

Response: Independent Children's Monitor

Response from Oranga Tamariki–Ministry for Children to the third report of Te Mana Whakamaru Tamariki Motuhake Independent Children's Monitor – Agency Compliance with Regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations - November 2020

Response to the third report of the Independent Children’s Monitor

Oranga Tamariki–Ministry for Children (‘Oranga Tamariki’) welcomes the third report of Te Mana Whakamaru Tamariki Motuhake - Independent Children’s Monitor (‘the Monitor’).

Overview

Ensuring the safety and wellbeing of tamariki and rangatahi in care remains a top priority for Oranga Tamariki and is an area of significant focus and investment. As we noted in our response to the Monitor’s previous reports, fully achieving the aspirations of the National Care Standards will take time and forms part of our multi-year transformation journey.

The Monitor’s third report provides an assessment of how Oranga Tamariki and approved organisations performed against regulation 69 and 85.

The approach of the Monitor for the latest round of monitoring included engagement with a small number of our kaimahi across three sites. We welcome this and will use the insights generated, along with other internal and external insights, to support ongoing continuous improvement activity focused on enhancing the quality of practice for tamariki in care, their whānau and caregivers. Training and professional development is a key area of focus and, as noted, we have invested in further specialist resource through the Safety of Children in Care Unit who provide direct coaching and learning opportunities for sites in relation to Regulation 69.

Our people have told us that focused learning opportunities that enable understanding, provide practical solutions and resources, and that test thinking, and decision making are helpful in promoting consistency of practice. Social workers welcome the opportunity to reflect on the intent of practice expectations in this area of work – in particular, reflecting on how recording the outcomes of an investigation can sometimes seem like an additional administrative requirement but which, in fact, can have great significance for individuals impacted by harm.

Findings

We were pleased to note the Monitor’s finding of full compliance in relation to our policies and procedures, and the acknowledgement of the higher level of compliance in particular areas of practice. Our rate of initial response to allegations of abuse or neglect improved, a greater number of reviews of children’s plans took place, and accuracy of recording improved across the year.

We acknowledge the issue of recording that is impacting on our ability to demonstrate compliance with the National Care Standards. We are currently considering different options to address this area of work to improve our compliance.

Areas for strengthening

We note the specific areas for strengthening identified by the Monitor:

- informing the child of the outcome of an investigation
- informing the parent/guardian of the outcome of an investigation
- completing investigations or assessments on time
- a lack of visibility over the initial decision-making at the National Contact Centre or local site, and
- ensuring the decision to take ‘No Further Action’ is appropriate.

What we will do to strengthen specific areas of practice

Informing tamariki and whānau of outcomes and completing investigations on time

As noted by the Monitor “...recorded compliance was low when informing the child of the outcome of an investigation...informing the parent/guardian of the outcome of an investigation [and] completing investigations or assessments on time.”

The Monitor reported that “...the data showed a high level of compliance with the safety screen¹ requirements, with 84 percent completed within the required timeframe over the 12 months. However, the timeliness of full investigations and assessments of allegations of abuse or neglect, once initial safety has been established, is not consistently being achieved.”

We acknowledge that improvements in recording practice, including recording clearly when requirements could not be met, will enable greater understanding of whether social work practice is meeting the required standard of care, including informing tamariki and whānau of outcomes.

The need to accurately record all practice decision making and communicate outcomes to the parties involved, particularly, tamariki and rangatahi, is paramount in all practice discussions with practitioners.

Training was provided at a recent national hui focused on strengthening knowledge, promoting clarity of practice expectations to meet regulation 69 and supporting the ongoing monitoring of practice. This will assist our ability to maintain a focus on strengthening this area of practice in 2021.

We have developed a series of practice tools and resources that are specific to responding to allegations of abuse or neglect for children in care – these are currently being tested to ensure they enable greater consistency of practice in compliance with the regulatory requirements.

As noted in the section below, we are currently refreshing the approach to performance through the development of a new performance framework and better access to data to enable front-line kaimahi to more effectively support the tamariki, rangatahi and whānau they work with.

