



**ORANGA
TAMARIKI**
Ministry for Children

New Zealand Government

Memorandum of Understanding

Between Oranga Tamariki – Ministry for Children and
the Oranga Tamariki Ministerial Advisory Board

January 2022

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1. Parties

- 1.1 This Memorandum of Understanding is between Oranga Tamariki—Ministry for Children (Oranga Tamariki) and the Oranga Tamariki Ministerial Advisory Board (the Board).

2. Background

- 1.2 The Minister for Children established the Oranga Tamariki Ministerial Advisory Board in 2021 to provide independent advice and assurance on the work of Oranga Tamariki with tamariki, rangatahi, families, whānau, and Māori, including how it is devolving decision making and resources to Māori for Māori; its professional social work practice; the implementation of operational changes; and enhancing its organisational culture.
- 1.3 In July 2021, the Board presented the Minister for Children with their initial report-back, *Hipokingia ki te Kahu Aroha Hipokingia ki te katoa* (Te Kahu Aroha). The Minister for Children and Cabinet accepted all the recommendations from Te Kahu Aroha in August 2021.
- 1.4 In response to Te Kahu Aroha, Cabinet agreed to the Future Direction Plan (the plan) which attempts to draw together themes from across Te Kahu Aroha, as well as recommendations from previous reviews and the Waitangi Tribunal's report into Oranga Tamariki. The plan identifies actions to be undertaken by Oranga Tamariki for the next two to five years.
- 1.5 The Minister for Children has asked the Board to continue in their role and provide assurance regarding the performance of Oranga Tamariki in fulfilling the recommendations of Te Kahu Aroha and progressing the actions in the Future Direction Plan.
- 1.6 Te Kahu Aroha made three overarching recommendations:
 - 1.6.1 Collective Māori and community authority and responsibility must be strengthened and resourced to lead prevention of harm to tamariki and their whānau.
 - 1.6.2 The purpose of Oranga Tamariki must be clarified. This includes who Oranga Tamariki primarily exists to serve.
 - 1.6.3 A process to establish a national Oranga Tamariki Governance Board should be designed over the coming year, with the Oranga Tamariki Governance Board to be in place by the end of 2022.
- 1.7 The Minister has set clear expectations in his Letter of Expectations of 20 October 2021 to the Chair of the Board and the Chief Executive of Oranga Tamariki. This letter is attached as appendix one.
- 1.8 This Memorandum of Understanding (MoU) formalises our ongoing working relationship.



3. Purpose

- 3.1 The purpose of this MoU is to set out the commitment to an agreed and effective working relationship between Oranga Tamariki and the Board.
- 3.2 The agreement establishes the basis for:
- regular consultation between the parties
 - shared agreements needed to support national, regional, and local engagement
 - information sharing
 - consultation on developments and initiatives
 - management of disputes
 - communication
- 3.3 The Board and Oranga Tamariki must work together effectively to ensure the expectations of the Minister for Children and Cabinet are met.

4. Guiding principles

- 4.1 The parties aspire to have a partnership that aims to meaningfully improve the lives of tamariki, rangatahi and whānau who come in contact with Oranga Tamariki and ensure their voices influence and shape our work.
- 4.2 This will be achieved by having regard to the principles reflecting Te Tiriti o Waitangi. These guiding principles include:
- Whanaungatanga / kinship
 - Manaakitanga / looking after people
 - Kaitiakitanga / stewardship
 - Ōritetanga / striving for equity and equality
 - Taonga Tuku Iho - centrality and legitimacy of te reo Māori, tikanga and mātauranga/ knowledge and understanding
 - Rangatiratanga / leadership; aroha/ love, compassion, kindness, caring
 - Ako Māori - cultural teaching and learning principles
 - Respecting and enabling Mana Motuhake / self-determination.

4.3 How will we work together

- 4.3.1 Effective communication is the foundation to a good working relationship that reflects our guiding principles. The parties agree to take all reasonable steps to adopt the following in their work:
- **No surprises** - to communicate in an honest, open and timely manner with a no surprises approach. Both parties are to be kept informed of significant announcements and kept updated to changes/challenges in respective work programmes in advance. Key briefings and reports will be shared and discussed where appropriate prior to providing to the Minister for Children.
 - **Working together** – commitment to working together towards shared objectives and outcomes.
 - **Communication** - to inform each other about relevant work programmes, initiatives, media campaigns or any developments that may affect or involve the other party.
 - **Act in good faith** – be ethical and act with good intentions, recognise and value each other, be respectful, and hold trusted relationships.



- **Autonomy** - recognising and accepting that each party is autonomous, holds their own mana, and is entitled to provide its own advice to the Minister and make its own decisions in accordance with this agreement.

