

Report

Date: 27 April 2023

Security Level: In-Confidence

To: Hon Kelvin Davis
Minister for Children

Report number: REP-OT/23/04/0883

Update on the cross-agency action in response to Dame Karen Poutasi's system review into the children's sector

Purpose of the report

- 1 This report:
 - a. updates you on the cross-agency action undertaken to coordinate the government response to Dame Karen Poutasi's system review into the children's sector
 - b. seeks your agreement to the proposed cross-agency approach to addressing the recommendations from Dame Karen Poutasi's system review of the children's sector
 - c. updates you on the actions already taken and those planned to address the recommendations.

Recommended actions.

It is recommended that you:

- 1 **note** that progress has been made against all recommendations and that Cabinet decisions are not currently required for this work to keep progressing
- 2 **indicate** if you would like us to prepare a Cabinet paper to update your colleagues on the progress that has been made

Yes/No

- 3 **agree** to the proposed cross-agency approach to consider the 14 recommendations to close the gaps identified across the children's sector in Dame Karen's system review

Agree/Discuss

- 4 **note** that the children's agencies participating in the cross-agency response, and the Ministry of Justice, have reviewed this report
- 5 **note** that we will provide the information in this report to the Independent Children's Monitor and Ombudsman as part of Dame Karen's recommended report back

6 **refer** this report to the Ministers of Health, Education, Police, Social Development and Employment, Corrections and Justice.

Phil Grady
DCE System Leadership

Date

Hon. Kelvin Davis
Minister for Children

Date

Background

- 1 In May 2022, Dame Karen Poutasi was commissioned by the Chief Executives of six public sector agencies¹ to 'examine and identify ways to improve the children's sector identification of, and response to, abuse of children and young persons'. This was in response to the death of Malachi Subecz.
- 2 In December 2022, Dame Karen Poutasi submitted her final report, Ensuring strong and effective safety nets to prevent abuse of children (the system review). Fourteen recommendations were made with the aim to ensure that overlapping safety nets to prevent abuse of children exist and are hardwired across the system. A summary of all recommendations is found at Appendix One.
- 3 In the Cabinet paper responding to the review, Final Report by Dame Karen Poutasi on the death of Malachi Subecz [CAB-22-MIN-0540], Ministers were advised that some recommendations in the system review were operational, while others would need Cabinet approval and, in some cases, legislative change if accepted. Cabinet "invited the Minister for Children or other relevant Ministers to report back to Cabinet in early 2023 on the recommendations that require Cabinet approval".
- 4 It is anticipated that due to the nature and scope of the recommendations there will be multiple reports to Ministers, and more than one Cabinet paper may be progressed in the future. Cabinet approval is not currently required for this work to keep progressing. We will prepare a short report back to Cabinet if you prefer this approach.

Cross-agency action is underway to coordinate the response

Lead agencies have been identified for all the recommendations

- 5 Each of the system review recommendations have been assigned a lead agency and supporting agencies have been identified. This is shown in Appendix One with the lead agency in bold in the table. Oranga Tamariki and lead agencies are coordinating across relevant recommendations to streamline and align them to Oranga Tamariki Action Plan activities and responses where appropriate. They are leading and coordinating relevant work programmes to respond to their recommendation(s).

Four working groups have met to progress the substantive recommendations

- 6 Four working groups have also been established, and have met, to progress the more substantive recommendations. This is providing an opportunity to analyse certain recommendations from a first principles perspective and consider alternative options that could produce the same results.
- 7 The working group approach is being taken as some recommendations, including mandatory reporting, could potentially lead to significant change. They require careful consideration by agencies and Ministers before a decision is made on whether to accept the recommendations and how best to implement them. Each lead agency will work across agencies and report back to their Minister. They will seek permission to go to Cabinet where it is required to progress a recommendation.
- 8 The agency and working groups leads are undertaking cross-agency engagement to ensure well evidenced and informed consideration of the recommendations and how they can best be implemented. An important part of this work is to consider how each recommendation and the

¹ Oranga Tamariki—Ministry for Children; New Zealand Police; Department of Corrections; Ministry of Social Development; Ministry of Education; Ministry of Health.

actions that may be required to implement them fits within and interacts with the wider network of safety nets in the system.

