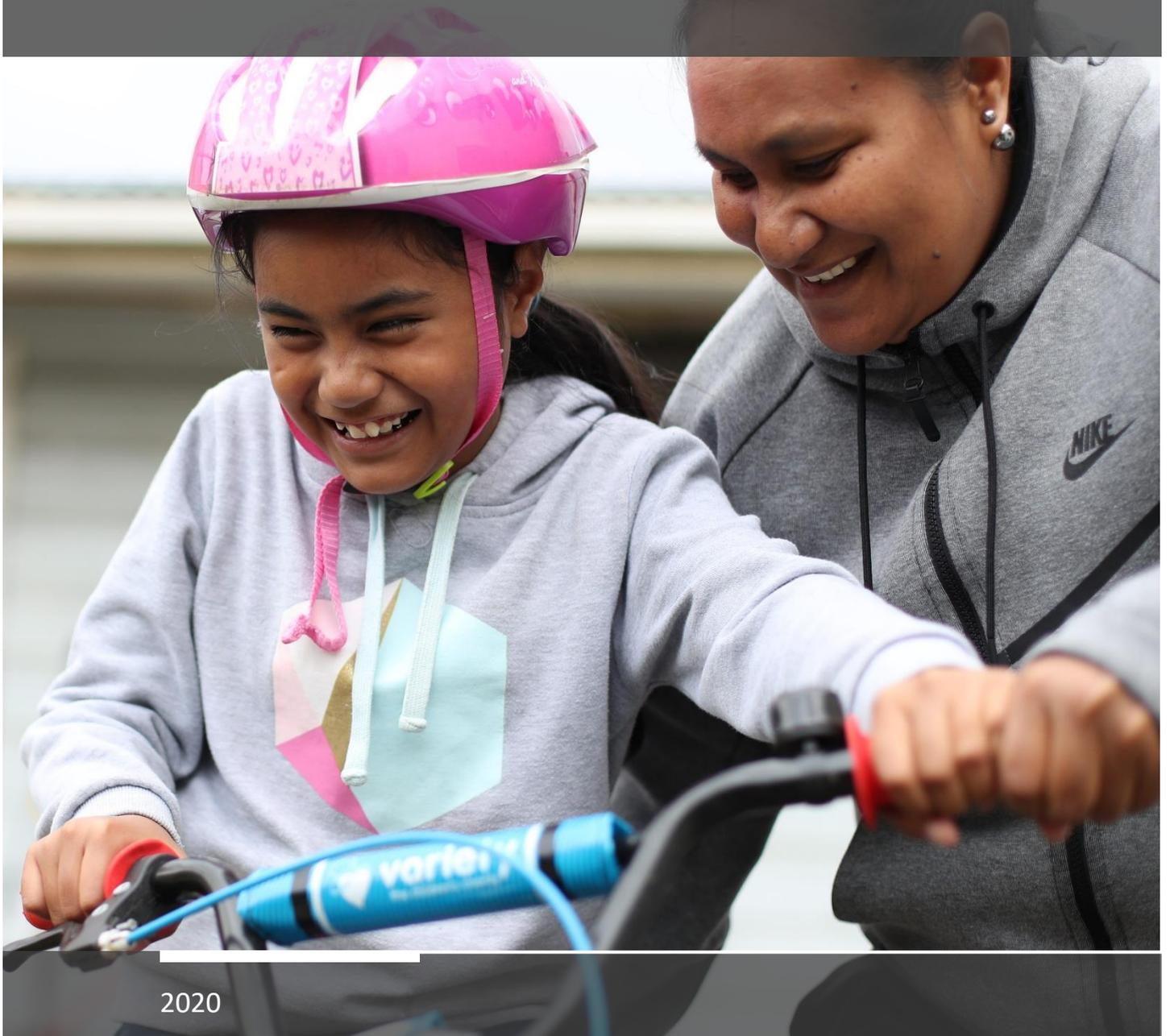

Independent Children's Monitor

The monitor
for the
Oranga Tamariki
system



Ethics Code



2020

Ethics Code

Purpose

The purpose of the Independent Children's Monitor (the Monitor's) Ethics Code is to outline the ethical guidelines and best practice principles that will be followed when engaging with tamariki, rangatahi, their family/whānau and caregivers.