5. Roles

5.1 The role of Oranga Tamariki

5.1.1 In addition to Oranga Tamariki statutory responsibilities, Oranga Tamariki is responsible for implementing all the changes required in accepting the recommendations of Te Kahu Aroha and the Future Direction Plan.

5.1.2 The role of the Review Management team

- 5.1.2.1 The Oranga Tamariki Review Management Team is responsible for being the conduit of information between Oranga Tamariki and, through the Secretariat, the Board.
- 5.1.2.2 The Review Management Team will support Oranga Tamariki in fulfilling the expectations set out in the Letter of Expectations from the Minister for Children and this MoU.
- 5.1.2.3 The Review Management Team will develop and maintain a broad overview of issues, anticipating opportunities and challenges that could impact on Oranga Tamariki and its work programme.

5.1.3 The role of the Secretariat

- 5.1.3.1 As the host agency, Oranga Tamariki will provide secretariat support for the Ministerial Advisory Board. The Ministerial Advisory Board Secretariat is responsible for providing advice to the Board and supporting the Board in its work. It also acts as the conduit of information from Oranga Tamariki (Review Management Team) to the Board. Noting that the Ministerial Advisory Board is independent, its Secretariat, while employed by Oranga Tamariki, will maintain a level of independence from Oranga Tamariki in order to support the Board to fulfil its role.
- 5.1.3.2 The Secretariat will assist the Board in fulfilling the expectations set out in the Letter of Expectations from the Minister for Children and this MoU.
- 5.1.3.3 The Secretariat will develop and maintain a broad overview of issues, anticipating opportunities and challenges that could impact on the Board's work programme.



5.2 The role of the Board

- 5.2.1 The Ministerial Advisory Board's responsibility is to the Minister for Children. The Board is to provide the Minister with independent assurance and advice on the implementation of the recommendations of Te Kahu Aroha and on progressing the actions set out by Cabinet in the Future Direction Plan.
- 5.2.2 As the Minister's Letter of Expectations notes, now that the initial report-back is completed through Te Kahu Aroha, the role of the Ministerial Advisory Board is set out below:
- Provide assurance to the Minister on the implementation by Oranga Tamariki of the Future Direction Plan and Te Kahu Aroha recommendations.
 - Develop options for a permanent Governance Board for Oranga Tamariki (following the Te Kahu Aroha's third overarching recommendation).
- 5.2.3 The Board will continue to provide the Minister for Children with independent, free and frank advice on any concerns regarding the performance of Oranga Tamariki. To expedite this, the Board's Secretariat will meet regularly with the Minister's office.
- 5.2.4 Other work areas as noted in Te Kahu Aroha include:
- Youth Justice
 - Care
 - Disabilities.
- 5.2.5 The Minister's Letter of Expectations includes that the Board may find areas which require further investigation or review. If so, this will be done so at the direction of the Minister.

6. Regular Engagement

- 6.1 To ensure that there are opportunities to plan for and manage strategic issues and respective work programmes, the parties agree to formal regular meetings.
- 6.2 The Chief Executive of Oranga Tamariki (or delegate) and the Chair of the Board (or delegate) will meet at least once a month or as required. The Chief Executive of Oranga Tamariki will be invited to attend monthly Board meetings; a delegate can be agreed as required.
- 6.3 The purpose of the meetings is to:
- maintain a positive strategic relationship between the parties
 - discuss strategic direction, priorities and plans, initiatives (including Cabinet submissions), and programme delivery
 - discuss any issues that are impacting the ability of either party to achieve the outcomes agreed in this MoU or work programme
 - discuss any other matters as necessary.
- 6.4 Oranga Tamariki and the Board will ensure that senior managers meet regularly to collaborate and respond when necessary. Where there are changes to Government policy which affect the purpose and functions of this MoU, each party agrees to inform the other of those changes at the earliest possible time and agree to meet to re-negotiate aspects as required.



- 6.5 The Director and officials from the Secretariat and the relevant Deputy Chief Executive and officials from Oranga Tamariki will meet on a regular basis in support of the Ministerial Advisory Board.
- 6.6 The Ministerial Advisory Board and the Minister will meet monthly, subject to the Minister's schedule, to support the monthly reports from the Board to the Minister as set out in the Letter of Expectations.

7. Issue or Dispute Resolution

- 7.1 Disputes or issues may arise from time to time between Oranga Tamariki and the Board. Any issue or concern should be raised with the Director of the Secretariat of the Ministerial Advisory Board and the appropriate Deputy Chief Executive in the first instance in a timely manner. If the issue or concern is unable to be resolved, it should be escalated to the Chief Executive of Oranga Tamariki and the Chair of the Board. If no resolution is found, the Minister should then be informed.

