



**ORANGA  
TAMARIKI**  
Ministry for Children

New Zealand Government

# Care and Protection Resource Panel Handbook

**August 2023**



## Acknowledgements

### Authors

Oranga Tamariki Business Operations

### Acknowledgements

We would like to thank the members of the original Working Group which included representatives from across a number of business groups within Oranga Tamariki, who provided support to this refresh.

### Disclaimer

This document was updated in 2022 with some further corrections in 2023. However, it has also been recommended that guidance around this work should be reconsidered as part of a wider review that also considers changes in the operating environment since 2021 including the Practice Shift, Future Direction Plan and Oranga Tamariki Action Plan.

At the time of publication, the recommendation to proceed with a wider review is still with the Business Operations team for consideration. Please contact the Business Operations team for an update on this mahi.

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# 1. Overview

At Oranga Tamariki—Ministry for Children we want to work with the community to help protect, support and care for children. In order to make positive changes in the lives of children and families in our community, we need people like you who have knowledge, experience and are passionate about the wellbeing of children.

As a member of a Care and Protection Resource Panel, you can play a key role in helping to ensure that children in your community are safe and thriving.

## About Oranga Tamariki

### Our vision

All children are safe, loved and nurtured by whānau, hapū, and iwi, supported by thriving communities.

### Our purpose

To ensure that all tamariki are in loving whānau and communities where oranga can be realised

### Our values

We put tamariki first

We will challenge when things aren't right for the child

We believe aroha is vital

It keeps us focussed on what is right

We are tika and pono

We do what we say we'll do

We respect the mana of the people

We listen, we don't assume, and we create solutions with others

We value whakapapa

Tamariki are part of a whānau and a community

We recognise the oranga is a journey

We understand the long-term impact of our actions today

## Care and Protection Resource Panels

Care and Protection Resource Panels (Resource Panels) are made up of individuals who have knowledge and expertise relevant to the care and protection of tamariki and rangatahi in the local area served.

Resource Panels are established pursuant to sections 428-432 the Oranga Tamariki Act 1989 ("the Oranga Tamariki Act" or "the Act").

The functions of every Resource Panel shall be:

- to provide advice to social workers, other delegates of the chief executive, Police, and care and protection co-ordinators about exercise or performance, by those persons, of the functions, powers and duties conferred or imposed on them under the care and protection provisions of the Act;
- to receive reports from care and protection co-ordinators on matters relating to the exercise of performance, by such co-ordinators, of the functions, powers, and duties conferred or imposed on them by or under the Act;
- to promote co-ordination of the provision of services by the community to children and young persons in need of care or protection, and to the families and family groups of such children and young persons;
- to advise the chief executive on matters relating to the appointment of care and protection co-ordinators; and
- such other functions as the chief executive thinks fit (as at 1 July 2022 no other such functions had been identified)

Resource Panels bring the perspectives of the local community, other agencies, disciplines, cultures and experience to their care and protection advice.

The Resource Panel has no direct decision-making authority as these panels are advisory in nature. However, the law requires social workers, care and protection co-ordinators and the Police to seek the advice of the panel at certain critical stages in the care and protection process, so they do play an important role in ensuring that those people receive important advice to inform their decisions. The social worker, co-ordinator and Police are then accountable for their response to that advice.

A well-organised panel can use its advisory power very effectively to secure positive care and protection outcomes for local tamariki and rangatahi.

An effective panel:

- is familiar with the legislation and policies that guide social work practice
- understands the legal and agency systems that impact on care and protection and, in particular, the Oranga Tamariki system
- has extensive knowledge about care and protection, and wellbeing issues
- has good administrative systems
- has regular training that meets their needs and those of their community

### **About this Handbook**

This handbook was originally prepared in collaboration with Mana Mokopuna Children and Young People's Commission (formerly the Office of the Children's Commissioner, until 30 June 2023).

It sets out the necessary requirements for Oranga Tamariki staff and panel members.