This document should be read together with other relevant legislation, rules, agreements and policies.

Scope

This Code applies to all monitoring staff employed or contracted by the Monitor, including those who already adhere to other codes established by their profession.

This Code sets standards of professional conduct and practice required of those employed by the Monitor whenever they engage in monitoring activities, whether it be with tamariki, rangatahi, their family/whānau or caregivers.

Partnering with other agencies

The Monitor may partner with other agencies to engage with tamariki or rangatahi, family/whānau and/or caregivers. These ethical standards apply to any person acting in the place of, or for, the Monitor.

Role of the Monitor

The role of the Monitor is to oversee the Oranga Tamariki system including the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018.

We recognise that tamariki and rangatahi are at the heart of this system, and place value on how they view the impact of the system on their lives, their family/whānau and their communities.

Our commitment to Māori

Through our work, we are committed to improving the lives of tamariki and rangatahi, enabling them to realise their potential and aspirations with the support of their whānau, hāpu, iwi and communities.

Our values

The following values represent how we behave every day, with each other, and with those we are working with:

- **Manaaki – Respectful**

We show respect and care for others.

This means we:

- respect diversity of thought, action and culture
- have a child centred and te ao Māori perspective woven throughout all our work
- look out for each other and make work a safe place for our colleagues

- **Kia Pono, Kia Tika - Trustworthy**

We are honest and genuine and do the right thing.

This means we:

- admit when we don't know the answer
- cross-check our data
- do what we say we will and communicate in a timely manner if we can't

- **Kia Huritao – Reflective**

We are considered and reflective.

This means we:

- learn from experience, value feedback and always look for opportunities to improve
- take the necessary time to make the best decisions we can
- never assume we know what is best.

- **Kia Māia – Courageous**

We are brave, bold, capable and confident.

This means we:

- stand up for what is right
- tell the truth, even when it isn't popular.

Principles

The following principles will guide the work of the Monitor with tamariki and rangatahi, family/whānau and caregivers:

- **The best interests of tamariki and rangatahi are a primary consideration**

This means we will be and child and whānau centred in the work that we do. We will put the outcomes of tamariki and rangatahi in the system at the heart of our services and decision-making. We recognise the intrinsic value and inherent dignity derived from the whakapapa of tamariki and rangatahi, and the significance of their belonging to a whānau, hapū, iwi or family group.

- **Tamariki and rangatahi, families/whānau, and caregivers have a right to participate**

We believe that tamariki and rangatahi, family/whānau and caregivers have the right to share their views, and to have a say in things that affect them. We know that tamariki and rangatahi are at the centre of the work we do and we will seek and reflect their views, as well as those of their family/whānau and communities.

- **All people will be respected**

Tamariki and rangatahi, family/whānau and caregivers can decide whether or not they want to talk to us, and we will seek their consent prior to engagement. We will tell them why we want to talk to them and how we will use the information.

We will treat tamariki and rangatahi, family/whānau and caregivers with respect and honesty. We value what people have to say and believe it is a privilege to hear their stories and views. We will speak to tamariki and rangatahi in a way that recognises their age and development.

- **Uphold the mana of Māori**

We will recognise the mana of whakapapa for tamariki and rangatahi Māori, their whānau, hapū and iwi in our work. We will take the time to listen, understand and make connections. We will be mindful of and seek to understand the context and circumstances of tamariki and rangatahi Māori, their whānau, hapū and iwi.

Engaging with tamariki and rangatahi

Capturing the voices of tamariki and rangatahi is a critical part of our work and we will actively seek to give tamariki and rangatahi the opportunity to express their views.

Prior to engaging tamariki or rangatahi, we will:

- have a clear child protection policy
- have clear confidentiality policy and practice
- consider the cultural, physical and emotional safety needs of tamariki and rangatahi
- obtain informed consent from all relevant parties, as required
- make sure that the adults talking with tamariki and rangatahi are experienced, safe and where appropriate have been children's worker safety checked¹.

We recognise that tamariki and rangatahi in care or custody under the Oranga Tamariki Act have a higher than usual risk of having experienced trauma.