- 9 Targeted engagement with stakeholders outside government agencies is required on several of the recommendations. Agency and working group leads will advise their Minister and seek their approval to undertake wider consultation if it is needed. Where this is the case, agencies will look for opportunities to align and leverage the range of engagement activities planned and underway, including as part of the Oranga Tamariki Action Plan.

Oranga Tamariki will coordinate the cross-agency action

- 10 At the start of this year, agency Chief Executives agreed that Oranga Tamariki will coordinate cross-agency actions and lead the six-month reports backs to you as the Children’s Minister on the government’s response to the recommendations. Our report backs will support the Independent Children’s Monitoring (ICM) to review progress against implementing recommendations as the system review recommended. We intend to provide the information in this update to the ICM, and Ombudsman.
- 11 We will provide strategic oversight of the response because the Oranga Tamariki Action Plan (the Action Plan) has already laid the foundations for the children’s agencies to collaborate better to fulfil our collective responsibilities, including on information sharing, policy and services delivery. Action Plan activities and responses align with some of the system review recommendations, specifically recommendation three which involves collaboration across multiple agencies, and Action Plan action 11 which supports and responds to locally led prevention plans². Together, agencies aim to support the wellbeing of children and young people, meeting their specific needs and upholding their rights.

Progress and actions against the recommendations has been made

- 12 A summary of the working groups, the recommendations they are responsible for, their approach and progress that has been made to date is outlined in table one below. This work is focussed on responding to the substantive policy issues in the system review. Progress on the remaining recommendations is reported back in the table at Appendix One.

Table One: Working Groups progress and updates

<p>Working Group One - Information sharing</p> <p>Recommendation Seven: <i>Enhance understanding and use information sharing regime on child welfare and protection matters</i></p>	<ul style="list-style-type: none"> • All members of this group will be responsible for identifying and driving positive changes in information sharing practice across the sector. We anticipate outcomes in this space will further support information sharing under the Oranga Tamariki Action Plan. • In July 2019, changes to the information sharing provisions in the Oranga Tamariki Act 1989 came into effect. The new provisions were designed to enable and encourage more proactive information exchange between a broader range of agencies and organisations. • A 2021 evaluation of the information sharing provisions found that when people understand and confidently apply them, the provisions can positively influence information sharing practices.³ However, the evaluation further noted that the new provisions were still being embedded into practice, and that this would take time. • Similarly, to the evaluation, Dame Karen Poutasi concluded that information can and should be shared under the provisions, but that the provisions were not always well understood by frontline workers across the sector.
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² Action 11 of the Action Plan requires agencies to support a co-ordinated, locally led approach with community partners who are looking to lead and work collaboratively on prevention, including an initial focus on community-based and locally-led co-ordinated responses to reports of concern.

³ The evaluation can be found [here](#).

	<ul style="list-style-type: none"> • There are some examples of good information sharing practices between agencies, and agencies and organisations, such as the Child Protection Protocol (CPP), and Family Safety System, a national case management system for multi-agency family harm responses. • The working group is serving as a mechanism to coordinate and drive continuous improvements to information sharing practices across the sector, including by leveraging a range of existing workstreams. For example: <ul style="list-style-type: none"> • there has been significant investment in the implementation of the provisions since 2019 – including the development of training, policies, protocols, and other resources to support frontline workers • there have been ongoing engagement efforts across agencies’ legal teams to ensure consistent understanding and messaging around the provisions • work is underway to review the effectiveness of the provisions in supporting information exchange with iwi and Māori organisations • additional agencies have been added to the definition of ‘child welfare and protection agency’ and therefore able to access the enabling functions – and further work will consider the addition of Whaikaha.
<p>Working Group Two - The children’s system</p> <p>Recommendations 11 and 12: <i>Define the children’s system, children’s agencies, and their roles and responsibilities in legislation</i></p>	<ul style="list-style-type: none"> • This working group is producing a key findings paper for you as the Children’s Minister, clarifying the existing children’s system, including identifying relevant legislation, confirming the boundaries between the formal and informal parts of the children’s system, and understanding the existing approaches to child protection in different parts of the system. The proposed timeframe to deliver this paper is July 2023. • The key findings paper will provide a foundation for developing advice on options to formalise the children’s system further, as well as identifying additional agencies who should be brought into the system or key system processes.
<p>Working Group Three - Mandatory reporting and training</p> <p>Recommendations eight and nine: <i>Legislate for, and implement, a mandatory regime to require reporting of suspected child abuse to Oranga Tamariki</i></p>	<ul style="list-style-type: none"> • Working group three is serving as a coordination and collaboration mechanism for developing advice related to mandatory reporting and training. Mandatory reporting is of material significance to several other agencies, with potentially significant impact on workforces across a range of sectors. • In November 2022, Cabinet noted that mandatory reporting should be the subject of further consideration because of the significant consequences that could arise from implementation, which would also require legislative change if introduced [CAB-22-MIN-0540]. • Officials provided you with further advice on mandatory reporting on 16 March 2023 [REP-OT/23/03/0855 refers]. This included advice on the range of possible options available to take this work forward. • Officials will provide supplementary advice on mandatory reporting, due in early May 2023, 9(f)(2)(iv) [REDACTED] and further information relating to the New Zealand context (including where the conversation sits now and to what extent it has shifted since the last major government consideration of mandatory reporting in 2014). We will also provide advice on an engagement approach at this time.