## **Work undertaken to update the handbook**

A working Group was established in 2021 to support the updating of the handbook. The key purpose of the group was to:

1. Coordinate the updating of the content of the handbook, including consultation across business groups within Oranga Tamariki and including feedback from panels through regional connections and the annual reports
2. Access content writing expertise within Oranga Tamariki to synthesise the information to ensure its accessibility, accuracy, and effectiveness.
3. Consider other broader issues affecting the updating of guidance for panel members- areas were identified areas that could benefit from a more comprehensive review e.g., practice shifts and future direction.

The work was paused through 2021 and early 2022 while the organisation focused on responding to COVID-19 and on a leadership reorganisation. However, the Handbook has now been updated in accordance with legal requirements, language changed to align with the Practice Centre.

It is recommended that the Handbook be reviewed further. See Appendix G for more information about the proposed review.

## **Legal Requirements**

Oranga Tamariki staff members and panels must meet the requirements of the law as prescribed in the Oranga Tamariki Act.

## **About Policy**

Policy is made by Oranga Tamariki and sets out the key things that must happen to enable the law to work. It sets practice and administration standards.

Oranga Tamariki policy does not bind panel members. However, panel members need to give effective advice to social workers and others exercising functions, powers, and duties under the Act, which should take into account the law, policy, and the individual circumstances of particular tamariki, rangatahi and whānau.

Panel members should also take into account the principles of natural justice and the principles governing statutory decision-making – i.e., to enter discussion with no pre-determined outcome, no bias, and respect for each person's right to be heard.

## **Guidelines**

These are ideas, things to think about, information, and what people have found works best. They are there to assist panels to function effectively.



## 2. Establishment of Panels

### Legal and Policy Requirements

Section 7 of the Oranga Tamariki Act lists the duties of the Chief Executive of Oranga Tamariki. This list includes s 7(2)(d) - to establish and fund care and protection resource panels.

Section 428 gives the Chief Executive of Oranga Tamariki the authority to:

- establish care and protection resource panels to carry out the advisory functions specified by s 429 of the Act, along with other functions as the Chief Executive sees fit
- specify the number of members on the panel;
- appoint members
- discharge, alter or reconstitute any panel.

In making appointments to a care and protection resource panel the Chief Executive shall have regard to the desirability of having as members of such panels, persons from occupations and organisations (including voluntary and statutory organisations, cultural and community groups, government departments, and government agencies) that are concerned with the care and protection of children and young persons (section 428(3)).

### Delegation of Section 428 Responsibilities

The Chief Executive has delegated these responsibilities to each Site Manager.

### Appointment of Panel Members

Resource Panels are set up under the Oranga Tamariki Act to:

- carry out the functions described in s 429 of the Act and such other functions as the chief executive thinks fit
- enable social workers, Police and care and protection co-ordinators to consult or inform the panel when required by the Act at various points in the care and protection process
- provide advice about the care and protection of children and the families or family groups of such tamariki and rangatahi
- bring the perspectives of the local community, other agencies, disciplines, cultures, and experience to these decisions.

It is important that each panel has the right mix of people to perform this role.

Oranga Tamariki has the following requirements for appointments:

- The panel must be representative of agencies and groups involved in care and protection matters in the local community, such as representatives from Health,

Education, Police, NGO and /or Corrections. Representatives from local Iwi are also encouraged.

- Oranga Tamariki requires a minimum attendance of three members to hold a meeting. Meetings may be held in-person or virtually to enable members to participate.
- A care and protection resource panel must be a workable unit with enough members to meet the workload. Given the commitments of most people appointed to panels, most areas appoint more panel members than are usually able to meet at any one time. Numbers vary according to the workload of an area, but the average panel comprises 8–10 people
- Panel members must be formally appointed to a specific, named panel for a period of two years. Panel members' appointments can be renewed if desired.

A panel Chairperson should be appointed.

When appointing panel members, the Site Manager must consult with existing panel members, as well as appropriate community agencies and groups, to seek nominations and establish a suitable selection process.

It is advisable for panels and managers to keep and maintain a list of potential members/nominees, or groups to consult about members. This helps to avoid long delays in replacing members.

