate the Monitor was agreed in Budget 19 with on-going funding approved in Budget 20 to support the continuation and growth of the Monitor function beyond 2020/21.

52 The Monitor intends to submit a further budget bid(s) to seek funding for the additional costs associated with meeting legislative requirements and the expectations of Ministers (Phases 2 and 3 of monitoring).

Next steps

53 We recommend that you share this report with the Minister for Children, Minister for Whānau Ora, Minister of State Services and the Minister for Māori Development.

54 We will continue to provide you with monthly updates on progress and in March 2021, we will provide you with a further report on the plan, timeframes and readiness to transfer the monitoring function.

Appendix

55 Attached:

- Appendix One: High-level Operating Model and proposed structure
- Appendix Two: Māori Engagement A3 themes
- Appendix Three: Themes from Hui – January – March 2020
- Appendix Four: Outcomes Framework

File ref: REP/20/6/673

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

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

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

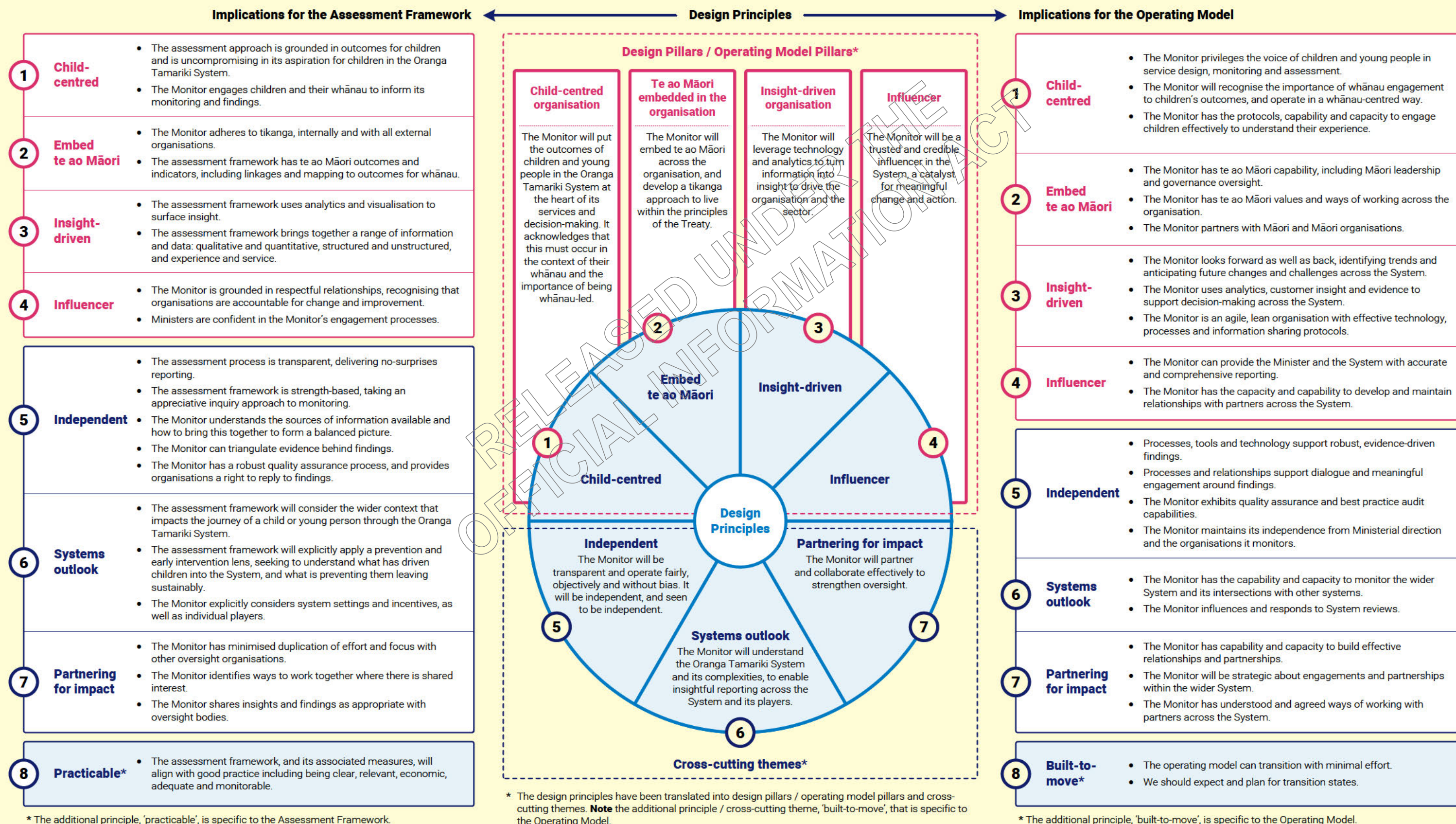
Strategic Context – Design Principles and Design Pillars

Informing the development of the Independent Children's Monitor's Operating Model and Assessment Framework

June 2020

Appendix 1

The **purpose** of the Independent Children's Monitor (the Monitor) is to provide a credible view of the Oranga Tamariki System, highlighting areas that will drive continuous improvement and support improving outcomes for children and young people, particularly tamariki Māori.



Customers

Who are our customers?



The Minister (and other key members of Parliament). The Minister is a key customer for the Monitor to influence the system for meaningful change. The Monitor can influence the Minister through a provision of three-yearly reports on the state of the Oranga Tamariki System, through supplementary reports on any relevant topics that the Monitor has identified and reports on non-compliance where a child or young person is at risk.

Children and families. Children are at the heart of the System, the Monitor aims to improve outcomes for tamariki in New Zealand. The Monitor understands the importance of cultural context and understands Māori children within the context of their whānau, hapū and iwi. Being child-centred means that the Monitor treats children as a customer of its output – information is shared and presented in a way that is accessible to children and enables meaningful engagement.

Māori and iwi organisations. The Monitor must adhere to the principles of the Treaty of Wa tangi and has an obligation to report separately on information or results for Māori children and young people. The Monitor will interact with Māoridom as a customer of its outputs and engage effectively with Māori and iwi organisations to share outputs in a regional context.

Monitored organisations. Monitored organisations are direct recipients of the Monitor's reports on their compliance and performance. The Monitor creates meaningful change by influencing and encouraging the monitored organisations to work towards continuous service improvement.

Channels

How will customers access our products and services?



Direct communication. Reports and publications are published directly to organisations that they concern and on the website to the public. The Monitor is transparent with its reporting, and makes clear all assumptions and limitations of information published.

Kanohi ki Kanohi | face to face. The Monitor will provide monitored organisations with an opportunity to comment on findings. This allows monitored organisations time to reflect and engage in the assessment process, creating a mechanism to influence system change.

Partners encourage people to access our services. The Monitor will partner with trusted organisations to encourage a broad range of people to access the services of the Monitor. This can be via promoting outputs (e.g. have a link to reports available on partner websites), leveraging joint presentations with partner organisations to share outputs to achieve a wider reach and/or accessing a diverse range of system stakeholders (e.g. conferences, forums, wānanga). The Monitor uses partner organisations such as iwi, Te Puni Kōkiri and Te Arawhiti as channels to communicate outputs and engage with Māori to inform strategic direction.

Self service. The Monitor will maintain a website that is accessible for all key customers, where reports and information are readily and easily available. The Monitor will be responsive in website upkeep, updating information in a timely and transparent manner.

Products / Services

What products and services will our customers access?



Assessment against the National Care Standards. The Monitor will leverage a data and insight foundation to produce all reports (products). The Monitor will be transparent with all processes, assumptions and methodologies used to develop the products. The Monitor can partner with organisations to understand children's needs as a customer, when designing the products and services.

Reporting on outcomes for tamariki Māori. The Monitor will create reports that are embedded in the principles of the Treaty of Wa tangi, and are developed in line with the Monitor's tikanga approach. The outputs will be accessible to speakers of te reo Māori. The Monitor has the capability to undertake engagement and shape conversations with Māori to understand priority areas of focus.

Supplementary reports. The Monitor may use data and insights to identify the most impactful review areas. The Monitor can also partner for impact in this space – working together with others to define the problem. The Monitor will use specialists to develop the approach and services required for deep dives or thematic reviews (e.g. in the case of a deep dive into children with disability or restorative processes).

Organisation

How will we structure ourselves to deliver our products and services?



Distributed and supported to ao Māori capability. The Monitor's organisational structure will give effect to distributed, embedded te ao Māori capability throughout the organisation. This will be supported with learning opportunities and frameworks to upskill all staff in te ao Māori capability as much as possible. The Monitor will be cognisant of capability gaps and will partner with Māori organisations to engage with Māori where the Monitor does not have capability.

Culture influenced by Tikanga approach. The Monitor will develop its own tikanga approach, which will underpin the organisational culture and the way of working. Will have oversight from the Kahui group.

Stakeholder Management Accountabilities. Distributed relationship management, with key relationships owned and managed by appropriate functions, supported by a slim stakeholder and relationship management function and stakeholder engagement/management frameworks.

People and partnershipsWhat capability and skills do we need?
What partnership arrangements do we need?

Develop capability in core activities. The Monitor will develop breadth and depth of capability internally to engage with children and young people in Assessment, and partner for specialised capability. For example, the Monitor could partner to understand how a child or young person responds to outputs, or to inform deep dives e.g. with VOYCE Whakarongo Mai, Oranga Tamariki Voices team.

Blended teams with Systems experience. The Monitor will have blended Assessment Teams, recruiting associated assessors with Systems experience where possible. The Monitor has the training and support mechanisms in place to retain and enable associate systems experienced assessors. Outside of Assessment, the Monitor will largely partner with existing groups in the eco-system that are Systems experienced, rather than maintaining their own group, especially to inform policy.

Leveraging multiple partnership opportunities. The Monitor will use partnering as a channel to access a diverse range of stakeholders and identify and inform deep dives and supplementary reports. It will be pertinent to partner with organisations to gain insights and priorities of children and young people and to partner with organisations to facilitate specialised engagement with children and young people.

Recruit and build te ao Māori capability. The Monitor will aim to recruit kaimahi (including leadership) representatives of the Oranga Tamariki System, and have targeted recruitment strategies to have kaimahi with te ao Māori capability in the Assessment Team. The Monitor will have learning and development plans to support te ao Māori capability growth – including in the areas of te reo Māori and tikanga. All staff will be supported with learning frameworks to upskill all staff in te ao Māori. The Monitor will assess staff on cultural competency, and use a benchmarking approach to track improved knowledge of the Treaty of Wa tangi and te reo Māori.

Strategic relationship management. The Monitor's approach includes a framework of stakeholder relationships with principles, owners and relationship types, with an active plan including regular engagement with a wide range of key stakeholders to build trust and confidence and maintain visibility of system activity.

Physical location

Where do we need to be located?



Wellington and Auckland. The Monitor's core strategic, leadership and support functions will be based in Wellington, recognising it requires a developed relationship management function in Wellington to influence the Minister, and other government agencies operating in and around the Oranga Tamariki System. It will also likely have a service delivery hub in Auckland. The Monitor will consider a further regional footprint to be closer to the monitored organisations to undertake effective assessment delivery and develop regional specific insights.

Local engagement. The regional footprint can include an engagement function with local partners to influence a wider set of stakeholders. This includes Māori and iwi organisations – to better connect to tamariki Māori, whānau, hapū and iwi around New Zealand and service them more effectively as a key customer of the Monitor.

Remote workers. The Monitor will support a remote workforce where this will bring critical capability and experience, including te ao Māori capability (as mātauranga Māori differs in each iwi region), and child-centred or Systems experienced capability.

Processes

What (supporting) processes do we need?



