

## Appendix B: Oranga Tamariki Overview of Care Standards Regulation 69 and 85 Practice Requirements, Monitoring Approach and Measures and Reporting Mechanisms

### Reg.69 Duties in relation to allegations of abuse or neglect

In applying regulation 69 to practice expectations we take account of the Section 3 Application of regulations;

- It is reasonably practicable to do so
- If only part of the regulation can be complied with it will be and any other requirements will be met at a later point when practicable to do so
- Where obligations cannot be met we have a duty to record this in written form

We also take account of the Section 5 Interpretations in applying the regulations to individuals and in defining harm.

Abuse is defined as emotional, physical and sexual abuse and neglect. Risk of harm caused by abuse or neglect when applied within regulation 69 is limited to abuse or neglect that is caused whilst in care or custody and therefore will not apply to the harmful impact of previous trauma arising from abuse or neglect prior to entry to care.

Internal quality assurance activities such as the Practice Leader-led monitoring using the Quality Practice Tool and the Safety of Children in Care Unit's review work support the requirements for continuous improvement and self-monitoring under regulation 86. Quality assurance activities involve sites and residences and are undertaken on a cyclical basis.

We are cognisant that further privacy impact analyses will be required during the more detailed development of operational requirements to support access to and sharing of individual case-level information.

Regulation	Definition	Policy /standards/practice requirements	Monitoring /Assurance mechanism
(1) <b>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.</b>	<p>'... is responded to...' This means the organisation has received the information, recorded it and made a structured, transparent and evidenced decision about what action is needed, and in what timeframe.</p> <p>Response relates to both:</p> <ul style="list-style-type: none"> <li>• the immediate safety of the child</li> <li>• the investigation to be undertaken to enable a</li> </ul>	<p>Practice Standard 5 'Ensure Safety and Wellbeing' includes the following requirement: <i>'...thoroughly assess any new allegation for te tamaiti currently involved with Oranga Tamariki, via a new Report of Concern'.</i></p> <p>Practice Standards link: <a href="https://practice.orangatamariki.govt.nz/practice-standards/">https://practice.orangatamariki.govt.nz/practice-standards/</a></p> <p>Practice policy links: <a href="https://practice.orangatamariki.govt.nz/our-work/assessment-and-planning/assessments/child-and-family-assessment-or-investigation/">https://practice.orangatamariki.govt.nz/our-work/assessment-and-planning/assessments/child-and-family-assessment-or-investigation/</a></p> <p><a href="https://practice.orangatamariki.govt.nz/our-work/practice-tools/other-practice-and-assessment-tools/safety-and-risk-screen/">https://practice.orangatamariki.govt.nz/our-work/practice-tools/other-practice-and-assessment-tools/safety-and-risk-screen/</a></p>	<p>Operational oversight: A weekly report is generated which identifies all new Reports of Concern for tamariki in care; Regional Managers follow up</p> <p>Practice Quality Assurance: The requirement to enter a Report of Concern in CYRAS for any new allegations for tamariki already involved with Oranga Tamariki is part of the 'Ensure safety and wellbeing' practice standard. This standard is monitored on a quarterly basis as part of the quality assurance system, with practice leaders applying a consistent set of criteria and a random sample to establish current levels of quality and track</p>