Working Group Four - Vetting a carer when sole parent goes into custody

Recommendations one, two and six:
Implement cross-agency a process for vetting and checking on a carer when a sole parent of a child is arrested and/or taken into custody

- This group is focused on whether Oranga Tamariki should be engaged in vetting a carer when a sole parent of a child is arrested and/or taken into custody and involved in regular follow-up checks and support for such approved caregivers (recommendations one and two). This work will also consider alternative options for providing a safety net before there is any evidence of abuse. The proposed timeframe for this work is to report to you prior to October 2023.
- Advice will be informed by targeted engagement with external subject matter experts. However, in the report we will provide you with the option of carrying out public engagement on any proposals for change before you decide on the way forward. At this time, we will seek your direction on whether you would like to report back to Cabinet on the proposed approach.
- Further work will consider whether the Ministry of Social Development should notify Oranga Tamariki when a caregiver who is not a lawful guardian, and who has not been reviewed by Oranga Tamariki or authorised through the Family Court, requests a sole parent benefit or other assistance (recommendation six). However, this will commence after completing work on recommendations one and two, as our advice will depend significantly on the role Oranga Tamariki will have in vetting and supporting carers.

Next steps

- 13 You will receive three reports on specific recommendations over the coming months, including:
 - a. One report in early May with the next steps on mandatory reporting
 - b. One report as a key findings paper on the children’s system, intended for July 2023
 - c. One report on vetting a carer when a sole parent goes into custody, prior to October 2023.
- 14 In addition, you will receive a report back on the cross-agency response in September 2023. We will also provide you with updates through the weekly report where appropriate and we want to advise you of the progress being made by other agencies.

Appendix One: Recommendations from the system review, lead and supporting agencies, and progress updates

The table below outlines all the system review recommendations with:

- the recommendations covered by the four working groups colour coded to align with our updates in table one at paragraph 12 in the report
- lead agencies in bold and supporting agencies identified
- progress towards implementation recorded for all those recommendations not covered by a working group