We have set up a dedicated portfolio with responsibility to support the nationwide implementation of the National Care Standards and to support the work of the Safety of Children in Care unit. This will enhance timeliness by providing regular feedback to sites through the existing regional structures, monitoring timeframes, and analysing regional trends to identify sites or regions requiring additional support.

A lack of visibility over the initial decision-making at the National Contact Centre or local site

The Monitor’s report noted that “the National Contact Centre is currently reviewing processes to build increased visibility of these decisions for tamariki in care.”

The National Contact Centre is currently undergoing a review of its operational processes and systems to improve and support social work decision making across the organisation. This will include providing increased social work supervision and focusing on continuous improvement activities.

¹ A safety and risk screen identifies if there are concerns that warrant immediate action by Oranga Tamariki to secure the safety of te tamaiti.

In addition, Oranga Tamariki will continue routine reviews of a random sample of Reports of Concern for tamariki in care to ensure that where allegations are raised these are formally recorded, this commenced following the Monitor's previous report of June 2020.

Ensuring the decision to take No Further Action is appropriate

The Monitor reported on a review undertaken by Oranga Tamariki of a sample of sixty-nine No Further Action decisions, which found *"nine of the classifications appeared inaccurate."*

Following the Monitor's report of June 2020, the Safety of Children in Care unit undertook to complete reviews of a sample of 'no further action' decisions in relation to allegations of abuse or neglect made about a child or young person in care or custody.

Oranga Tamariki will continue to undertake this additional assurance activity on an ongoing basis. We will identify any learnings to incorporate into our continuous improvement activity as noted in the Monitor's report (Page 38) and ensure decisions to take no further action are accurate. In addition, the Safety of Children in Care unit also escalate and follow up where needed on individual cases to provide assurance that tamariki are safe and the right actions have been taken.

Ensuring our actions are addressing the impact of harm

In the December 2019 report the Monitor noted an intention *"to look for evidence of outcomes for children and young people."*

Case reviews commenced in October 2020 by the Safety of Children in Care unit to examine what supports have been put in place for children after they experienced harm. This is designed to ensure we have a greater understanding of the impact of the harm that has occurred whilst in care, what is most needed to address the impact for children, ensure supports are appropriate, and share these insights with social workers to support future practice.

We have also increased our capacity in the Safety of Children in Care unit and in our Operational Support Team to reflect the increased assurance and continuous improvement activities we are undertaking.

Other assurance activities to strengthen continuous improvement

Improving social work practice

There has been significant action and investment to enable quality practice with tamariki and whānau. This includes increased numbers of social workers, lower average caseloads, new specialist Māori roles, including the new Kairaranga-a-whānau role, upgraded technology for social workers to access and record information in real time, new expenditure cards to enable social workers to purchase items for children and whānau more quickly, and investment in property to enhance working environments, including co-location with iwi / community. We have changed several core social work requirements and have strengthened oversight of practice quality. This includes new Practice Standards, a new intake and assessment process, over 100 changes to operational policy and practice guidance to support the introduction of the 1 July 2019 legislative changes, and increased controls and oversight over the application for section 78 without notice custody orders. We have re-platformed and are continuing to re-organise our Practice Centre to make it easier for social workers and our partners to navigate policy and practice requirements. A sustained shift in practice quality remains, however, complex and multi-faceted.

As part of the next phase of work to drive consistently high-quality practice, we are focused on moving towards what we are currently describing as 'Māori-centred practice'. We are working with our partners to fully develop the concept of Māori-centred practice within Oranga Tamariki, but it will involve a high-degree of iwi and Māori involvement in the design and delivery of practice and will require all staff to have a core level of cultural competence. Over the next 12 to 18 months, we will be taking a fundamentally different approach to supporting this practice shift by recognising that our implementation approach needs to be tailored to the unique needs and context of our different regions.

Understanding the quality of our services for children in care

As noted in our previous responses to the Monitor's findings, building a culture of feedback and continuous improvement, and routinely examining the quality of practice to support better outcomes for the children and families we work with, remains a key priority area for Oranga Tamariki. This is an area in which we continue to invest considerable effort.