	<p>finding of abuse or 'not found' to be made</p> <p><i>NB: Noting there is a clear difference between grievances, complaints and health and safety concerns and allegations of abuse and the expectation is that if a concern is inaccurately managed through any of these pathways it is redirected and formally notified as a report of concern.</i></p> <p><i>Also noting that a number of issues for children in care are progressed as a report of concern but do not relate to risk of or allegations of abuse or neglect.</i></p>	<p><a href="https://practice.orangatamariki.govt.nz/policy/assessment/">https://practice.orangatamariki.govt.nz/policy/assessment/</a></p> <p><a href="https://practice.orangatamariki.govt.nz/assets/resources/Templates/intake-decision-response-tool.pdf">https://practice.orangatamariki.govt.nz/assets/resources/Templates/intake-decision-response-tool.pdf</a></p> <p>An allegation that a tamaiti is being, or is likely to be, abused, neglected, or harmed by their caregiver must be:</p> <ul style="list-style-type: none"> <li>recorded as a Report of Concern and a formal process for managing this is undertaken (new Intake &amp; C&amp;FA/Investigation)</li> <li>investigated or assessed by Oranga Tamariki following our usual processes.</li> <li>all Reports of Concern are responded to using a structured decision response tool to assess appropriate timeframes for the response, based on the nature of the concern and the needs and circumstances of the individual tamaiti</li> </ul> <p>The service specifications for 396 providers responsible for shared care arrangements outlines the requirement for providers to:</p> <ul style="list-style-type: none"> <li>Immediately inform the Purchasing Agency's Social Worker and Contract Manager of any information received</li> <li>Work with the Purchasing Agency to ensure the safety of the child or young person</li> <li>Co-operate fully with the Purchasing Agency while it undertakes an investigation of the allegation. This includes providing information to the Purchasing Agency as requested</li> </ul>	<p>changes over time. Informs individualised feedback to practitioners, and results are aggregated up to identify trends at local and national levels.</p> <p>SOCIC review reports of concern related to children in care where there has been a finding (sexual, physical, emotional abuse, neglect, behavioural/relationship difficulties and Not Found).and identifies those not related to abuse concerns.</p>
<p><b>(2) In carrying out the process for responding to the information, the chief executive must ensure that—</b></p> <p><b>a. the response is prompt; and</b></p>	<p>Prompt response relates to both the initial assessment of safety and the outcome of the assessment/ investigation.</p> <p><i>NB: Noting it is only possible to track timeframes once allegation or concerns related to abuse have been formally notified; as such any delay in information being passed on /delay in disclosure is outside of the regulatory requirements. For this reason data on time taken from abuse incident to outcome can</i></p>	<p>The policy requirements for completing the response are:</p> <ul style="list-style-type: none"> <li>Initial safety assessment (24 hours, 48 hours, 7 working days, 20 working days)</li> <li>The full assessment/ investigation (CPP Investigation and C&amp;FA have same timeframes): for 5s and under 50 days, over 5s 60 days</li> <li>And if the abuse allegation relates to a caregiver the timeframe for investigating and assessing is 35 days</li> </ul> <p>Practice policy:</p> <ul style="list-style-type: none"> <li>Assessment and Decision making</li> <li>Caring for children and young people policy</li> <li>Allegation of abuse by caregiver policy</li> </ul>	<p>SOCIC review will provide structured data at individual case level assessing whether policy timeframes have been met for the completion of initial safety assessment and final assessment outcome, and will provide narrative commentary to explain any instances where timeframes not met.</p> <p>SOCIC Unit will provide aggregated numbers on timeframes in quarterly report</p>