'Connectors' will be used to assist us to engage safely and meaningfully with tamariki and rangatahi. This means that we will seek assistance from trusted supports within the relevant communities to establish connections and provide pre and post-engagement support to tamariki and rangatahi, as necessary.

A connector may already be providing support or services to tamariki or rangatahi in care or custody. They will assist tamariki and rangatahi to understand the role of the Monitor so they can decide whether they want to engage with us. The connector will also ensure tamariki or rangatahi have adequate post-monitoring support should this be required.

Before engagement

We will carefully plan contact with tamariki and rangatahi before engagement.

- **We will support tamariki and rangatahi to make informed decisions about participation.** We will provide information to tamariki and rangatahi that will help them understand who we are and why we want to engage with them. We will seek their agreement prior to participation and will respect their right to withdraw their agreement at any stage.
- **We will seek to understand the needs of tamariki and rangatahi.** We will design our engagement in a way that helps tamariki and rangatahi to share their views. This will mean working together with people who know them so that they engage safely and meaningfully. We will consider age, development and accessibility when planning our work with tamariki and rangatahi. We will seek to understand the impact that experiences of trauma can have on how tamariki and rangatahi engage.
- **We will recognise and respond to the cultural needs of tamariki and rangatahi.** We will seek appropriate advice and support when preparing to engage with tamariki and

¹ Refers to Children's worker safety checking requirements outlined in Part 3 of the Children's Act 2014

rangatahi from diverse cultural backgrounds. Where possible we will match tamariki or rangatahi with staff who are best placed to respond to their cultural needs.

- **We will provide adequate resources for engagement.** As appropriate, we will provide resource for items such as koha, and cover expenses associated with travel costs, and cultural practices such as sharing food and koha for marae.

During engagement

During the engagement, we will create a safe and inclusive environment to make sure tamariki and rangatahi feel comfortable to share their story and views.

- **We recognise the importance of establishing relationships.** We will try to get to know tamariki and rangatahi, build connections and create an inclusive environment.
- **We explain the process to tamariki and rangatahi.** This will include explaining how long the engagement will last and what will happen when it finishes. We will let tamariki and rangatahi know that they can ask questions, choose how much information they want to share, and that they can stop the engagement at any time and there will be no negative consequence.
- **We provide a comfortable and welcoming environment.** We will make sure the environment is safe and suitable for the planned activities.
- **We provide different ways for tamariki and rangatahi to communicate.** We will make sure the way we engage is appropriate, taking into account age, development and accessibility. We will seek appropriate advice and guidance as necessary, and we will cater for different ways that tamariki and rangatahi may wish to express themselves.
- **We respond to what tamariki and rangatahi need in the moment.** We will actively listen, be fully present, and respond to what they need in the moment. We will 'check in' regularly during the engagement and remind them of their ability to withdraw their agreement to participate at any time. We will always accept and respect their decision to stop participating if they choose.
- **We listen without judgement.** We will allow tamariki and rangatahi to talk in their own way about things that are important to them. The Monitor will maintain flexibility and be responsive to the individual needs of tamariki or rangatahi involved, taking into account their age and stage of development.
- **We are prepared to change or stop the engagement based on what tamariki and rangatahi need.** We will change or stop the engagement if tamariki and/or rangatahi appear anxious or upset or indicate they do not wish to continue. We will ensure tamariki and rangatahi are able to access support if required after the engagement.
- **We provide assistance or support if required.** We will respond if tamariki or rangatahi ask for help or assistance. This may mean we seek advice or refer the child to someone else who can assist.

After engagement

After engagement we will ensure tamariki and rangatahi voices are reflected in our reporting. We will report insights, themes and patterns where appropriate, and ensure information is used in accordance with our Information Management rules. Our reports will not include any information that will identify individual tamariki or rangatahi.

Seeking consent from tamariki or rangatahi

We acknowledge that tamariki and rangatahi have the right to choose whether they will engage with us or not and will get their informed consent before any engagement.

We will presume that they are competent to provide informed consent, unless there is clear reason to doubt that that is the case. Where tamariki or rangatahi lack the capacity to give informed consent, we will obtain consent from their caregiver or the agency providing, or with, responsibility for their care.