To support our ability to meet the Care Standards requirements, and in response to the Monitor's findings, we have continued to broaden and strengthen our internal quality assurance processes to monitor our adherence to the standards, and the extent to which this is improving over time. Gathering direct feedback on the views and experiences of children, families, caregivers and partners is a critical part of our work to understand how well a site is doing in meeting the needs and expectations of children in care.

As previously noted, at a local level, sites use the findings of quality assurance activity to inform real-time feedback to practitioners on specific cases, to identify trends and themes in practice, and to establish areas for learning and capability development. Nationally, the findings inform our understanding of the extent to which the Care Standards are being achieved in our practice with tamariki, their whānau, hapū, iwi and caregivers; to inform strategic and operational decision making about areas for additional support or improvement; and to share what can be learned from those sites who are doing well.

Identifying and responding to allegations of abuse for children in care is a critical area of focus for Oranga Tamariki. The dedicated Safety of Children in Care unit measures and publicly reports on harm to children in care to support open and transparent accountability within the children's system and to the New Zealand public. The Safety of Children in Care unit's work provides the opportunity for practice development and improvement at an individual case level with the sites and social workers involved and examines patterns and trends in what is happening for children in care to inform the longer-term design of services for children in care.

Embedding the National Care Standards

As part of our multi-year journey to develop knowledge, skills and capability to fully embed the National Care Standards and ensure there is a positive impact on the quality of care that tamariki and rangatahi experience, throughout 2021 we will:

- Introduce additional learning modules focused on learning opportunities to frontline practitioners to ensure the needs of tamariki and rangatahi are at the forefront of all practice. To achieve this, we will initially focus on the importance of All About Me Plans and on linking these with the Caregiver Support Plans to strengthen collaboration to meet the needs of tamariki, rangatahi, caregivers and whānau.

- Develop and introduce a system that supports continuous learning and provides guidance to enhance practice through increased coaching and mentoring, supervision, practice workshops and case consults.
- Introduce the new Practice Framework.

Development of the Performance Framework and measures

As the Monitor noted in their report, we are currently refreshing our approach to performance through the development of a new Performance Framework and enhancing access to data to enable front-line kaimahi to more effectively support the tamariki, rangatahi and whānau they work with. This will also enable the organisation to support the front-line more effectively by making data insights readily available.

We are working closely with relevant internal and external parties (including the Independent Children's Monitor) to ensure a joined-up approach to performance that will allow more effective self-monitoring and reporting as well as driving continuous improvement across the wide range of work supporting tamariki, rangatahi and whānau.

Section 7AA

A priority focus for Oranga Tamariki is meeting our practical commitments to the principles of the Treaty of Waitangi set out in section 7AA of the Act. In addition to our own annual reporting on section 7AA, the Monitor's report provides an opportunity for us to consider how we are meeting these commitments in relation to the application of the National Care Standards.

Our overarching responsibilities under section 7AA are to ensure that all policies and practices of Oranga Tamariki have the objective of reducing disparities for Māori and have regard to mana tamaiti (tamariki) and the whakapapa of Māori children and young persons and the whanaungatanga responsibilities of their whānau, hapū and iwi.

A key activity for 2021 is to ensure the application of the National Care Standards is meeting our practical commitment to te Tiriti. We will continue to improve, and the introduction of the new Practice Framework will further focus our efforts in this area.

In addition, we are working to further understand the experience of tamariki Māori in care and the experiences of their whānau. These experiences are intended to inform the development of policies, practices, frameworks and services of Oranga Tamariki in line with section 7AA.

Our community partners

We are working collaboratively with our care partners to build a shared understanding of how we will provide quality assurance for our partnered care services; one that will drive continuous practice improvement across care partners and Oranga Tamariki.

At the centre is the establishment of new quality assurance function which will mirror our internal assurance approaches as much as possible, whilst also providing flexibility for our care partners to deliver models of care that are consistent with their own tikanga, values and outcomes. We value the contributions our care partners have made in our work so far and we will continue to work with them in 2021 as we implement these changes.