	<i>only be used to reflect on behaviours and patterns in disclosure and not used as an accountability or performance indicator.</i>	<p>Practice Policy links:</p> <p><a href="https://practice.orangatamariki.govt.nz/our-work/intake/intake-decision-response-tool/decision-response-timeframes/">https://practice.orangatamariki.govt.nz/our-work/intake/intake-decision-response-tool/decision-response-timeframes/</a></p> <p><a href="https://practice.orangatamariki.govt.nz/previous-practice-centre/policy/caring-for-children-and-young-people/">https://practice.orangatamariki.govt.nz/previous-practice-centre/policy/caring-for-children-and-young-people/</a></p> <p><a href="https://practice.orangatamariki.govt.nz/our-work/care/caregivers/allegations-against-caregivers/">https://practice.orangatamariki.govt.nz/our-work/care/caregivers/allegations-against-caregivers/</a></p>	
<b>b. the information is recorded and reported in a consistent manner; and</b>	<p>Social work practice in relation to an allegation of abuse or risk of abuse is governed by a set of structured reporting templates and formats which include prompts to guide practice. All decision making in this area has clear approval requirements and is overseen by leaders of practice within sites. The organisation's delegation authorities ensure the appropriate level of sign off and that this is clearly understood throughout the organisation.</p>	<p>The policy requirements for recording information are:</p> <ul style="list-style-type: none"> <li>• Information relating to any allegation relating to the abuse or neglect of tamariki in care is required to be entered in CYRAS as a new Report of Concern – a structured template</li> <li>• The investigation process (C&amp;FA/ CPP Investigation) requires all information to be recorded in the assessment record and requires: <ul style="list-style-type: none"> <li>○ Safety screen in a structured template</li> <li>○ rationale for decision making recorded in a structured assessment report (Tuituia)</li> <li>○ case consult tool &amp; decision response tool both guide practice</li> <li>○ a finding outcome with details of abuse type, timeframe of incident, abuser type, alleged abuser name entered in structured fields</li> </ul> </li> </ul> <p>Practice standard:</p> <ul style="list-style-type: none"> <li>• Keeping accurate records</li> <li>• Ensuring safety and wellbeing</li> </ul> <p>Practice Standards link:</p> <p><a href="https://practice.orangatamariki.govt.nz/practice-standards/">https://practice.orangatamariki.govt.nz/practice-standards/</a></p> <p>Practice Policy:</p> <ul style="list-style-type: none"> <li>• <i>Assessment and Decision making</i></li> <li>• <i>Caring for children and young people</i></li> <li>• <i>Allegation of abuse by caregiver policy</i></li> <li>• <i>CPP protocol</i></li> </ul> <p>Practice Policy Links:</p> <p><a href="https://practice.orangatamariki.govt.nz/our-work/assessment-and-planning/assessments/child-and-family-assessment-or-investigation/child-protection-protocol-cpp/">https://practice.orangatamariki.govt.nz/our-work/assessment-and-planning/assessments/child-and-family-assessment-or-investigation/child-protection-protocol-cpp/</a></p>	<p>SOCIC review work examines practice in detail at an individual case level and can report on the accuracy of records and any error. Assessment practice is reviewed for all cases.</p> <p>Any absence of records is assessed as being an absence of practice.</p> <p>Practice leader – quarterly use of QPT monitors random sample of children in care cases.</p>