8. Process for concerns or issues raised with the Board

- 8.1 During engagements people may raise specific complaints with the Board relating to Oranga Tamariki.
- 8.2 The Board will:
- acknowledge and thank people for their willingness to raise their concerns
 - explain that the Board cannot intervene in operational decisions for individuals, specific cases or investigate specific complaints
 - refer any complainants to the Feedback and Complaints team in Oranga Tamariki.
- 8.3 Oranga Tamariki will advise the Board of progress monthly, so that the Board can be assured complaints are being progressed.

9. Communication and consultation on media releases / statements

- 9.1 Both parties will inform each other of relevant communications that they are undertaking at the initial stages of development and on an on-going basis. Each party will take all reasonable steps to ensure that adequate time is given to provide comment where appropriate.
- 9.2 Each party will consult with the other beforehand if either is considering providing information or comment to the media on a matter which:
- directly impacts the other parties' responsibility, or
 - in which that other party has an interest.
- 9.3 Each party will raise any concerns through appropriate channels. These will not be raised through the news media.



10. Information Sharing

- 10.1 Oranga Tamariki and the Board recognise the importance of sharing information to enable the Board to carry out its work programme and to provide assurance to the Minister as referred to in paragraph 1.5. Oranga Tamariki will endeavour to provide information to the Board in an open and timely manner on the understanding that where information is confidential it will be treated as such.
- 10.2 Oranga Tamariki and the Board will develop strategies to share information to achieve the outcomes of this MoU. This may include developing information sharing agreements or other schedules to enable the provision of effective services while ensuring compliance with relevant obligations.
- 10.3 Information shared between the parties will be disclosed in compliance with any relevant legislation, including the Oranga Tamariki Act (1989), the Official Information Act (1982), and the Privacy Act (2020) (including any codes issued under that Act) as applicable.

11. Responding to Official Information Act and Privacy Act requests

- 11.1 Oranga Tamariki and the Minister for Children, on behalf of the Board, are both legally responsible for responding to any requests for Official Information related to their agency or for personal information they hold about people (under the Privacy Act). All information shared between the organisations may be subject to an Official Information Act request.

12. Review, Variation or Termination of the Memorandum of Understanding

- 12.1 The MoU will be reviewed by the end of July 2022, this will be through discussion at a scheduled Board meeting. The MoU may otherwise be reviewed and varied following agreement by both parties. This is to be progressed by mutual agreement in writing signed by the persons authorised to do so by the Oranga Tamariki Chief Executive and the Chair of the Ministerial Advisory Board. Following any review or variation the Minister for Children should endorse any amendments.
- 12.2 The MoU will be terminated no later than 31 January 2023, or earlier if the Minister for Children disestablishes the Board.

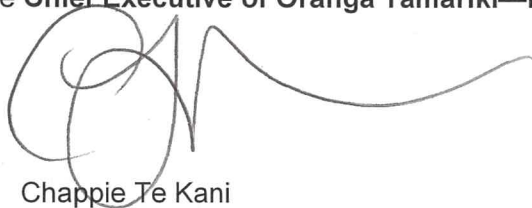


13. Conditions of this Memorandum of Understanding

- 13.1 Nothing in this MoU shall make either party liable for the actions of the other or constitute any legal relationship between the parties.
- 13.2 The parties agree that this MoU does not limit any party in the provision of services.
- 13.3 Any statements of intention in this MoU are subject to the discretion of each party to act as necessary to perform its legal functions or obligations and to exercise any statutory powers.
- 13.4 The provisions of this MoU are to be read subject to any Chief Executive, Ministerial or Cabinet directive, and any enactment.

Signed by the Chief Executive of Oranga Tamariki—Ministry for Children

Signature:



Name: Chappie Te Kani

Date: 2 February 2022

Signed by the Chair of the Oranga Tamariki Ministerial Advisory Board

Signature



Name: Matthew Tukaki

Date: 10 February 2022

Endorsed by the Minister for Children

Signature



Name: Hon Kelvin Davis

Date: ___ February 2022

14. Appendix One: Supporting information

Please refer [here](#) for further information regarding the work of the Ministerial Advisory Board.

- Cabinet paper establishing the Ministerial Advisory Board
- Cabinet minute – decision to establish Board
- Ministerial Advisory Board report - *Hipokingia ki te Kahu Aroha Hipokingia ki te Katoa* ('Te Kahu Aroha')
- Oranga Tamariki Ministerial Advisory Board Terms of Reference
- The Future Direction Plan.

The Letter of Expectation to Chief Executive Oranga Tamariki and the Chair of the Board dated 20 October 2021 is attached.