Recommendation	Lead and supporting agencies	Progress towards implementation
Critical gap: In identifying needs of a dependent child when charging and prosecuting sole parents through the court system		
1	Oranga Tamariki Department of Corrections (Corrections) Ministry of Justice (Justice) New Zealand Police (Police)	Refer to paragraph 12.
2	Oranga Tamariki Corrections Justice Police	Refer to paragraph 12.
Critical gap: In the process for assessing risk of harm to a child, which is too narrow and one dimensional		
3	Oranga Tamariki Ministry for Social Development (MSD) Police Te Aka Whai Ora Te Puna Aonui Te Whatu Ora	<p>Through Enabling Communities, Māori and community partners will have the opportunity to determine for themselves the aspirations and outcomes they want to achieve across the Oranga Tamariki system, including prevention, early support, and assessment of reports of concern. As partners explore their own ways to lead, partner or support Oranga Tamariki in these areas, Oranga Tamariki will make agreed, necessary changes to policy settings, practice guidance, operational policies, regional operating models, workforce requirements and funding arrangements.</p> <p>A February 2023 survey showed that 18 out of 61 Oranga Tamariki sites were already assessing and responding to reports of concern with their communities, up from 11 sites in August 2022.</p> <p>A range of other agency work programmes are working to enable communities to support children and families and whānau together. For example, Integrated Community-led responses led by Te Puna Aonui are working to empower communities to collaborate and deliver a spectrum of support to people and whānau experiencing family violence and/or sexual violence.</p> <p>The development of health locality models and Iwi-Māori Partnership Boards as part of the health reforms underway will also present opportunities to strengthen local collaboration and trust among providers and facilitate local collaboration from across sectors.</p> <p>Some of the initiatives the MSD has underway to improve its child protection practices, include reviewing and refreshing existing MAP and Doogle pages to ensure the information available to staff is clear, relevant and current.</p>
4	Te Whatu Ora	<p>The personal health information system – Hira - will enable a comprehensive view of a child's previous medical history and health interactions by putting in place the foundational technology for their personal health record to be accessed by approved whānau and providers via an app or website. This will include information such as demographics, medications, allergies, health conditions, immunisations, results, and appointments and procedures.</p> <p>Changes to Hira will help health professionals to monitor wellbeing indicators over time and regardless of where care is accessed. They will have secure, easy access to a child's 'real time' information when needed. They will also be able to access information in an emergency. Information about a child provided to Hira will be reflected to other healthcare providers. It is also important that health professionals are supported to understand how the data infrastructure can be operationalised in line with information sharing expectations, and child protection policies and pathways.</p>

Recommendation	Lead and supporting agencies	Progress towards implementation
		Initial benefits from Hira will be realised faster than initially advised in November 2022. This will be enabled by the adoption of an existing regional system to provide a single, national system of sharing primary health information. Once adopted, the change will create the national capability to share basic child primary care information before the end of 2023.
<p>5 <i>The health sector should be added as a partner to the Child Protection Protocol between Police and Oranga Tamariki to enable access to health professionals experienced in the identification of child abuse, and to facilitate regular joint training.</i></p>	<p>Te Whatu Ora Te Aka Whai Ora Oranga Tamariki Police</p>	<p>Oranga Tamariki have engaged with officials from Te Whatu Ora, Te Aka Whai Ora and Police to discuss the option of including the health sector in the Child Protection Protocol (CCP) and have recently completed joint planning to refine the scope of this work. Te Whatu Ora and Te Aka Whai Ora have agreed to join the formal review of the CPP that was already scheduled for 2023. A working group is currently being established.</p> <p>Work to review the CCP is also considering the joint memorandum of understanding between Police, Oranga Tamariki and the former District Health Boards as this agreement applies to some of areas highlighted in Dame Karen Poutasi's review.</p> <p>As part of the regular 18 month review of the CPP underway right now, Te Aka Whai Ora and Te Whatu Ora are working with Police and Oranga Tamariki to determine what joining the protocol would mean for the health sector, as well as identifying other mechanisms to improve child protection and information sharing practices between agencies.</p> <p>Child protection policies for Te Whatu Ora and Te Aka Whai Ora are also being renewed, with a unified policy that is more relevant to the reformed health system to be delivered by the end of 2023. This fulfils a legislative requirement to review child protection policies every three years, and will allow it to better reflect the 2019 legislation amendments regarding information sharing practices and provisions for those working with children. This offers an opportunity to raise the awareness of, and provide additional training for, child protection information sharing practices and pathways.</p>
<p>Critical gap: In agencies and their services not proactively sharing information, despite enabling provisions</p>		
<p>6 <i>The Ministry of Social Development should notify Oranga Tamariki when a caregiver who is not a lawful guardian, and who has not been reviewed by Oranga Tamariki or authorised through the Family Court, requests a sole parent benefit or other assistance, including emergency housing support, from the agency for a child whose caregiver is in prison</i></p>	<p>Oranga Tamariki/MSD Justice Corrections Police</p>	<p>Refer to paragraph 12.</p>
<p>7 <i>The enhancement of understanding of the information sharing regime in the Oranga Tamariki Act 1989, to educate and encourage child welfare and protection agencies and individuals in the sector to share information with other child welfare and protection agencies on an ongoing basis.</i></p>	<p>Oranga Tamariki MSD Corrections Police Ministry of Education (Education) Ministry of Health(Health) Te Whatu Ora Te Aka Whai Ora Justice</p>	<p>Refer to paragraph 12.</p>
<p>Critical gap: In a lack of reporting of risk of abuse by some professionals and services</p>		
<p>8 <i>Professionals and services who work with children should be mandated to report suspected abuse to Oranga Tamariki. I recommend this be legislated by defining the professionals and service providers who are to be classed as 'mandatory reporters', to remove any uncertainty around their obligations to report.</i></p>	<p>Oranga Tamariki Corrections Education Education Review Office (ERO) Health Justice MSD Police Te Aka Whai Ora Te Whatu Ora</p>	<p>Refer to paragraph 12.</p>