		<p><i>The Service Specifications for Shared Care, Role of the Provider specifies:</i></p> <ul style="list-style-type: none"> <li>Consistently record all information received and activities undertaken in the course of the investigation</li> </ul>	
<p><b>c. where appropriate, the child or young person is informed of the outcome; and</b></p>	<p>We expect that in most cases children over the age of two are able to have information relayed to them in some form that enables a basic understanding of what is happening.</p> <p><i>Where appropriate</i> takes account of the child's age and level of understanding and also considers any safety issues that may pose a risk to a child or others should the information be passed on (e.g. if the child being informed of something would place someone at risk of retribution or harm).</p> <p><i>Informed of outcome</i> is taken to mean at all stages of the initial phase of assessment and then later stages of assessment and investigation to ensure that the child understands what is happening when and why as well as understanding the rationale for decisions made that lead to the final outcome.</p>	<ul style="list-style-type: none"> <li>A social worker is required to inform the child of the following: <ul style="list-style-type: none"> <li>outcome of the initial notification; i.e. we will complete an investigation and it looks like this and will involve these people</li> <li>The timeframe for completion of the investigation</li> <li>The outcome of the investigation</li> </ul> </li> </ul> <p>Social workers will complete a case note outlining what information has been communicated to the child and will reflect the child's views</p> <p>At a wider level the child's understanding of the outcome is also evidenced within safety planning and assessment overall.</p> <p>Decision making is evidenced as taking account of the child's views – e.g. when evidential interviews are not completed or when police</p> <p>Practice Standards:</p> <ul style="list-style-type: none"> <li>Engaging with tamariki</li> <li>Working in partnership</li> <li>Ensuring safety and wellbeing</li> </ul> <p>Practice Standards link: <a href="https://practice.orangatamariki.govt.nz/practice-standards/">https://practice.orangatamariki.govt.nz/practice-standards/</a></p> <p>Practice Policies:</p> <ul style="list-style-type: none"> <li>Assessment and decision making policy</li> <li>Caring for Children Policy</li> <li>Allegation of abuse by caregiver policy</li> </ul> <p>Practice Policy Link: <a href="https://practice.orangatamariki.govt.nz/policy/participation-of-tamariki-providing-information-ensuring-understanding-and-incorporating-their-views/">https://practice.orangatamariki.govt.nz/policy/participation-of-tamariki-providing-information-ensuring-understanding-and-incorporating-their-views/</a></p>	<p>SOCIC review will note practice in this area at an individual level and will report on the specific data related to numbers of children being informed at all stages of the assessment/investigation and of the final outcome.</p> <p>A more general narrative will indicate practice developments in building and maintaining child's voice throughout decision making in this area.</p>
<p><b>d. Appropriate steps are taken with the parties to the allegation, including a review of the caregiver's plan.</b></p>	<p>Appropriate steps is defined as:</p> <ul style="list-style-type: none"> <li>ensuring that parents (when safe to do so) have been informed of the allegation</li> <li>those implicated by the outcome of the investigation have been notified by the outcome</li> </ul>	<p>Practice Standards:</p> <ul style="list-style-type: none"> <li>Engaging with tamariki</li> <li>Working in partnership</li> <li>Ensuring safety and wellbeing</li> </ul> <p>Practice Standards link: <a href="https://practice.orangatamariki.govt.nz/practice-standards/">https://practice.orangatamariki.govt.nz/practice-standards/</a></p> <p>Practice Policies:</p> <ul style="list-style-type: none"> <li>Assessment and decision making policy</li> <li>Caring for Children Policy</li> </ul>	<p>SOCIC review will note practice in this area at an individual level and will report on the specific data related to numbers of parties being informed where appropriate of the final outcome.</p> <p>A more general narrative will indicate developments in communication practice in this area and note limitations where seen.</p>

	<ul style="list-style-type: none"> <li>any other notifiers have been informed that the matter has been investigated</li> <li>caregivers have been informed and where relevant a review of their caregiver approval status and support plan has taken place (this to occur for all allegations when child living with a caregiver at time of outcome as it suggests a change of circumstances for the child and therefore will require review of supports in place to ensure all risks managed and impact on child taken account of)</li> <li>where relevant those providing support to the caregiver (396 providers) have been given a copy of written outcome report</li> </ul>	<ul style="list-style-type: none"> <li>Caregiver assessment &amp; approval &amp; support policies</li> <li>Allegation of abuse by caregiver policy</li> </ul> <p>Practice Policies link:  <a href="https://practice.orangatamariki.govt.nz/our-work/care/caregivers/allegations-against-caregivers/">https://practice.orangatamariki.govt.nz/our-work/care/caregivers/allegations-against-caregivers/</a>  <a href="https://practice.orangatamariki.govt.nz/our-work/care/caregivers/allegations-against-caregivers/allegations-involving-section-396-providers/">https://practice.orangatamariki.govt.nz/our-work/care/caregivers/allegations-against-caregivers/allegations-involving-section-396-providers/</a></p> <p>The Service Specifications for 396 providers of Shared Care states;</p> <ul style="list-style-type: none"> <li>If an allegation of abuse or neglect is made while the child or young person is in the care of the Provider:</li> <li>Support the caregiver during the investigation</li> <li>Suspend the caregiver's approval status if necessary, and inform the purchasing agency</li> <li>Once the purchasing agency has reported the outcome of the investigation to the Provider, carry out a caregiver review process (including a review of the caregiver's approval status and the caregiver support plan). Report the outcome of the review, and the outcomes of any additional processes that arise from the review, to the Purchasing Agency Social Worker and Contract manager.</li> </ul> <p>If the allegation is against one of the Provider's staff:</p> <ul style="list-style-type: none"> <li>Support the staff member during the investigation</li> <li>Suspend the staff member if necessary, and inform the Purchasing Agency</li> <li>Once the Purchasing Agency has reported the outcomes of the investigation to the Provider, take these findings into account in completing an employment review. Report the outcome of the review, and the outcomes of any additional processes that arise from the review, to the Purchasing Agency Social Worker and Contract Manager.</li> </ul>	
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Policy and practice guidance is in the process of being updated to reflect a number of practice developments which impact in this area of work. The developments reflect legislative changes, the implementation of the Care Standards and best practice initiatives in responding to allegations of abuse and neglect and include, but are not limited to, assessment, safety planning, joint working memoranda with Police and recording practice.