Caseloads

High caseloads were noted by our people at the sites during the engagement with the Monitor as a contributing factor to the low levels of compliance with the National Care Standards. Workload and caseload have been an area of focus for some time and we have made a concerted effort to add resources, increase the workforce around children (both within the agency and through increased funding to partners), and monitor caseloads for our Social Workers who have responsibility for tamariki and rangatahi in care. This has resulted in caseload sizes reducing from an average of 31 per Social Worker to 21 per Social Worker since Oranga Tamariki was established.

The caseloads for our Social Workers supporting children in care are capped at 20 tamariki or fewer, and we are continuing to work with the Public Service Association (PSA) and our other partners on ensuring that workloads are manageable and monitored. There is a significant variation in caseload size due to the nature of our work, the range of complexity, and the level of experience of individual practitioners.

New tools and processes have been introduced, such as the Digital Workplace which allows remote working, to free up social worker time. We also anticipate workloads will ease as greater investment is made in communities and early support services which will reduce the need for statutory social worker intervention.

Turnover

The Monitor noted the experience reported by our people of a high turnover of kaimahi. The annual turnover (to June 2020) is seven percent for field social work roles, and nine percent across the whole organisation. This has reduced from 14 percent since the establishment of Oranga Tamariki in 2017. Our turnover is lower than the Te Kawa Mataaho Public Service Commission data from the Human Resources Capability² survey 2019 which notes that average turnover across the wider public sector is 11.8 percent.

COVID-19

As a critical service during COVID-19, we had to ensure that the tamariki and rangatahi who came to our attention were safe, and those in our care and their caregivers, were well supported. To do this safely in the context of COVID-19 required significant modification of our usual practice approaches and a good awareness of the range of wellbeing impacts that COVID-19 would have upon the vulnerable communities we work with. To do this we undertook the following:

- The development of COVID-19 specific operational and practice guidance to support the health and safety of our kaimahi and ensure continuity of care for tamariki and rangatahi involved with us, and support for their whānau and caregivers.
- Working with Talking Trouble to develop visual communication prompts to help tamariki and rangatahi understand the limitations and requirements of COVID restrictions.
- A focus on Māori and Pacific communities, who were recognised as more vulnerable to the impacts of COVID-19, with careful attention given to the practice guidance and partnerships required to ensure increased support.
- Adapting service provision, which is usually undertaken primarily face to face, to using predominantly remote means. Our kaimahi showed innovation and quickly adapted to using

² [Turnover, sick and domestic leave and tenure | Te Kawa Mataaho Public Service Commission](#)

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remote technology during the Alert Level 4 lockdown to keep in contact with tamariki and their caregivers in order to understand any concerns and needs they presented. This also included:

- The provision of mobile devices when none were present in a household so tamariki and rangatahi could remain connected to education when schools were closed
 - Holding hui remotely, such as Family Group Conferences
 - Assisting rangatahi to attend youth court remotely
 - Completing social work visits to tamariki and caregivers using video chat.
- Ensuring all sites, offices and caregivers had full Personal Protective Equipment available so we could engage safely with tamariki and their whānau during times person-to-person contact was essential, such as assessing rangatahi in Police custody.
 - Increasing inter-agency co-operation, quickly identifying key partners and working collaboratively to achieve shared outcomes. This included ensuring those partners with whom we contract had access to the information, support and resources they need to continue to maintain service provision to tamariki and whānau.

With our strong focus on supporting whānau and caregivers to meet the needs of tamariki in practical ways during what has been a challenging time across the country, it is pleasing to have feedback that our response has been viewed as supportive by many tamariki, whānau, and caregivers. In some cases, we understand this has also strengthened existing relationships.

Using what we learned during COVID-19, we continue to work more flexibly to better support the needs of tamariki, whānau, and caregivers, which helps to ensure we are working in ways that are best for them.

The review of all our operational and practice guidance during COVID-19 was comprehensive and should there be a further resurgence of COVID-19 or a similar emergency occur, we are well placed to manage this.