Processes designed for children. Engagement with children is used to inform key steps in the assessment process, including whakaaro (assessment activity) and whakapuaki (publish and sharing activities). The Monitor will draw on insights from organisations who work with or represent children, potentially to partner to understand how a child responds to outputs, or to inform deep dives. The Monitor will design for, and share assessment outputs with, children and collect feedback for continuous improvement.

Identifying and prioritising the work programme. The Monitor will source information and priorities from data, previous assessments, children and young people, Government, and iwi, Māori and community priorities in identifying and prioritising its work programme and assessment information.

Whakaaro me tātari | Assessment and analysis. Clear, transparent processes support fieldwork and data analysis, providing clarity of expectations for monitored organisations. Assessment processes are founded on a shared understanding of the Monitor's tikanga.

Quality assurance. Robust internal quality review and discussion, and response from monitored organisations, support fair and transparent findings with no surprises.

Whakapuaki | Publishing and sharing. Processes in place to tailor reporting products for children, young people and their whānau, as well as different customer segments. This includes face-to-face sharing where appropriate. All products are made available to tamariki Māori, whānau, hapū and iwi and consideration is given to how Māori and those with a disability want to engage with and access products.

Data governance, preparation and production. Processes to acquire, transform, cleanse, validate and integrate data sources, as well as ensuring data quality, compliance and standards through data governance processes.

Information

What information do we require?



Children's experience and outcomes. The Monitor will use interviews with children to inform its reports, and ground its assessment in an outcomes framework.

Te ao Māori insights. The Monitor will have te ao Māori capability – either internally or by partnering with an organisation to interpret data and insights, specific to tamariki Māori. This is to ensure that the insights are derived in the context of te Ao Māori.

Multiple data sources. The Monitor will use quantitative and qualitative data from multiple sources, including – needs assessment plans, site assessments, feedback, interviews and participation from children, stakeholder feedback, including from advocacy systems, chief executives and service providers' self-assessments, and data collected by/from service providers or through other mechanisms. This data will be in both unstructured and structured form, which will inform reporting and assessment activity.

Protect information privacy. The Monitor will put in place processes and controls to meet access and privacy requirements and legal obligations across all phases of information collection, management, use and storage. The Monitor will consider privacy by design and embed key privacy principles into the development of the assessment process (whakaaro).

Māori data sovereignty. The Monitor must consider data sovereignty arrangements with Māori and relevant iwi, and establish Māori data protocols between the Monitor and relevant iwi organisations.

Technology

What (enabling) technologies do we need?



Detailed requirements derived from operating model. To deliver on the preferred operating model a full and integrated set of requirements will drive platform and solution procurement.

Cloud based solution. To deliver on the built-to-move principle the Monitor will consider a cloud based solution, not an on-premise solution. This will support a cost effective and resource effective transition when its ultimate location is announced; it will also meet the Monitor's need for flexibility as its context evolves.

Field-enabled staff. Hardware and software to support staff undertaking field assessment to improve efficiency and accuracy of field capture, and minimise duplication and processing, enabling staff to focus on what is important.

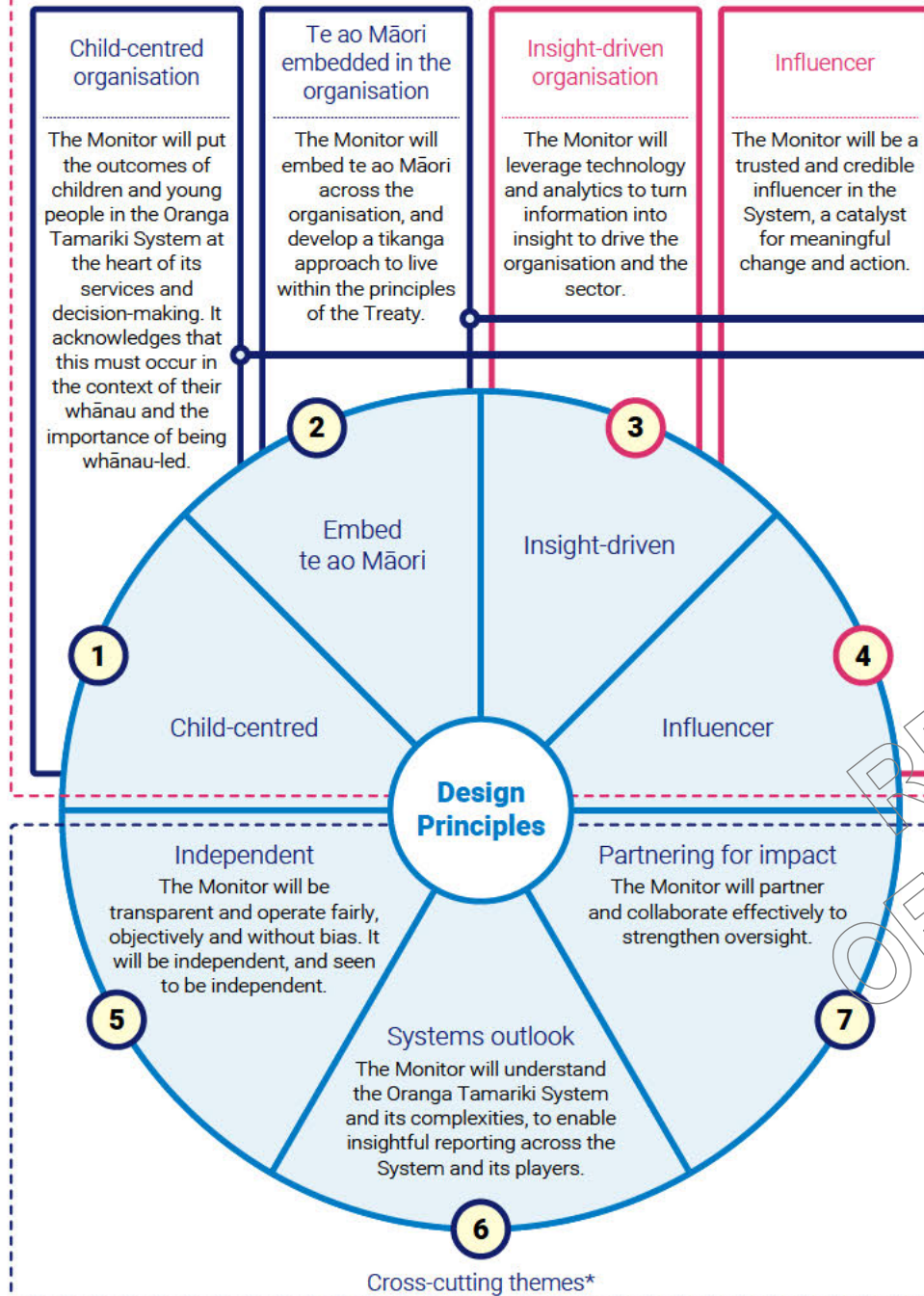
Remote working and multi-site operations. Multiple locations, fieldwork and possible remote workers will require collaboration and sharing tools to keep staff connected and drive consistency and information sharing.

What the design principles mean in practice

The four key components that drive and underpin our relationship management model and broader engagement

1. Design principles

Design Pillars / Operating Model Pillars*



What this means in practice

Embedding child-centred practice

- Using experience and knowledge to support the Monitor to embed child-centred practice into the status quo through making children's participation and the voice of tamariki front and centre of the Monitor's design, decision making and day-to-day operations.
- Using experience, knowledge and capabilities to confidently engage with tamariki and their whānau.
- Ensuring that in embedding child centred practice, there is an understanding that a child needs to be seen in the context of their whānau.

Embedding te ao Māori

- Supporting staff to build knowledge, experience, capability and understanding of tikanga Māori and te reo to confidently engage with whānau, hapū and iwi.
- Embedding te ao Māori into the status quo of the Monitor.
- Seeking advice and using empathy and judgement to adapt to the context and circumstances.
- Learning about and respecting cultural similarities and differences and appreciating diversity.

2. Our values

Our values reflect our principles of being child-centred with a te ao Māori lens across all that we do. Our values describe how we will behave every day, with each other and with those we are working with.

Kia Māia – Courageous

We are brave, bold, capable and confident.

Kia Pono, Kia Tika – Trustworthy

We are honest and genuine.

Manaaki – Respectful

We show respect and care for others.

Kia Huritao – to be Reflective

We are considered and reflective.

3. Our commitment to Māori

We are committed to ensuring tamariki and rangatahi realise their own potential and aspirations through our work and with the support of their whānau, hapū, iwi and communities. It is the right thing to do and they deserve no less.

4. Our tikanga approach

Our operating values lay a sound foundation for us to work with tamariki and rangatahi and those who hold their best interests at heart: their whānau, hapū, iwi and communities. Working together and with others enables us to achieve our goal of improving outcomes for tamariki and rangatahi. Relationships built on respect and trust, reciprocity, a common focus, cohesiveness and proactive engagement along with effective processes for talking, learning and working together, contribute to a successful outcome.

We will approach our work and relationships openly and honestly. To do this we must trust in each other so that we can, with respect, mean and do what we say, so that we save ourselves time and energy.

Reciprocity is an important part of the relationship where we all give and take of our time, energy, thoughts and kōrero to ensure that we end up with a monitoring system that improves outcomes for tamariki, rangatahi and their whānau.

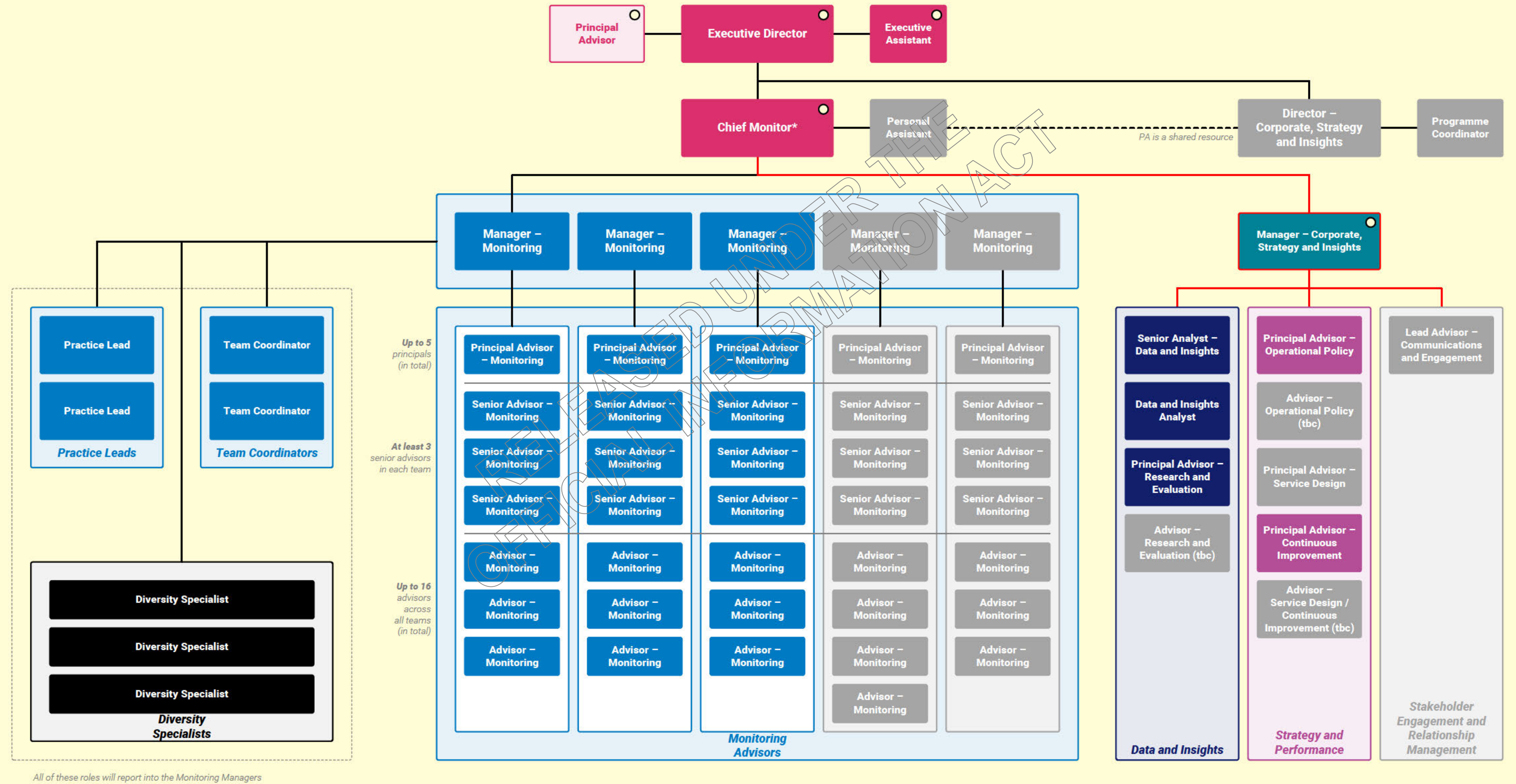
We can build on and complement our outcomes principles and values with our **operational principles** to guide us as we work together to improve outcomes for tamariki and rangatahi:

- **Whakamana i te tāngata (respect)** – show respect by understanding and supporting Māori tikanga and kawa.
- **Whakapapa (kinship)** – making connections through finding out a little about each other and acknowledge any connections you have is important.
- **Whanaungatanga (relationship)** – foster a sense of connection when engaging with each other. Relationships between ourselves and others are important.
- **Kanohi-ki-te-kanohi (face-to-face)** – engage in person especially to resolve any issues and maintain connections.
- **Manaakitanga (caring for others)** – have integrity and caring in how you relate to people.
- **Kotahitanga (unity)** – while people may hold diverse views, it is important to identify a shared sense of purpose.

Organisational Structure of the Independent Children's Monitor

First cohort of recruitment – 20 May 2020

The organisational structure below highlights the first cohort of recruitment for the Independent Children's Monitor, and funded through Budget 20. The greyed positions are currently unfunded.



Core accountabilities of key functions that drive, support and enable Assessment activity

	Whakawhānui / Whakatewhatewha	Hōkaitanga	Whakaaro	Tātari	Whakamahi	Whakapuaki	Turukitanga
	Identify and explore	Scope	Conduct fieldwork and gather insights	Synthesise findings	Draft and consult	Finalise, publish and share	Follow up and maintain
Whanaungatanga (Engage)							
Process steps	1-5	6-10	11-14	15-19	20-22	23-32	30-32
Assessment	2, 3, 4, 5	6, 7, 8, 9, 10	11, 12, 13, 14	15, 16, 17, 18, 19	20, 22	23, 24, 28	33, 34, 35
Strategy and Performance		6					
Data and Insights	1, 2	8			21		
Stakeholder Engagement and Relationship Management (including Communications)	3, 5					25, 26, 27, 29, 30, 31, 32	
Centralised Support Services						29, 30, 31, 32 (as needed)	
Key activities	<p>1 Carry out an environmental scan to understand the landscape and highlight potential areas of focus – this will primarily be a desktop exercise/analysis</p> <p>2 Identify potential themes and areas of focus</p> <p>3 Discuss potential themes and areas of focus with System customers, including Ministers, representatives of children and young people, iwi and Māori representatives</p> <p>4 Refine list of potential themes and areas of focus (e.g. regions, cohorts, providers)</p> <p>5 Identify and analyse key stakeholders</p>	<p>6 Develop and maintain an Assessment work programme</p> <p>7 Agree areas of focus for assessment</p> <p>8 Define assessment scope and timeframes</p> <p>9 Develop resource plan and allocate activities</p> <p>10 Establish assessment team(s)</p>	<p>11 Schedule and set up engagements</p> <p>12 Conduct field assessments (e.g. residences, care provider offices etc.)</p> <p>13 Carry out engagements (as outlined in the assessment scope and Assessment work programme)</p> <p>14 Gather insights directly from system participants (e.g. children and young people, whānau, caregivers etc.)</p>	<p>15 Carry out a high-level analysis of quantitative and qualitative information and identify key themes, insights and patterns</p> <p>16 Draft engagement summary/report (post-engagement) and identify any areas that require further assessment or follow-up</p> <p>17 Collect any additional information needed to inform findings</p> <p>18 Check/validate information from monitored organisations against information collected directly from engagements</p> <p>19 Draft findings based on key themes, insights and patterns</p>	<p>20 Use multiple sources of information to draft reports</p> <p>21 Undertake peer review and internal quality assurance processes</p> <p>22 Provide copies of draft reports to the Chief Executive of any party who has been the subject of, or a party to, the reports to provide them an opportunity to comment</p>	<p>23 Finalise reports</p> <p>24 Manage internal sign off processes</p> <p>25 Provide a copy of the final report to the Minister for Children</p> <p>26 Meet with the Minister for Children post-receipt of the final report</p> <p>27 Brief relevant parties under embargo</p> <p>28 Provide copies of final reports to the Chief Executive of any party who has been the subject of, or a party to, the reports to enable them to respond</p> <p>29 Produce reports (requires information design capability – in-house or outsourced)</p> <p>30 Publish reports on the website</p> <p>31 Share reports with System participants (as outlined in the overarching Communications Plan and tailor/develop collateral as needed)</p> <p>32 Manage enquiries</p>	<p>33 Update and maintain Actions Register</p> <p>34 Manage follow-up actions</p> <p>35 Update and maintain Future-focus Register</p>

Environmental Context: Operating Model and Organisational Structure

Insights gathered from interviews with monitoring agencies

The information below relates to the operating models (including monitoring and outcomes reporting in some instances) and organisational structures of various agencies interviewed.

Office of the Inspectorate (Corrections)

- Built specific expertise (legal, health, communications) into the team to maintain independence and avoid relying on Corrections.
- Reasonably manual review and matching of data and experience, which requires a team that know the processes and systems in addition to access to the system.
- Light on use of analytics/insights.
- Looking to increase cultural competency, including through a cultural adviser and a more diverse team.
- Team includes regional inspectors who develop local knowledge and context; these will be moved every two years to ensure integrity of the service.
- Close relationships with areas of the business to minimise duplication of effort (risk, audit, quality assurance); inform inspections (research/analysis); and take on actions (policy).

- **Twenty four staff members that are split into the following two teams:**
 - Investigation and complaints team
 - Inspections (six inspectors in this team).
- Report directly to the Corrections Chief Executive on operations and budget etc.
- Completed inspections for all prisons (18) in 20 months and are now completing follow up inspections. There are six inspectors in this team who are regionally-based and rotated every two years (Wellington, Christchurch, Auckland).
- Team within the Department of Corrections complete data mining for particular deep dives or investigations.
- Considering hiring a specialist Māori advisor.

Office of the Ombudsman (OPCAT Monitoring)

- Working collaboratively and fostering an environment for open dialogue with the facility being monitored is critical to enable the ability to influence, especially given the Ombudsman do not hold powers of enforcement.
- Inspectors have a mixture of skills and backgrounds e.g. social work, clinical psychology.
- Specialists are contracted in for specific inspections e.g. an aged care facility inspection may require a pharmacist to inspect medication delivery.
- Experts by experience (those who have been in the care of a facility inspected) are also brought in to help conduct inspections. They add a range of experienced questions and knowledge.
- All inspectors receive the same training and will conduct inspections with a senior until they are signed off. Additionally, a lot of on site mentoring takes place.
- Inspections are never conducted alone (two or more people).

- **OPCAT monitoring has a team of eight inspectors who are all based in Wellington.**
- Inspectors come from a range of backgrounds, e.g. social work, clinical psychology etc.
- Specialists are contracted in for some specific inspections e.g. pharmacist for aged care facility. Experts by experience are also contracted in.
- Inspections are always conducted by two people.

Independent Police Conduct Authority

- Independence does not mean distance. A collaborative, working relationship with the organisation(s) being monitored is key – not only for access to information but to achieve a difference in outcomes for end users. IPCA has worked closely and built relationships with Police.
- In terms of independence, there is a balance to be struck between publicly critiquing the system (and its players) and working together with key players to improve the system. In order for system players to listen to recommendations, a solid relationship must be built.
- Continuous improvement for policing is a key outcome that the IPCA puts emphasis on. It is important to be future-focussed rather than looking to the past.
- Reports are not the only mechanism by which change can be effected. There are times when frontline practice may only be changed with hands-on engagement e.g. workshops.

- **The team is currently made up of 37 staff and looking to increase to 45 due to a 35% increase in work.**
- All staff are based at the IPCA offices in Wellington.
- IPCA receive 3,500 complaints and referrals every year, in addition to their work around OPCAT monitoring and thematic reviews.

Office of the Mental Health Commissioner

- Have previously undertaken joint ventures, but now tend to collaborate more for peer review, being mindful of the relationship with service providers (as the Commission provides adverse feedback at times).
- Conduct a tablet-based survey to gain insight into consumer and whānau experience.
- Having insight into consumer experience (through surveys and complaints) provides a point of difference and adds value.
- It is important that reporting and information is presented to users in a digestible manner e.g. infographics and plain English.
- Complaints provide a unique insight into consumer experience but the Commission also have strong powers to seek information in both a monitoring and advocacy role.
- Te Pou (evidence-based workforce development), through the Ministry of Health, provide data analytics to the Commission.

- **Team is made up of the Mental Health Commissioner and one senior advisor who is actually 0.6FTE. Others are sometimes contracted in.**
- Smaller budget of \$1m per annum.
- Dual function of monitoring and advocacy.

Child Wellbeing Unit (DPMC)

Monitoring

- Aim to be reporting against the strategy by next annual report.
- The focus of monitoring will predominantly be against the programme of action (including activity monitoring, e.g. is the budget being spent).
- Monitoring indicators are currently a gap. DPMC will work with agencies to develop templates, align annual reporting etc. to report on indicator progress.
- DPMC will produce a six-monthly report to the Social Wellbeing Committee. This is likely to be a RAG report, but is in development.
- Specific requirement to report on children in care/children of interest to Oranga Tamariki, poverty and children with greater needs (this is not defined but expected to be cohort-focused, e.g. Pacific).
- The Social Investment Agency will be doing an implementation evaluation of the strategy (will look at intermediate outcomes but not wellbeing).

Education Review Office

- Partners with organisations to deliver reviews of the system (e.g. partnered with Oranga Tamariki to review 'Skip', and partnered with Youthline to evaluate their impact).
- Have helped the Ministry to embed continuous improvement by delivering seminars and workshops, and keeping the management layer informed.
- 120 reviewers based across New Zealand. The Auckland Office covers Auckland and Northland, the central region is service by a Hamilton, Napier and Wanganui Office, and the Wellington and South Island is serviced by a Wellington, Christchurch and Dunedin based team.
- Reviewers specialise in the core areas of review.
- There are dedicated staff in Māori medium education.
- Assessment staff are expected to have come from leadership roles in education institutes.
- Data and insights function utilised in risk assessment to identify indicators across the system.

- **Between 200 and 250 staff total (the broad range is due to flexing up through the use of contractors at certain times of the year or to complete reviews and specific thematic inquiry).**
- **Of this total, over 135 reviewers based regionally (3 main hubs) and 15 nationally based reviewers.**
- **Approx. 50 would be corporate, data, reporting analysts etc.**

Health Quality and Safety Commission

- A Health Quality Intelligence group was formed to ensure that indicators are being developed by experts in this field.
- HQSC oversee five mortality review committees that each focus on their own area, but are increasingly collaborating across. This includes a Māori caucus of members who sit across the range of committees.