Current practice expectations have been communicated to practitioners in light of the implementation of the Care Standards on 1 July 2019 in the following process steps guidance document as an interim measure:

## Oranga Tamariki Allegation of Abuse or Neglect of Tamariki in Care – Steps to follow

1

### An allegation of abuse, neglect, harm or concerns for wellbeing of tamariki in care is received

When we are working with tamariki in our care, there may be worries or concerns brought to our attention alleging that te tamaiti is being abused, neglected, harmed, deprived or concerns about their wellbeing. These concerns may come to us in the course of our work with tamariki, or be reported to us by someone in the community. This process should be followed no matter who reports the concerns or about whom the allegations are made. (i.e caregiver, parent, other tamaiti, member of the public)

**Definitions of abuse, neglect and harm<sup>15</sup>**

**Care and protection pathway guidelines**

**Oranga Tamariki Act 1989 Reporting of concerns to chief executive**

**Ensure safety and wellbeing**

2

### Create a Report of Concern

At the top of the Report of Concern indicate this report is about a tamariki in care. If it is an allegation against a caregiver, ensure this is also clearly noted at the top.

Gather and record all the information about the concern or allegation from te tamaiti or other person/s making a report of concern. Identify who the concerns or allegations are about. Follow these steps regardless of who the allegation is against. However, if the concern or allegation of abuse, neglect, harm or wellbeing is against a caregiver who has other tamariki, give careful consideration to their safety and well-being (see Step 4 for links).

It is **not** appropriate to record the concerns as a case note or contact record when they relate to tamariki in care. It is important to record all the details of any person alleged to have harmed te tamaiti and record them as a participant in CYRAS.

**Care and protection pathway guidelines**

**Participation of tamariki – providing information, ensuring understanding and incorporating their views**

**Ensure safety and wellbeing**

**Keep accurate records**

**CYRAS Handbook**

**Recording policy – Key information**

3

### Assess and Determine Response

The Report of Concern is assessed to determine the appropriate pathway and response time. Use the Intake Decision Response tool (DRT) to support your decision making. The DRT asks us to consider the vulnerabilities of te tamaiti which includes being in care, note there is a new vulnerability trigger in the DRT. Where the DRT supports critical, very urgent or a 7 day response, immediate and direct contact will be made with the site to flag a Report of Concern for a child in care has been received.

Any change to the decision response determined by the site pathway meeting must be recorded in the Pathway Rationale case note template. This should clearly state how and why the different decision has been reached.

**Intake decision response tool**

**Assessment and decision making policy – Key information**

**Ensure safety and wellbeing**

**Keep accurate records**

<sup>15</sup> Links to all the referenced documents can be found in the copy of this report available on the ICM website.



#### **Complete an Assessment**

The Assessment must be completed in the new CFA / INV phase and not the current intervention phase for te tamaiti. Complete a safety assessment to establish immediate safety for te tamaiti and record in a new safety and risk screen. Take the necessary steps to ensure te tamaiti is safe.

Engage and inform te tamaiti, the caregiver and parents (unless this poses a risk to te tamaiti) about what is happening. Update the All About Me plan.