Recommendation	Lead and supporting agencies	Progress towards implementation
<p>9 <i>The introduction of mandatory reporting should be supported by a package approach that includes:</i></p> <ul style="list-style-type: none"> • <i>A mandatory reporting guide with a clear definition of the red flags that make up a high-risk Report of Concern, together with the creation of a 'High Report of Concern' category similar to the New South Wales 'Risk of Significant Harm' definition.</i> • <i>Defining mandatory reporters, all of whom should receive regular training.</i> • <i>In addition, for professionals deemed to be mandatory reporters, there should be:</i> <ul style="list-style-type: none"> ○ <i>undergraduate courses teaching risks and signs of child abuse</i> ○ <i>mandatory regular updated training regarding their responsibilities and the detection of child abuse, with practising certificates conditional on training and refreshers.</i> 	<p>Oranga Tamariki Corrections Education Education Review Office (ERO) Health Justice MSD Police Te Aka Whai Ora Te Whatu Ora</p>	<p>Refer to paragraph 12.</p>
<p>10 <i>There should be active monitoring of the implementation by early childhood education services of their required child protection policies to ensure they are providing effective protection for children. Therefore, the Ministry of Education and the Education Review Office should jointly design and administer a monitoring and review cycle for the implementation of Child Protection Policies in Early Learning Services.</i></p>	<p>Education ERO</p>	<p>Education and ERO have agreed the overall approach to delivering against this recommendation and are continuing to meet regularly to scope and plan the work in more detail. Alongside this, they are also identifying other opportunities in the current system to strengthen implementation of Early Childhood Education services' child protection policies. Key deliverables and associated timelines are expected to be finalised during this quarter.</p>
<p>Critical gap: In allowing a child to be invisible. The system's settings enabled Malachi to be unseen at key moments when he needed to be visible</p>		
<p>11 <i>The agencies that make up the formal Government's children's system should be specifically defined in legislation.</i></p>	<p>Oranga Tamariki MSD Corrections Police Education Health Te Aka Whai Ora Justice</p>	<p>Refer to paragraph 12.</p>
<p>12 <i>These agencies should have a specific responsibility included in their founding legislation to make clear that they share responsibility for checking the safety of children.</i></p>	<p>MSD Corrections Police Education Health Te Aka Whai Ora Justice</p>	<p>Refer to paragraph 12.</p>
<p>13 <i>Regular public awareness campaigns should be undertaken so the public is attuned to the signs and red flags that can signal abuse and are confident in knowing how to report this so children can be helped. Aotearoa society needs to hear the message 'don't look away'</i></p>	<p>Oranga Tamariki / multi agency (TBC)</p>	<p>Oranga Tamariki are in the initial assessment stages of scoping a cross-agency public awareness campaign that will highlight the red flags and encourage reporting of child abuse. We intend for this to be a multiagency approach, involving Children's agencies, Te Puna Aonui, iwi and sector partners. Our early thoughts are that the campaign will include use of social, online, and traditional media channels and be undertaken within baseline. We will update you on our progress towards this in the Weekly Report.</p>
<p>14 <i>So change can be monitored, the recommendations made in this report should be reviewed in one year's time by the Independent Children's Monitor in its new system-wide role.</i></p>	<p>Independent Children's Monitor</p>	<p>Oranga Tamariki has updated the Independent Children's Monitor (ICM) and the Ombudsman on the cross-agency approach plan to respond to the system review recommendations and will provide a further report within 12 months.</p>