- **HQSC have a health intelligence group who develop indicators to ensure that indicators are being developed by experts in this field.**

Office of the Children's Commissioner

- There is a fine line between being independent and influencing change. It is important to establish a relationship with organisations that allows you to effect change.
- Thematic review reports are collaborative and include potential solutions or enablers from OT, so that they can see their own voices and solutions. They are more likely to adopt change this way.

Social Work Inspection Agency (Scotland)

- The approach taken was less punitive than England and more community-focused, as Scotland has more of a communal culture.
- To cultivate continuous improvement, the SWIA enter into a dialogue with the agency about current state, and work together to develop a plan on how to improve things. For each report produced, a conversation would be had with agency leaders to ensure accountability.
- Although the approach taken was collaborative with social service providers, some visits were unannounced to feed into the three-yearly reports that were developed.
- Inspectorate team included people with a range of expertise and experience e.g. practitioners from local authorities, young people inspectors, care-experienced.

- **Had a team of inspectors but also contracted in associate inspectors e.g. practitioners from the local authorities, specialists, care experienced young people etc.**

Office of the Ombudsman

OIA

- The investigations/reports will begin with areas that are doing well and then identify opportunities for improvement – this gains buy in from the agencies.
- The team does not make recommendations as the Ombudsman has a specific definition of recommendation. Instead "action points" are identified – these are very practical and are often turned into a work programme.
- An investigation into one agency takes about eight months and undertakes the following steps: notification, agency survey response, information analysis, engagement preparation, engagement with the agency, measured against indicators, fact checking, draft report and internal review, provisional opinion from agency, final opinion and then public publishing.
- The team is made up of one manager, two senior investigators and two investigators.

- **Five staff made up of one manager, two senior investigators and two investigators.**
- **Conducts investigations into individual agencies – one investigation will usually take eight months.**

Disability Rights

- Disability Rights team use surveys to gain information and insights into end-user experience.
- An important aspect to consider is the accessibility of surveys (or other information) to service users. The surveys were made accessible in seven different formats and languages, and could also be conducted in sign language for deaf communities.
- A specialist trainer was brought over from Australia to upskill staff to interview effectively. This involved teaching staff how to build rapport with the interviewee by telling a story.
- The team do not have the tools for data mining or extensive data analysis, and therefore rely on existing data, surveys and face-to-face collection of user experience.

- **Team of four staff.**
- **Two main parts to the Disability Rights Team:**
 - Independent monitoring of the implementation of the UN disability convention – this involves a four-year reporting cycle
 - Providing advice to agencies around disability rights.

Te Puni Kōkiri

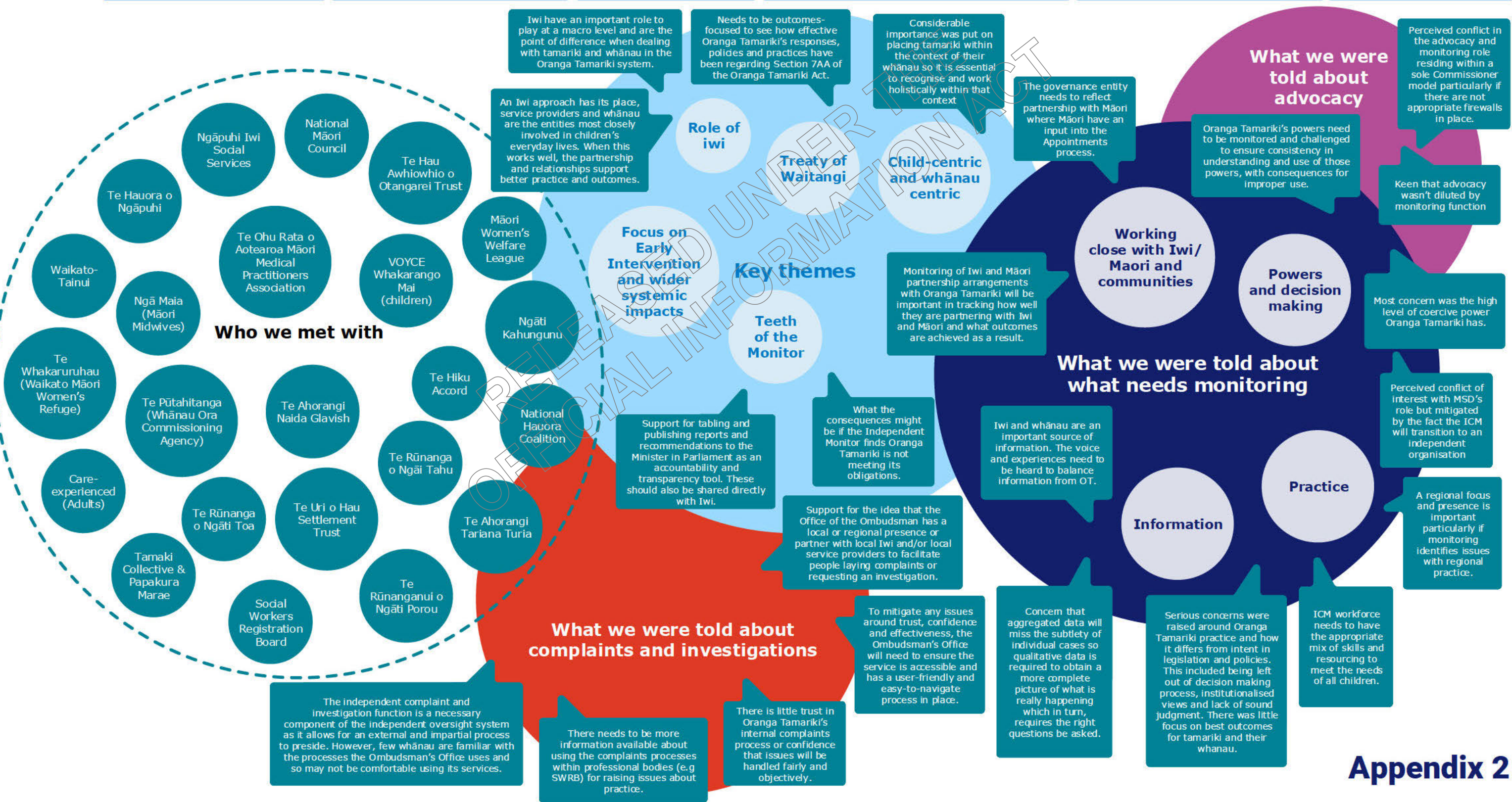
- Data and evidence only provide one view of the story, face-to-face engagement and site visits are critical to capturing the true user experience.
- The work developed now should be a starting point with the view that it will evolve and improve over time. Therefore, it is not recommended that the framework is embedded in regulation.
- Based on monitoring experience, TPK started off with a "stick" or punitive approach, but this did not prove to be successful. As a result they have moved to a more collaborative approach, focusing on improvement.
- There has not been much change in what is being monitored, but rather how TPK are monitoring. Throughout the agency monitoring process, TPK check-in to ensure that the agency agrees with the findings along the way.

Oranga Tamariki

Outcomes reporting

- OT have started reporting quarterly on policy outcomes measures) for Care and Youth Justice. These are publicly available on the website.
- Reporting on the other services is still being stood up.
- In developing these measures, OT steered away from the wellbeing model and integrated data infrastructure data. Instead the measures were developed based on what would be most operationally useful to stakeholders and what data is readily available.
- These measures are reviewed every quarter to assess whether they are fit for purpose.
- A team has recently been stood up to develop quantitative measures for qualitative concepts.
- Sampling is used as a method to report.

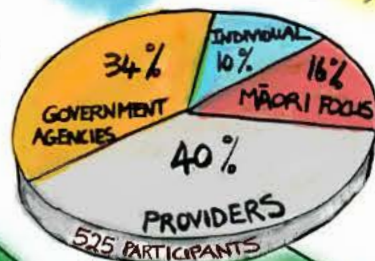
Engagement approach and overview:	From 1 July 2019, the Kāhui Group and Ministry of Social Development officials have undertaken a series of hui with a range of Māori and Iwi organisations and individuals.	The Kāhui Group provides overall support and direction for the engagement process and the work programme for the independent oversight of the Oranga Tamariki process. The members are Sir Mark Solomon, Druis Barrett, Katie Murray and Eugene Ryder.	The engagement hui with Māori have been positive and informative. The participants expressed confidence in the Kāhui Group. They were also positive about enlisting Māori with expertise and skills to work on policy and legislative design, the monitoring assessment framework and the operating model. All participants indicated their interest in remaining involved as work progresses.	This first phase of engagement has had a focus on high level issues for the oversight system and involve a range of individuals and groups who are active in and have knowledge of the Oranga Tamariki system.		
Key themes:	The safety of tamariki is absolute and quick action is imperative to secure their safety but there is also a need to work with their whānau to help them along a pathway to long-term recovery and wellbeing.	Overall, there was support for the direction of Oranga Tamariki. Good strategic relationships were being built and national and regional relationships were good. Issues continued to exist at the local site level and with consistency of practice.	Overall, there was support for an independent oversight of the Oranga Tamariki system that looks at the scope, reach and boundaries of that system.	The Oranga Tamariki system is still institutionalising people and the cycle is intergenerational. Early intervention is an important part of the system and solution but there is not enough emphasis on it. There needs to be a more integrated and intersectoral approach to the issues faced by tamariki and their whānau.	Need to build the trust and confidence of Māori in the independent monitoring and oversight system. Māori should be more closely involved in the design and implementation of the oversight system as they are vastly over represented in the system.	The system needs to have a tikanga Māori approach and be whanau-centric with a hapū and Iwi lens looking from the inside out rather than the other way around.



INDEPENDENT
CHILDREN'S
MONITOR

CHILDREN'S
COMMISSIONER

Ombudsman



REGIONAL HUI THEMES

PURPOSE

- FORMALLY INTRODUCE THE MONITOR
- EFFECTIVELY COMMUNICATE THE ROLE + FUNCTIONS OF EACH OVERSIGHT AGENCY
- SHARE MAHI ALREADY COMPLETED
- UNDERSTAND HOW PEOPLE WANT TO BE ENGAGED IN THE FUTURE

OVERALL THEMES

- Good support for independent oversight, helpful to hear what's happening
- Positive seeing all 3 oversight agencies together + understanding roles + functions
- Oversight agencies need to focus on building trust + confidence with the public
- Good to see hui across the country + smaller regions. Can't be one-off
- Relationships are essential + driven + guided by communities
- Monitoring is more than compliance. The Monitor needs to have teeth.

KEY QUESTIONS

- How will people know the oversight agencies are working together and making a difference?
- How will this mahi be resourced to avoid overlap and duplication?
- What teeth will the Monitor really have?