When assessing the competence of tamariki or rangatahi to provide informed consent, we will consider the type of information we are seeking and the age and development of individual tamariki and rangatahi.

Information

We will provide information to tamariki or rangatahi ahead of the planned engagement. This will give them an opportunity to consider the information and determine whether they wish to participate. We will encourage them to speak to a trusted adult about the information and ask any questions they may have.

The information will be available in a range of ways and use simple and clear language. It may include the following information:

- Who we are and what we do.
- What we want to talk to tamariki or rangatahi about.
- How long the interview/engagement will take and how the views of tamariki or rangatahi will be captured/recorded.
- Confidentiality, anonymity, and the limits to confidentiality.
- What we will do with the views/information from tamariki or rangatahi.
- That tamariki or rangatahi can withdraw from the engagement/interview at any time.

Just prior to the engagement, we will have a conversation with the tamariki and rangatahi about the purpose of the engagement, verbally outline the key details of what will be discussed, offer tamariki and rangatahi a chance to ask any questions, and seek their consent to participate.

Privacy and anonymity

Our reports will not identify individual tamariki, rangatahi, or whānau. We will store all information we obtain safely. We will not share information that identifies anyone and will be open about any proposal to share information that does not identify anyone. (The legislation under which the Monitor operates allows limited sharing of information that does not identify anyone with the Children's Commissioner, the Ombudsman, and iwi and Māori organisations).

We may disclose information where doing so is necessary to protect a person from harm. If we have to do so, we will disclose the minimum amount of information necessary to address the risk of harm.

Withdrawing consent

We will advise tamariki or rangatahi that they can withdraw their consent to participate at any time. We will reiterate this and 'check in' regularly throughout the engagement.

There may be occasions when consent cannot be withdrawn; for example, following an anonymous online survey once the answers have been submitted. In these circumstances we will communicate this to the relevant tamariki or rangatahi when using this form of engagement.



Engaging with family/whānau and caregivers

When formally engaging with family/whānau or caregivers the Monitor will apply the overarching principles of this code.

In addition, we will:

- **Provide adequate resources for engagement.** As appropriate, resourcing will be provided as required for items such as koha, travel and accommodation expenses, and costs associated with enabling cultural practices, such as sharing food and koha for marae.
- **Reflect the contribution of family/whānau, and caregivers in the Monitor's reporting** where appropriate, while ensuring information is used in accordance with the Information Management rules.
- **Advise family/whānau, and caregivers that information provided will be anonymised when published.** Information shared during the course of any engagement will be kept confidential, unless the information provided indicates a person is at risk of harm, including a risk that they may harm themselves or someone else.

Making contact with caregivers and family/whānau

Caregivers and family/whānau may be contacted through appropriate NGO or iwi services who would act as a 'connector' for the Monitor. The connectors will be known and trusted by the participants and would be able to provide support and pastoral care if needed after the engagement. In some circumstances the connector may be the relevant agency or shared care provider.

Definitions

Care or custody, in relation to a child or young person, means being subject to an order for custody or sole guardianship or to a care agreement, in favour of (or naming as the carer) the chief executive of Oranga Tamariki–Ministry for Children, an iwi social service, a cultural social service, or the director of a child and family support service, as the case requires,

Caregiver means a person in whose care a child or young person is placed by the chief executive. This includes a whānau caregiver but does not include a parent or guardian of the child or young person.

Connector is a broad term used to describe a person, organisation or agency that assists the Monitor to identify and connect with tamariki, rangatahi, family/whānau or caregivers. The connector may in some circumstances assist in the facilitation of monitoring activities. The connector may also provide or facilitate appropriate pre and post-monitoring support.

Harm includes physical, psychological, emotional or sexual harm.

Rangatahi are young people over the age of 14 years but under the age of 18 years.

Tamariki are children under the age of 14 years.

Trauma is an event that is out of the ordinary and experienced as life threatening, causing significant fear and distress. Experiences of trauma can impact on how a child or young person engages; for example, they might need more time to feel safe with new people, may have difficulties concentrating or may display particular behaviours to avoid answering some questions.

Whānau means a member of a child or young person's family, whānau, hapū, iwi, or family group.