Ensure the following:

- Support for the tamariki throughout
- Tamariki are informed of when, why, what and how things are happening

Care and protection pathway guidelines

Intake decision response tool

Assessing safety needs for tamariki in care

Building safety around children and young people

See and engage tamariki

See and engage whanau, wider family, caregivers and when appropriate victims of offending by tamariki

Whakamana te tamaiti: Practice empowering tamariki Maori

Ensure safety and wellbeing

Keep accurate records

Explaining rights and entitlements to tamariki and rangatahi

As mentioned Step 2, if the concern or allegation of abuse, neglect, harm or wellbeing is against a caregiver the following policy and processes must be followed (paying particular attention to the safety and wellbeing of any other tamariki:

**Working with tamariki when allegations of abuse, neglect, or harm are made against their caregiver**

**Review of caregiver approval**



Inform te tamaiti of the outcome

The Social Worker must inform te tamaiti of the outcome of the assessment or investigation. This will need to take into account their age and understanding and will need to respect the privacy of those involved whilst also ensuring te tamaiti has the support they need during the discussion. Te tamaiti needs to understand that someone has taken their concerns seriously, has taken action to support them, is managing their care safely and any risks from the person causing the harm.

When outcomes of concerns or allegations are not known within the timeframe of an assessment or investigation (i.e. criminal proceedings) we have a duty to inform tamariki where reasonable and practicable to do so.

**Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 69 Duties in relation to allegations of abuse or neglect**

**See and engage tamariki**

**Participation of tamariki – providing information, ensuring understanding and incorporating their views**





### **Record outcome and clear rationale**

Clearly record the outcome in the Tuituia review template in the current CFA or Investigation phase. Identify further needs to be met and update the current Tuituia assessment and All About Me Plan. Complete the outcome screen and roll the CFA / Investigation into the current Intervention phase. The recording of all the activities that have been undertaken will ensure that in the future a child or young person could understand what action was taken.

**Working with tamariki when allegations of abuse, neglect, or harm are made against their caregiver**  
**Response pathways**  
**All About Me plan**



### **Act on identified needs**

Any new needs identified from this assessment will need to be included and updated in the All About Me plan. The caregiver plan will need to be reviewed and updated, whether or not the allegation was against them. The impact of harm on te tamaiti is likely to affect care arrangements so it is important additional supports are considered in meeting the needs of tamariki.

**Completing the Tuituia report**  
**All About Me plan to meet the needs of tamariki**  
**Caregiver support plan**



### **Take appropriate steps with parties to the allegations**

We must inform all parties involved with the concerns and allegations of the outcome of the assessment. We must record that this has happened. This could include informing s396 provider, full care partner, health provider, education, police any other social service provider or agency providing support for te tamaiti. Make sure that you have recorded your discussions with te tamaiti as well.

**Recording policy – Key information**  
**All About Me plan to meet the needs of tamariki**  
**Keep accurate records**  
**Caregiver support plan**  
**All About Me plan to meet the needs of tamariki**  
**Keep accurate records**  
**Ensure safety and wellbeing**  
**Use professional supervision**  
**Create, implement and review a written assessment and plan**  
**Whakamana te tamaiti: Practice empowering tamariki Maori**

## **Reg. 85 Provision of information to independent monitor**

The chief executive must ensure that information is provided to the monitor on

- a) reports of abuse and neglect that the CE has received under reg 69 and
- b) how those reports were responded to.

Oranga Tamariki currently holds this information on an individual case basis within the case management system (CYRAS). This information is used to manage the safety of children at an operational level and the monitoring measures and safeguards in place across our practice seek to assure the organisation that practice is meeting the intent and regulations of the Care Standards (as outlined above).

The Safety of Children in Care Unit receives data at an individual case level to monitor and review practice at the end of the response to an allegation. This information is collated at an individual case level and can be routinely scrutinised to assure self-monitoring is adequate. The Safety of Children in Care Unit report on a quarterly basis at an aggregated level.

**General principles underpinning reporting:**

All of the working definitions of Regulation 69 apply to the reporting of information required under regulation 85.

It is proposed that reporting does not risk identification or self-identification by any parties. Any individual level data will need to be deemed unidentifiable and redacted accordingly.

Numbers and percentages will be provided where appropriate to ensure the specific detail is understood as well as the contextual analysis.