CURRENT STATE

- Lack of Social Workers with understanding of te ao Māori
- A lack of trust and confidence in the Oranga Tamariki system
- There is no "one Māori view" + one size does not fit all
- Varying strengths of relationships + communication across the country
- Limited community based support for whānau
- A lack of transparency around decision making
- Lack of funding to provide quality services
- Providers unable to support tamariki + rangatahi outside their jurisdiction
- Whānau who have tamariki placed with them not always entitled to funding
- System is not accessible + dealing with government agencies is difficult
- Loss of trust + confidence in the system delivering what whānau + tamariki need
- Becoming a provider is challenging + there are several barriers
- Communication issues when English is a second language or with low literacy rates
- Multiple meetings with tamariki "to hear their voices" creates fatigue
- Communication loops are not always closed + people unsure of the outcome
- Concerns around intergenerational experience in the care system
- Biases exist in the system currently and across the board + poverty is an issue
- Deep distrust in the system + fear of speaking out because of possible repercussions
- A lack of legal support and understanding their rights
- Concern over removal of family court lawyers + the impact on judicial decisions

TE AO MĀORI

ORANGA TAMARIKI

FUNDING + SUPPORT

SYSTEMS + SERVICES

COMMUNICATION

HISTORIC/SYSTEMIC ISSUES

STRENGTHENING OVERSIGHT LEGISLATION

THE MONITOR'S APPROACH

FUTURE DESIRED STATE

- Embedding te ao Māori within the mahi is underway
- Creating the right partnerships is essential
- Ensuring strong engagement with tamariki, rangatahi, whānau + their supporters
- Government agencies working together, ensuring right plan in place to reunite whānau
- Use community providers to relieve some of the pressure
- Social workers more connected to the communities they work with
- Investment in communities to take up social work and upskill
- Providers mahi with tamariki, rangatahi + whānau is recognised and resourced
- Whānau who have tamariki placed with them are well supported and resourced
- The System is easy to navigate
- Early intervention + service access as needed, including those with disabilities + their parents
- Accreditation processes reflect the way providers work
- Develop different communication channels that meet all needs, including those with disabilities
- When engaging with tamariki, access existing information before re-engaging
- We feedback outcomes to people
- Legislation should cover all tamariki including pre and post care
- Whānau are seen through different lenses + their circumstances understood + adapted to
- Local support to understand the community and be connected with it
- Relationships to be made across the sector, regionally and locally

Outcomes Framework

The Outcomes Framework (the Framework) represents the Monitor's perspective of what matters for tamariki, rangatahi and whānau in the Oranga Tamariki System, now and into the future. It will initially be used to measure outcomes for tamariki and rangatahi in relation to the delivery of the National Care Standards Regulations.

The Framework provides:

- assurance that tamariki and rangatahi in the care and custody of the state are being appropriately cared for against the NCS Regulations
- an indication that positive outcomes for tamariki, rangatahi and whānau wellbeing are being achieved.

The Monitor has taken an outcomes-based approach and holistic te ao Māori lens towards the development of the Framework. It draws upon the Government's six wellbeing outcomes from the Child and Youth Wellbeing Strategy and incorporates key dimensions from the Whānau Ora Outcomes Framework and the Oranga Tamariki Outcomes Framework.

The development of the Framework has also been informed by the Monitor's recent series of regional hui with Māori communities, as well as Māori and child-youth centred models including:

- Unicef's Te Hinga Tamariki: A wellbeing model for tamariki Māori
- Te Puni Kōkiri's Rangatahi Suicide Prevention Fund
- Tā Mason Durie's Te Whare Tapa Whā model of health
- the Office of the Children's Commissioner's Mana Mokopuna Approach.

The Framework is strengths-based, taking a positive youth development approach. It is focused towards building on the strengths of Māori and incorporates notions of responsibility and reciprocity to help ensure tamariki, rangatahi and whānau are active participants. It is whānau-centred and reflective of the diverse realities of Māori. The Framework is designed to be inclusive and encompasses the diversity of culture and ethnicity of all participants in the Oranga Tamariki System.

The Framework includes six outcomes, each with principles setting out a high-level definition and indicators that track towards wellbeing. A set of measures is in development for each outcome focused initially on measures to monitor the NCS Regulations.

Outcomes	Indicators	Measures
Whanaungatanga Tamariki and rangatahi have strong, healthy and positive relationships and connections with their family, whānau, hapū, iwi and people around them.	<input type="checkbox"/> Tamariki and rangatahi feel they are a valuable part of a family, whānau or group. <input type="checkbox"/> Tamariki and rangatahi have meaningful relationships and friendships and feel connected to supportive social networks. <input type="checkbox"/> Tamariki and rangatahi are connected to, and strong in, their culture, language, beliefs and identity, including whakapapa and tūrangawaewae. <input type="checkbox"/> Whānau, hapū, iwi, caregivers, parents and families have the skills and knowledge, and access to resources, to provide quality care for tamariki and rangatahi. <input type="checkbox"/> Whānau are actively making plans to transition their tamariki and rangatahi back to a stable home where their basic needs will be provided.	Currently being developed 
Rangatiratanga Tamariki and rangatahi, alongside their whānau, are involved, empowered and supported to become self-determining, and leaders in their own lives.	<input type="checkbox"/> Tamariki and rangatahi are willing participants and contribute positively in different environments. <input type="checkbox"/> Tamariki, rangatahi and whānau are engaged and feel their voices, opinions and perspectives help to shape their plans, aspirations and pathways to success. <input type="checkbox"/> Tamariki and rangatahi are engaged in and able to share their culture and cultural activities with others. <input type="checkbox"/> Tamariki and rangatahi show strength and courage, and are positively building on their potential. <input type="checkbox"/> Tamariki and rangatahi are open for others to support and help them to empower themselves.	
Aroha Tamariki and rangatahi feel loved, supported, safe and cared for and are capable of receiving kindness through love and giving love to others.	<input type="checkbox"/> Tamariki and rangatahi are socially, emotionally, spiritually and physically safe from harm. <input type="checkbox"/> Tamariki and rangatahi are able to share their views of what it means to be or feel loved. <input type="checkbox"/> Family and whānau are well connected, supportive and involved in their child's wellbeing and transitioning out of care. <input type="checkbox"/> Tamariki and rangatahi have everything they need to demonstrate reciprocity. <input type="checkbox"/> Whānau are able to provide a stable and harm-free home environment.	
Manaakitanga Tamariki and rangatahi have positive reciprocal relationships where they feel (as well as show) genuine care, generosity and respect for themselves and others.	<input type="checkbox"/> Tamariki, rangatahi and whānau are empowered and confident to ask for support when needed. <input type="checkbox"/> Tamariki and rangatahi have access to people or services that are inclusive and supportive of diversity. <input checked="" type="checkbox"/> Parents, caregivers and whānau have what they need to meet the needs of tamariki or rangatahi. <input type="checkbox"/> People working with tamariki and rangatahi understand and address their needs. <input checked="" type="checkbox"/> Tamariki and rangatahi experience and engage in safe, bully- and discrimination-free environments and surroundings. <input checked="" type="checkbox"/> Tamariki and rangatahi have warm, stable, healthy and secure relationships between themselves and others.	
Kaitiakitanga Tamariki and rangatahi feel protected, and are kept safe by having all aspects of their wellbeing acknowledged, nurtured and supported.	<input type="checkbox"/> Tamariki, rangatahi and whānau have their health needs supported and maintained so they are able to be healthy in mind, body and spirit. <input type="checkbox"/> Tamariki, rangatahi and whānau have access to the best possible health care to support their on-going hauora. <input type="checkbox"/> Tamariki, rangatahi and whānau have access to people and services to help build self-esteem, resilience and sustain emotional wellbeing. <input type="checkbox"/> Whānau are able to provide tamariki and rangatahi with regular access to nutritious food, and a warm and dry home.	
Mātauranga Tamariki and rangatahi are learning and developing their skills and knowledge about themselves, their culture, their potential, their future, and their role/place in this world.	<input type="checkbox"/> Tamariki and rangatahi are engaged in learning and meaningful daily activities. <input type="checkbox"/> Tamariki, rangatahi and whānau are positively engaged in activities that support their holistic health and social-wellbeing. <input type="checkbox"/> Tamariki and rangatahi have the social and emotional skills to communicate, navigate and transition into different stages of their lives. <input type="checkbox"/> Tamariki and rangatahi are learning life-skills that show self-control and build self-confidence. <input type="checkbox"/> Tamariki and rangatahi achieve a level of literacy and numeracy skills to their greatest potential. <input type="checkbox"/> Tamariki, rangatahi and whānau have equitable access to learning and development opportunities. <input type="checkbox"/> Tamariki and rangatahi Māori are able to navigate two cultures so that they can become more successful in both worlds. <input type="checkbox"/> Tamariki and rangatahi are open and able to navigate different cultures. <input type="checkbox"/> Tamariki and rangatahi have high expectations of themselves and others.	

Chair

Cabinet Legislation Committee

CHILDREN AND YOUNG PEOPLE'S COMMISSION AND OVERSIGHT OF ORANGA TAMARIKI SYSTEM BILL: APPROVAL FOR INTRODUCTION

Proposal

- 1 This paper informs the Committee of policy decisions I have made to enable the progress of legislative drafting to finalise the Children and Young People's Commission and Oversight of Oranga Tamariki System Bill (the Bill), as previously authorised by Cabinet [CAB-19-MIN-0687 refers]. This paper also seeks approval for the Bill to be introduced to the House of Representatives.

Policy

- 2 On 25 March 2019, Cabinet agreed to strengthen independent oversight of the Oranga Tamariki system and children's issues in three core areas to achieve a cohesive system of oversight for the Oranga Tamariki system and systemic advocacy for all New Zealand's children:
 - 2.1 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).
 - 2.2 oversight and investigation of complaints of matters related to 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.
 - 2.3 independent monitoring and assurance of the operations and obligations delivered under the Oranga Tamariki Act 1989 and associated regulations. MSD was appointed the independent monitor from 1 July 2019 to establish 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 [CAB-19-MIN-0113 refers].
- 3 On 4 December 2019, Cabinet agreed [CAB-19-min-0687 refers] to further detail regarding the:
 - 3.1 purpose and function of the independent monitor
 - 3.2 future governance arrangements for the Office of the Children's Commissioner

3.3 proposals to enable the Children's Commissioner, the Ombudsman and the independent monitor to access and share information to operate as an effective and cohesive system

4 A Bill is required to give effect to these decisions and to establish and set out the roles, functions, duties and powers of the above bodies, as they pertain to the Oranga Tamariki system, and in the case of the Children's Commissioner, all New Zealand children and young people, in one Act.

5 This Bill repeals the Children's Commissioners Act 2003 and transfers the relevant provisions (with modifications) into a dedicated oversight Act. Establishing one Act will ensure that the three oversight functions work cohesively as a system in order to oversee the wellbeing of children and young people, particularly in the Oranga Tamariki system.

6 The Bill is an Omnibus Bill, as it deals with interrelated topics (including historic claims by children and young people who were in care) that can be regarded as implementing a single broad policy (i.e. improving the wellbeing of children and young people)

Repealing the Children's Commissioners Act 2003 may attract some criticism

7 While the issue of repeal of the Children's Commissioner Act is a technical one, it does have symbolic and practical implications. In the Commissioner's view, the child's rights sector fought hard to have the Commissioner separated from the Oranga Tamariki Act 1989 and established in a dedicated Act. The Commissioner considers providing for the Commission and systemic advocacy in a Bill predominantly focused on the oversight of the Oranga Tamariki system to be a backwards step. The Commissioner is further concerned that the current proposal will diminish the mana, focus and importance of the Commission.

8 Based on engagement with the Children's Commissioner and his staff on the draft Bill, I expect that the repeal will draw some push back at Select Committee stage from child rights groups, academics and NGOs.

An overarching Treaty provision was considered but not included

9 The Bill does not include an overarching principle requiring oversight bodies to "give effect" to the principles of the Treaty of Waitangi. While it is clear that the Treaty applies to the Crown, there is a degree of ambiguity surrounding the extent to which the Treaty applies to Crown Entities and Officers of Parliament. Constitutional convention and jurisprudence established over the years has resulted in an interpretation that the Treaty apply to 'core Crown agencies' only.

10 s9(2)(h)
[Redacted text block]

11 Conversations have highlighted that an overarching provision has 'symbolic' value. However, discussions have indicated that there is more interest in understanding the practical steps the Commission, the independent monitor and the Ombudsman will be required to take to demonstrate their commitment to the Treaty.

- 12 The list of Treaty duties in the Bill has been developed in consultation with the OCC, Office of the Ombudsman, Te Puni Kōkiri, technical advice from Māori lawyers, and the Kāhui group¹. However, how the Bill provides for the Treaty may be contentious for the public who may have different views on what duties are most appropriate to commit to.

Cabinet authorised the Minister of Social Development to make subsequent policy decisions to finalise the Bill

- 13 Cabinet has authorised me, as the Minister for Social Development, in consultation with other Ministers as appropriate:
- 13.1 to make decisions on related policy matters or determine additional policy matters to enable the progress of legislative drafting in order to finalise the Bill; and
 - 13.2 to make any decisions on minor and technical matters required to finalise the Bill (CAB-19-MIN-0687 refers).
- 14 In the development of the Bill, I have considered additional policy matters related to the Governance of the Children and Young People's Commission, outlined below, which are included in the Bill.

Governance arrangements for the Children and Young People's Commission

- 15 Cabinet has agreed that the governance for the OCC should be updated [CAB-19-MIN-0113 and CAB-19-MIN-0687 refer]. The current Commissioner, and his predecessors, have done an excellent job in advocating for children and young people in the past. However, it is important that going forward, the entity responsible for this task has the necessary diversity of perspectives, mana, skills, knowledge and expertise to advocate across the diverse range of issues confronting children and young people in New Zealand in 2020 and beyond. For this reason, a governance model has been chosen that provides for a 'commission' rather than continuing with a 'commissioner sole'.
- 16 Cabinet has also made an in-principle decision that the independent monitor will transfer to the OCC once the function was established and a legislative framework is in place [CAB-19-MIN-0113 refers]. During the development of governance for the Commission considerable feedback has been received that the functions of advocacy and monitoring should be clearly separated. The draft Bill will reinforce in legislation the need for functional separation of the advocacy and monitoring functions, to recognise that there are clear tensions between these. None-the-less, it is not clear how having the two functions performed within the same entity will impact on perceptions and public/sector trust and confidence in independent monitoring in practice.
- 17 A number of governance arrangements were identified and considered as part of establishing an appropriate governance structure for the Children and Young People's Commission board. These included the composition of the board, the roles and responsibilities of members of the board, how the board will partner effectively with Māori, and the appointments process. Any future governance arrangements for the board will also need to be included in legislation that is introduced.

¹ The Kāhui Group are an expert internal reference panel commissioned to support the Independent Monitor work. Donna Matahaere-Atariki (Chair), Eugene Ryder, Mark Solomon, Katie Murray, Druis Barrett.

Composition, roles and responsibilities of the board

- 18 Cabinet has previously agreed to the following governance arrangements in relation to the composition, roles and responsibilities of the board:
- 18.1 The board would consist of between two – six members
- 18.2 Board members would be appointed by the Governor General, on the recommendation of the Minister for Social Development and the Appointments and Honours Cabinet Committee, once they are recommended by a nominations panel
- 18.3 The board must collectively possess a range of relevant skills and attributes including experience of the care system, a wider understanding of children’s issues, an understanding of te ao Māori, and management skills [CAB-19-MIN-0687 refers].
- 19 Following further consideration and discussion with stakeholders, a number of changes have been made to these arrangements and provided for in the Bill.
- 20 To help provide room for a chair to mediate discussion, while also helping to ensure that the minimum board size does not contribute to the board reaching a stalemate on votes, the Bill provides that the board size must be a minimum of three members with a maximum of six members.
- 21 Cabinet has agreed that the Bill include provisions for the OCC to have separate Commissioners responsible for each oversight function it is responsible for under the Act [CAB-19-MIN-0687 refers].
- 22 Because I consider it is important to preserve the mana of the current title of the Children’s Commissioner, and to ensure that the unique role of representing the voice of children and young people is recognised, the Bill provides that the Commissioner responsible for advocacy is called the Children’s Commissioner.
- 23 If the Commission acquires other functions, other Commissioners would have titles that specifically relate to their function. For example, a Commissioner for the monitor function could be the Independent Monitoring Commissioner (should Cabinet agree the Monitor transfer to the future Children and Young People’s Commission).
- 24 To achieve the required level of connection, I recommend that the Children’s Commissioner be appointed on a up to full-time basis. This preserves at least some of the agility and mana provided by the current commissioner-sole model, while also allowing for the benefits that diversity of experience and expertise that a good board can provide.
- 25 The remaining members of the board (who are not allocated a specific oversight function) will be appointed on a part-time basis. The time commitments for roles on the Commission are not specified in legislation. However, decisions will inform operational practice and are sought now to provide sufficient certainty on the way the Commission will operate.
- 26 The Children’s Commissioner would derive their authority from the board, and the executive leadership of the Commission would report to the board rather than a single Commissioner.

The appointments process for members of the Children and Young People's Commissions board

- 27 In addition to the proposals agreed by Cabinet further detail to support the appointments process has been developed (see Appendix 1).
- 28 Of most note is the requirement that at least 50 per cent of the Commission must collectively have experience of mātauranga Māori, and be able to represent the interests of Māori, with the required leadership expertise to reflect the needs of tamariki and rangatahi of interest to the Commission.
- 29 In developing these proposals, I have consulted with the Office of the Children's Commission, Oranga Tamariki, the State Services Commission and the Kāhui Group.

Other matters related to the Children and Young People's Commission

- 30 The jurisdiction of the Children and Young People's Commission currently includes those children and young people up to age 18.
- 31 Cabinet has agreed that the three oversight functions (system-level advocacy, investigation of complaints and independent monitoring and assurance) apply to children and young people under 25 years, as appropriate (CAB-19-MIN-0113 refers).
- 32 However, the mandate of the Commission is broader than the oversight of the Oranga Tamariki system, and the previous Cabinet paper is unclear as to whether the extension of the system-level advocacy function include those young people under 25 years who are not in care.
- 33 The Bill clarifies that the extension of the jurisdiction of the Commission up to age 25, is limited to those young people who were or remain in care or custody.
- 34 Given the Commission's purpose and functions include both children and young people, I consider it appropriate that the Commission be named the Children and Young People's Commission. The Bill reflects this.

Matters related to the Monitoring function

- 35 The role of the independent monitor will be to objectively assess the:
- 35.1 quality and extent of compliance by Oranga Tamariki and approved providers with the delivery of the Oranga Tamariki Act and related regulations and standards
- 35.2 aggregated changes in wellbeing of children, young people and their families as a consequence of coming into contact with the system.
- 36 Cabinet agreed the functions of the monitor and noted that the initial focus would be on monitoring Regulation 69 (reports of abuse or neglect in care) of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 from 1 July 2019, with the expectation that the compliance with the remaining regulations would be monitored by December 2020.
- 37 Cabinet further agreed that overtime monitoring be extended to cover intake, referral and assessment processes and monitoring the delivery of services within, and outcomes achieved by, the Oranga Tamariki system across their core operating model. This could encompass

monitoring for example, the effectiveness of early intervention practices, successful transition from care, Family Group Conferences, and the State's use of powers to remove children from their families [CAB-19-MIN-0113 refers].

- 38 The oversight of the Oranga Tamariki system will mean that monitoring and assurance will also apply to other agencies providing services (e.g. health and education services) to children and young person in the Oranga Tamariki system.
- 39 The Bill reflects Cabinet's policy intent as set out in the March 2019 paper, with a specific focus on:
- 39.1 compliance with regulations and the Oranga Tamariki Act 1989, the quality of the services being provided, and the outcomes being achieved for children and young people and their families, with a particular focus on Māori tamariki and whānau
 - 39.2 improving transparency through the public dissemination of information on the above matters, with a strong focus on improving information for Māori
- 40 supporting system participants to learn and undertake continuous improvement.

Historic Claims

- 41 The Bill amends the Oranga Tamariki Act 1989 to enable Oranga Tamariki to take responsibility for resolving claims of abuse or neglect of children in State care relating to events for the period from 1 April 2017 with MSD holding responsibility for claims up to that date [CAB-19-MIN-0687 refers].
- 42 To deliver the new claims arrangements and mitigate litigation risk to the Crown, a minor amendment to Schedule 1AA of that Act is required to specify that the scope of the Oranga Tamariki complaints mechanism applies to any act or omission that took place from 1 April 2017 onwards.

Matters not yet resolved

- 43 The following matters may draw attention during the Select Committee process:
- 43.1 [Note - this section to come following formal agency consultation on the Bill]

Impact analysis

- 44 Treasury has exempted these changes from a regulatory impact assessment. Impact analysis requirements do not apply to this paper since the proposals are not expected to impose any regulatory burden on businesses, individuals or not-for-profit organisations outside government itself. I note that an impact assessment was undertaken when the NCS Regulations were agreed by the Committee Social Wellbeing Committee [SWC-18-MIN-0010 refers].

Compliance

- 45 The Bill complies with:
- 45.1 the principles of the Treaty of Waitangi;

- 45.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
- 45.3 the disclosure statement requirements;
- 45.4 the principles and guidelines set out in the Privacy Act 1993;
- 45.5 relevant international standards and obligations; and
- 45.6 the Legislation Design and Advisory Committee's Legislation Guidelines (2018 edition).

Consultation

- 46 Agencies and groups consulted on this paper and the Bill are: Oranga Tamariki, Office of the Children's Commissioner, Office of the Ombudsman, the State Services Commission, the Ministry of Health; Ministry of Education, the Ministry of Justice; the Treasury; New Zealand Police; Te Puni Kōkiri; Te Arawhiti; the Ministry for Pacific Peoples; the Department of Corrections; the Ministry for Women; the Office for Disability Issues; Office of the Privacy Commissioner, the Department of the Prime Minister and Cabinet and the Legislation Design and Advisory Committee Subcommittee

Binding on the Crown

- 47 I propose the Bill will be binding on the Crown.

Associated regulations

- 48 The Bill allows for regulations to be made to prescribe matters and procedures for the three functions, for example the circumstances and timeframes for Oranga Tamariki – Ministry for Children to provide information to assist the independent monitoring oversight function and the complaints oversight function.
- 49 The Bill requires the independent monitor and the Children and Young People's Commission to make information rules in regard to information sharing, use and disclosure that supports their functions. The House of Representatives may make similar rules to support the Ombudsman's functions and powers under the Ombudsmen Act 1975

Definition of Minister/department

- 50 The Bill defines the 'Minister' as the Minister or Ministers of the Crown who under the authority of a warrant or with the authority of the Prime Minister, are responsible for the administration of the Act or a portion of the Act.

Commencement of legislation

- 51 The Act will come into force on the day after the date of date of Royal assent.

Parliamentary stages

- 52 The Children and Young People's Commission and Oversight of Oranga Tamariki System Oversight Bill holds a priority 4 on the 2020 Legislation Programme (must be referred to Select Committee in the year).
- 53 I propose the Bill should be introduced before 6 August and will be passed by June-July 2021.
- 54 I intend to refer the Bill to the Social Services and Community Committee for consideration.

Proactive Release

- 55 I intend to proactively release this paper as required by CO (18)(4), subject to the Official Information Act 1982. No publicity is planned.

Recommendations

The Minister for Social Development recommends that the Committee:

1. **note** that the *Children's and Young People's Commission and Oversight of Oranga Tamariki System Oversight Bill* holds a category 4 on the 2020 Legislation programme (must be referred to Select Committee in the year).
2. **note** that the Bill seeks to:
 - 2.1 support improvements in outcomes and wellbeing for tamariki and whānau engaged with the Oranga Tamariki system through strengthened independent monitoring and complaints review and investigations;
 - 2.2 provide for a Children and Young People's Commission to undertake advocacy on behalf of all new Zealand's children and young people.
3. **note** that the Bill is an Omnibus Bill due to it amending the Oranga Tamariki Act 1989 to specify that the scope of the Oranga Tamariki complaints mechanism applies to any Act or omission that took place from 1 April 2017 onwards (Historic Complaints)
4. **note** that Cabinet has authorised me, as the Minister for Social Development, in consultation with other Ministers as appropriate, to make decisions on related policy or determine additional policy matters to enable the progress of legislative drafting in order to finalise the Bill and to make any decisions on minor and technical matters required to finalise the Bill [CAB-19-MIN-0687 refers];
5. **note** that following further consideration and discussion with stakeholders, I have made the following additional technical policy decisions in order to enable the drafting of the Bill:
 - 5.1 the individual board member of the Commission responsible for advocacy would be called the Commissioner for Children. Other Commissioners would have titles that specifically relate to their function, for example the Commissioner for the monitor function could be the Independent Monitoring Commissioner

- 5.2 legislation will reinforce functional separation of the advocacy and monitoring functions.
- 5.3 the Children's Commissioner role would be advertised and appointed as a full-time position, and that the remaining Commissioners (who are not allocated a specific oversight function) be advertised and appointed as part-time positions
6. **agree** to rescind the previous decision to have a minimum board size of two board members and increase the minimum board size to three members;
7. **approve** the Children and Young People's Commission and Oversight of Oranga Tamariki System Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
8. **agree** that the Bill be introduced before 11 August 2020
9. **agree** that the government propose that the bill be:
- 9.1 referred to the Social Services and Community Committee for consideration;
 - 9.2 enacted by June-July 2021.

Authorised for lodgement

Hon Carmel Sepuloni
Minister for Social Development

Appendix 1 – Process for appointing to the Children and Young Persons Commission

- 1 To ensure Commission members have the relevant expertise and hold the confidence of the sector, the Bill provides that candidates receive endorsements from a relevant organisation as a requirement to be considered by a nominations panel. A relevant organisation would be defined in a list of categories contained in regulations. These categories could include:
 - 1.1 a national organisation which represents Māori, particularly Māori social sector issues
 - 1.2 an organisation that has the mandate to represent an iwi
 - 1.3 an organisation focused on advocacy for children and young people, and their rights
 - 1.4 an appropriate professional governance organisation.
- 2 The nominations panel would assess candidates and make recommendations to the Minister regarding appointments. The nominations panel will be convened by, and membership would be at the discretion of, the Chief Executive of MSD, following consultation with key stakeholders. The nominations panel would consist of people with the following expertise:
 - 2.1 Māori leadership
 - 2.2 working with children and young people
 - 2.3 governance experience at board level
 - 2.4 appointment and recruitment experience.
- 3 On top of the usual competencies required for board members, the nominations panel must also assess that candidates have the capacity and capability to:
 - 3.1 uphold the Treaty of Waitangi, including its articles and principles
 - 3.2 partner effectively with Māori
 - 3.3 understand te ao Māori and advocate from a basis of kaupapa Māori and mātauranga Māori (so that they can inform the basis of the work programme)
 - 3.4 take a tikanga Māori approach to meeting procedures and decision making.



Report

Date: 25 June 2020

Security Level: IN CONFIDENCE

To: Hon Carmel Sepuloni, Minister for Social Development

Approval for related policy changes and formal agency consultation: Children and Young People's Commission and Oversight of Oranga Tamariki System Bill

Purpose of the report

- 1 The purpose of this report is to receive further decisions regarding related policy matters, and approval to commence formal agency consultation on the Children and Young People's Commission and Oversight of Oranga Tamariki System Bill (attached), and corresponding Cabinet Legislation Committee paper (LEG paper).

Recommended actions

It is recommended that you:

- 1 **note** that pending your decision on whether to change the shape of the Bill (REP/20/5/537 refers), we are working towards introduction of one oversight Bill (current Cabinet decision), before the election and confirmed this with PCO
- 2 **note** that if you agree to two separate Acts (as previously recommended), a Cabinet paper will be required to progress the legislative drafting
- 3 **agree** that the Ministry of Social Development begin formal agency consultation on the Bill and LEG paper on 29 June

AGREE / DISAGREE

- 4 **agree** to change the name of the proposed Children's Commission to the Children and Young People's Commission, to better reflect that the jurisdiction of the Commission will include young people

AGREE / DISAGREE

- 5 **agree** that the jurisdiction of the proposed Children and Young People's Commission be all children and young people up to the age of 18, in addition to young people under the age of 25 who are or have been in the care or custody of Oranga Tamariki

AGREE / DISAGREE

- 6 **note** that changes have been made to the draft Bill to reflect your previous decisions including governance arrangements for the proposed Children's Commission

- 7 **note** that we will provide you with an updated draft LEG paper for Ministerial consultation following agency consultation
- 8 **note** the last possible date for introduction of the Bill (before the election) to the House of Representatives is 11 August 2020.



Molly Elliott
General Manager
Social Development, Child and Youth Policy



Date

Hon Carmel Sepuloni
Minister for Social Development

Date

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Background

- 2 Cabinet authorised you, in consultation with other Ministers as appropriate, to make decisions on related policy matters in order to finalise the Bill (CAB-19-MIN-0687 refers).
- 3 From March – May 2020, the Ministry of Social Development (MSD) consulted with the following key stakeholders to discuss version 5 of the Bill.
 - Oranga Tamariki Complaints Panel Chair
 - Oranga Tamariki – Ministry for Children
 - Office of the Children’s Commissioner (the OCC)
 - Office of the Ombudsman
 - Independent Monitor
 - Ministry of Justice
 - Kahui Group
 - Office for Māori Crown Relations: Te Arawhiti
 - Te Puni Kōkiri
 - Legislative Design and Advisory Committee.
- 4 This consultation has enabled us to provide further drafting instructions to Parliamentary Counsel Office. A final version (version 9) of the Bill has now been prepared and we are ready to commence formal agency consultation prior to seeking Cabinet approval for introduction to the House of Representatives.

The updated Bill

- 5 We note that until we have a decision on whether to change the shape of the Bill (REP/20/5/537 refers), we are working towards introduction of one oversight Bill (current Cabinet decision), before the election and confirmed this with PCO.
- 6 The attached Bill and LEG paper are based on one oversight Bill, and if you agree to proceed with this approach, the next step is to carry out formal agency consultation on the Bill.
- 7 If you wish to proceed with separating systemic advocacy for all New Zealand’s children from the Bill, a Cabinet decision will be required before the election.
- 8 A change in approach will delay the introduction of the Bill by approximately two to three months. This allows for Cabinet approval of the revised approach and re-drafting of the Bill. This would most likely mean the Bill would not be introduced into the House until late in 2020. However, this would reduce the likelihood of delay at Select Committee or committee of the whole House stage and ultimately see the Bill enacted within a similar timeframe.

Minor outstanding policy issues

- 9 Following consultation there are several minor and technical policy issues which require your decision. Cabinet authorised you to make decisions on related policy matters to enable progress to finalise the Bill (CAB-19-MIN-0687 refers). We consider that these changes are appropriate under Cabinet’s delegated authority.

We recommend that the proposed Children’s Commission be called the Children and Young People’s Commission

- 10 Cabinet previously agreed to extend the jurisdiction of the Children’s Commission to include young people up to the age of 25 years to more accurately reflect the Commission’s purpose and functions which includes advocating for both children and young people (CAB-19-MIN-0113 refers). We recommend that you agree that the

future Commission is to be named the Children and Young People's Commission, and that you note that the Bill reflects this.

We recommend that the extended jurisdiction of the Commission be limited to young people in care only

- 11 The jurisdiction of the Children's Commissioner currently includes all children and young people up to age 18 years, which include those who are in the care system.¹ Cabinet has agreed that the remit of the three oversight functions (system-level advocacy, investigation of complaints, and independent monitoring and assurance) be extended to young people under 25 years (CAB-19-MIN-0113 refers).
- 12 The extended jurisdiction of the Commission recognises that the Oranga Tamariki system now includes the transitions service (which provides young people with formalised care arrangements up to 21 years, with advice and assistance up to the age of 25 years).²
- 13 Previous Cabinet decisions do not clarify whether the extension of the system-level advocacy for the Commission should apply to young people under 25 years who are not in care. The OCC has expressed concern that they are not being adequately resourced to extend the jurisdiction of the Commission to include all young people up to the age of 25 years.
- 14 To ensure that the Commission can adequately provide system-level advocacy for children and young people, the Bill provides that the extension of the Commission's jurisdiction up to 25 years is limited to those young people in care or custody only.

Previously agreed governance arrangements have been included in the Bill

- 15 Cabinet has agreed that the governance of the Children's Commissioner should be updated (CAB-19-MIN-0013 and CAB-19-0687 refers). You agreed in May to the governance arrangements for the proposed Children's Commission (REP/20/3/266 refers) which provided you with further clarification on proposed governance arrangements which Cabinet agreed officials from MSD would develop. These include further changes to the roles and responsibilities of members of the board, the composition of the board, partnering effectively with Māori, and the appointments process.
- 16 We suggest that Cabinet notes the changes to governance arrangements for the proposed Commission which you have previously agreed to. **Appendix A** discusses changes to governance arrangements for the proposed Commission.

Next steps and timing for introducing the Bill

- 17 A draft LEG paper is attached for your consideration. The paper informs the Committee of the decisions taken in relation to outstanding policy matters and seeks approval to introduce the Bill.
- 18 Following formal agency consultation, and receipt of your feedback, we will update the draft LEG paper to commence ministerial consultation. We are working towards the following milestones:
 - **29 June** – Release draft Bill and LEG paper for formal agency consultation
 - **10 July** – Incorporate feedback from agency consultation on the Bill
 - **20 July** – Incorporate feedback from ministerial and cross-party consultation

¹ Children's Commissioner Act 2003, s. 4 (1) interpretation of child.

² Oranga Tamariki Transitions Service <https://www.beehive.govt.nz/release/new-service-young-people-leaving-care>

- **23 July (for 28 July LEG meeting)** – Lodge the draft Bill and LEG paper by
- **11 August** – Introduction before general election (last possible date for introduction prior to the election).

19 We note that there are a number of dependencies to achieving introduction of the Bill before the election, for example consultation with wider agencies may identify additional policy issues that need to be resolved before introduction or, alternatively, it may not be possible to secure the House time necessary for the introduction of the Bill.

REP/20/6/701

Author: ^{s9(2)(a)} Graduate Policy Analyst, Social Development, Child and Youth Policy

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

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Appendix A

Further proposals to governance arrangements include:

- increasing the size of the Children and Young People's Commission board from a minimum of two board members to three board members
- that the Commissioner for advocacy be called the Children's Commissioner, and that Commissioners appointed for other functions receive the appropriate title – for example the Commissioner responsible for the Independent Monitoring Function be called the Independent Monitoring Commissioner
- that the Children's Commissioner role be advertised and appointed up to a full-time position
- that the remaining Commissioners (who are not allocated a specific oversight function) be advertised and appointed as part-time positions
- that on-top of the usual competencies required for board members, the board must have between them a balanced mix of knowledge and experience in:
 - understanding children and young people's issues;
 - upholding the Treaty of Waitangi, including its articles and principles
 - partnering effectively with Māori
 - understanding te ao Māori and advocate from a basis of kaupapa Māori and mātauranga Māori (so that they can inform the basis of the work programme)
 - taking a tikanga Māori approach to meeting procedures and decision making
- that at least 50 per cent of the board must collectively have experience or understanding of mātauranga Māori, and represent the interests of Māori, with the required skills and leadership expertise to reflect the needs of tamariki and rangatahi of interest to the Commission
- that candidates applying for a position on the board must have the endorsement of a relevant organisation that fulfils criteria to be contained in regulations
- that applications to the board be considered by a nominations panel convened by the Chief Executive of MSD.



Report

Date: 20 July 2020

Security Level: IN CONFIDENCE

To: Hon Carmel Sepuloni, Minister for Social Development

Strengthening Oversight of the Oranga Tamariki System Programme – Monthly Progress Update – June 2020

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 30 June 2020.
- 2 A summary of the key points of interest are included in this cover report with the full detail 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 for June 2020
YES / NO
 - 3.2 **note** the Monitor's report to the Minister for Children on compliance with regs 69 and 85 of the National Care Standards Regulations was delivered to the Minister for Children on 25 June 2020
YES / NO
 - 3.3 **note** the substantive update on progress with establishing the Monitor was completed and sent to your Office on 25 June 2020.
YES / NO

Arran Jones
Executive Director, Independent Children's Monitor

20 July 2020
Date

Hon Carmel Sepuloni
Minister for Social Development

Date

Summary and key points of interest

Programme summary

- 4 Programme status remains **AMBER** reflecting the residual timeframe risks across all workstreams.
- 5 On 25 June 2020, the Monitor's second report on Agency Compliance with Regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 was delivered to the Minister for Children. The Minister has sent copies of the report to each of the four agencies being monitored, along with a letter inviting a response on the report's findings, by Friday 7 August. The Monitor's report, along with agency responses will be published on the Monitor's website (targeted for 11 August 2020).
- 6 On 25 June 2020, we provided you with a substantive update on progress with establishing the Monitor. You have indicated that you would like to meet with Officials to discuss progress and we are working with your Office to arrange a suitable date.
- 7 Recruitment has been a highlight this month with strong candidates and positive interviews held in both Wellington and Auckland. Preferred candidates were identified for 12 positions and across the total advertised 9 roles/24 positions, we received 683 applications. Preferred candidates will bring a range of experience and expertise to the Monitor, including understanding of the education, health, NGO and social work sectors.

Policy workstream

- 8 Following clarification of all stakeholder questions relating to the draft Bill, the Policy team continued to instruct the Parliamentary Counsel Office (PCO) through the latest version of the draft and a significant amount of work was undertaken to improve the Bill's coherence.
- 9 On 29 June you confirmed your support for the reshaping of the Oversight Bill ([REP 20/5/5327] – refers), and an Aide-Memoire has been provided to your Office to support your oral item at the Cabinet Social Wellbeing Committee.

Engagement and Communications

- 10 Engagement with key agencies continues to progress well, with regular DCE level meetings with key partners occurring during the month.
- 11 Following endorsement of the Engagement Strategy and Plan by the Programme Sponsoring Group, regional engagement planning is underway with dates for Northland and Auckland for late July. These engagements will be attended by the Executive Director, Chief Monitor, Principal Advisor and member(s) of the Kāhui Group.
- 12 We are developing the regional engagement plan to cover all regions, which incorporates the hui participants and Oranga Tamariki providers. Priority regions for July include Nelson, Marlborough, West Coast and Northland. This phase of engagement is expected to be completed by September. Planning includes four regional hui in Auckland, Wellington, Hawkes Bay and Dunedin.
- 13 The Assessment team met with the Ministry of Youth Development about possible upcoming engagement plans and were provided with advice and information about potential resources and training opportunities.

Regional Hui

- 14 A positive and productive regional hui debrief took place with the Office of the Children's Commissioner and the Office of the Ombudsman in early June. A consistent theme that came through was how the regional hui strengthened all of our relationships. There is a strong desire to keep connected and continue to work together. We agreed to hold a planning session in August to discuss our various work programmes and align where we can.

Māori Engagement

- 15 On 18 June, the Kāhui Group met and considered the Engagement Plan and supporting documents, to provide visibility and assurance that we are thinking broadly across all aspects of the work and incorporating various components of engagement. They were also updated on other aspects of the work programme including the Relationship Management Model and the Assessment team's upcoming work programme.
- 16 The Minister for Children asked to meet with the Kāhui group, and this meeting took place on 15 July. The Minister has met with the group previously and provided an opportunity to reconnect.
- 17 Letters of introduction from the Executive Director to key iwi and Māori organisations have been sent, and the Executive Director and Chief Monitor plan to visit Northland, Auckland, Waikato, Hawkes Bay and the Bay of Plenty in July and August where they will meet with iwi leaders and providers. These visits will be supported by members of the Kāhui group.

Independent Children's Monitor monitoring and establishment workstreams

Monitoring Operations

- 18 Two webinars with Oranga Tamariki Partnering for Outcomes care partners were led by the Executive Director and Chief Monitor, and outlined the role and function of the Monitor, how it will operate and how it is different to Oranga Tamariki's monitoring and assurance roles, along with the Monitor's work programme and opportunities to contribute.

Work on mapping current outcomes frameworks to support development of the Monitor's assessment framework

- 19 Following endorsement from the Programme Sponsoring Group, the Outcomes Framework was sent to agencies and individuals who were consulted as part of its development. The Outcomes Framework was also provided to the Assessment Framework Working Group. The Outcomes Framework will now be used as the basis for developing measures to support the framework's associated indicators. The Assessment team is working on the development of a booklet that will sit behind the Outcomes Framework, providing background on the framework and indicators.
- 20 Work is underway to remap the National Care Standards to the revised outcomes and definitions, along with a stocktake of what measures and data sources could be used for the Outcomes Framework and the associated indicators.

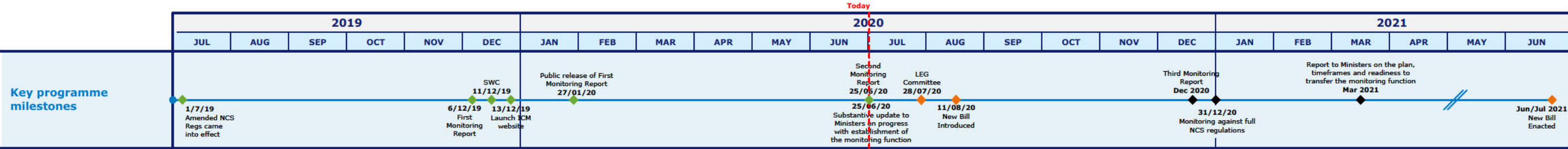
Appendices

- Attached as Appendix One is the Monthly Progress Update A3 for June 2020.

File ref: REP/20/7/785

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

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



Programme summary:

	Previous	Current	Next	
Overall status	A	A	A	<ul style="list-style-type: none">Programme status remains AMBER reflecting the residual timeframe risks across all workstreams. A variation to the key milestones within the Policy/Legislation workstream has been prepared, for endorsement at the July meeting of the Programme Sponsoring Group.The Monitor's June report on compliance with regs 69 and 85 of the National Care Standards Regulations was sent to the Minister for Children on 25 June.The substantive update on progress with establishing the monitor was completed and sent to your office on 25 June.
Programme Management:				
<ul style="list-style-type: none">Recruitment has progressed well over the month with strong candidates and positive interviews held in both Wellington and Auckland. Preferred candidates were identified for 12 positions and across the total advertised 9 roles/24 positions, we received 683 applicants.				

Engagement, Communications and Change

Engagement:	<ul style="list-style-type: none">Following endorsement of the Engagement Strategy and Plan by the programme Sponsoring Group, regional engagement planning is underway with dates for Northland and Auckland pencilled in for July. These engagements will be attended by the Executive Director, Chief Monitor, Principal Advisor and member(s) of the Kāhui Group.We are developing the regional engagement plan to cover all regions, which incorporates the hui participants and Oranga Tamariki providers. Priority regions for July include Nelson, Marlborough, West Coast and Northland. This phase of engagement is expected to be completed by September. Planning includes four regional hui in Auckland, Wellington, Hawkes Bay and Dunedin.The Assessment team met with the Ministry of Youth Development about possible upcoming engagement plans and were provided with advice and information about potential resources and training opportunities.
Māori Engagement:	<ul style="list-style-type: none">On 18 June, the Kāhui Group met and considered the Engagement Plan and supporting documents, to provide visibility and assurance that we are thinking broadly across all aspects of the work and incorporating the various components of engagement. The Group are comfortable with how engagement is progressing and we will continue to keep them updated as the mahi continues.The Group were also updated on the Relationship Management Model, the Assessment team's upcoming work programme, the Monitor's second report to the Minister for Children, development work that is underway, and progress with recruitment.Letters of introduction from the Executive Director to key iwi and Māori organisations were sent.
Communications:	<ul style="list-style-type: none">The Monitor's June newsletter was sent to 1,177 subscribers and included links to the recently published Outcomes Framework and Relationship Management Model, as well as a video introduction by the Executive Director.Work continued on collateral for the Monitor. A master presentation explaining the Monitor's role and purpose is being reviewed.Scenarios were developed for media training for the Executive Director and Chief Monitor, scheduled for 2 July.

Workstream summary:

Policy/Legislation	Phase 1 Independent Children's Monitor Monitoring/Operations	Phase 2/3 Independent Children's Monitor Assessment Framework and Operating Model
A	G	G
<ul style="list-style-type: none">Workstream status remains AMBER due to residual timeframe risks. A variation to key milestones within the Policy/Legislation workstream has been prepared for endorsement by the Programme Sponsoring Group.Following clarification of all stakeholder questions relating to the draft Bill, the Policy team continued to instruct the Parliamentary Counsel Office (PCO) through the latest version of the draft and a significant amount of work was undertaken to improve the Bill's coherence.A draft LEG Cabinet paper, cover report and version nine of the draft Bill were sent to your office on 25 June, seeking approval on Policy matters and approval to consult with agencies.On 29 June you confirmed your support for the reshaping of the Oversight Bill ([REP 20/5/5327] - refers), and a paper is being developed to support you for an oral item at the Cabinet Social Wellbeing Committee.	<ul style="list-style-type: none">The Monitor's second report to the Minister for Children on Agency Compliance with Regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 was delivered to the Minister's office on 25 June. The Minister will send to each of the four agencies being monitored, a copy of the report along with a letter inviting a response on the report findings, by Friday 7 August. The Monitor's report, along with agency responses will be published on the Monitor's website on 11 August.Two webinars with Oranga Tamariki Partnering for Outcomes care partners were led by the Executive Director and Chief Monitor, and outlined the role and function of the Monitor, how it will operate and how it is different to Oranga Tamariki's monitoring and assurance roles; along with the Monitor's work programme and opportunities to contribute.The Assessment team met Joyce Whakarongo Mai to discuss and receive feedback on the Monitor's draft Ethics Framework. Feedback was also received from MSD's Manager Information and Privacy Sharing. Professor Tim Dare has been contracted to provide expert advice on ethical approaches and frameworks.A meeting was held with staff from the Office of the Children's Commissioner to discuss planning the Monitor's pilots which will occur later in the year.	<ul style="list-style-type: none">Following endorsement from the Programme Sponsoring Group, the Outcomes Framework was sent to agencies and individuals who were consulted as part of its development, along with the Assessment Framework Working Group. The Outcomes Framework will now be used as the basis for developing measures to support the framework's associated indicators. The Assessment team is working on the development of a booklet that will sit behind the Outcomes Framework, providing background on the framework and indicators.Work is underway to remap the National Care Standards to the revised outcomes and definitions, along with a stocktake of what measures and data sources could be used for the Outcomes Framework and the associated indicators.The Assessment team met with Te Puni Kōkiri about their work on measuring Māori wellbeing and how it can support our Outcomes Framework, and Stats NZ about data to inform potential measure underpinning the Outcomes Framework.Key milestones have been replanned as a consequence of the impact of delays due to the COVID-19 response and will be baselined on completion of the workstream Project Initiation Document, through endorsement by the Programme Sponsoring Group.

What's coming up:

Meetings with you:

- Meetings as required to discuss LEG paper at date (TBC).
- Meeting to discuss the substantive update on progress with establishment of the Independent Children's Monitoring Function (TBC).

Reports to you:

- Draft LEG papers (TBC).