## Background Checks and Vetting

Panel members must apply for positions in accordance with Oranga Tamariki's recruitment processes. Panel members are subject to police and background vetting checks, and appointment is conditional upon the satisfactory outcome of these checks.

Police vetting is carried out in accordance with the Children's Act 2014. Oranga Tamariki completes previous employment and history checks through internal systems prior to confirmation of appointment.

Additional periodic vetting checks may be required for re-appointment into a panel member position. Confirmation of re-appointment will be subject to the satisfactory outcome of these checks.

## Composition

The composition of a care and protection resource panel will vary from area to area, according to the particular needs and demographic/cultural make-up of the area. It is possible that some individuals will fill more than one area of expertise. A panel should be comprised of people with different professional knowledge and cultural experience from such areas and disciplines as:

- tangata whenua, iwi, and taupuni here groups
- Pacific peoples' groups
- child emotional health
- child physical health
- law
- community groups

- education
- the treatment and prevention of child abuse and neglect
- family violence.

## Skills and Knowledge Required

Whatever their personal or professional background; it is important that every care and protection resource panel member should have:

- an understanding of child abuse and prevention through their work and a general understanding of the functions, powers, and duties of the social worker
- an understanding of the impact of abuse, neglect, and maltreatment of tamariki and rangatahi
- an understanding of effective responses and interventions to abuse and neglect
- a basic knowledge of care, custody, and guardianship issues
- knowledge of the role of Oranga Tamariki and other key agencies, such as iwi social services and child and family support services
- an understanding of cultural differences in family practices
- a basic understanding of Te Tiriti o Waitangi and tikanga including the responsibilities of Oranga Tamariki under section 7AA of the Oranga Tamariki Act.

## Personal Abilities

The personal abilities that a panel member needs include:

- being able to work across various cultural groups and being willing to support bicultural work with families and whānau
- being able to share specialised knowledge in a cultural or professional field
- confidence in oral communication and willingness to participate in discussion about care and protection of tamariki and rangatahi
- work collaboratively as part of a team
- willingness to learn about the relevant provisions of the Oranga Tamariki Act, including care and protection and responsibilities under Te Tiriti
- a willingness to learn about and understand the role of care and protection resource panels.

## Panel Reviews

Oranga Tamariki requires that each Site Manager reviews their panels annually to consider whether the balance of skills and resources provided by its members continues to reflect local needs and demands.

To maintain the panel's stability and effective operation, no more than one third of the panel should be replaced as the result of a review.

## Reviewing panel operations

There are various ways in which panels should review their function, either formally with an Oranga Tamariki manager, or, in a less formal way, as a team and in collaboration with Oranga Tamariki staff.

The purpose of the review is to look at mutual levels of satisfaction with the processes used, for both panel members and Oranga Tamariki staff.

### **Role of panel Chairs in a review**

Panel chairs have the responsibility of organising an informal review with Oranga Tamariki staff, including the Oranga Tamariki panel liaison person, every six months or so. The formal review, which is the responsibility of the Site Manager, should happen once a year.

### **Scope of different types of reviews**

#### ***Internal panel review (informal)***

- Membership stability and representation
- Clarity about role
- Commitment of time and interest
- Satisfaction with consultation system and its quality
- Record keeping
- Morale
- Relationships
- Task performance e.g., letters, annual reports, etc.
- Attendance at meetings

#### ***Review in consultation with Oranga Tamariki kaimahi (informal)***

- Degree of satisfaction with the system of consultation
- Information brought to panel
- Quality of advice given by panel
- Compliance with legal requirements to consult
- Recording advice (and/or social worker decision not to follow advice)
- Once information is recorded, how is it held?
- Oranga Tamariki panel liaison

#### ***Formal review with Site Manager***

- Support from Oranga Tamariki
- Funding for the panel
- Panel performance of other functions
- Any problems
- Composition of panel membership
- Training needs

### **Training**

Panel members are generally appointed because of their expertise in specific areas, but all panel members will benefit from ongoing training.

Induction training is required for all panel members, which enables a greater understanding of:

- the Oranga Tamariki Act

- their role, tasks and responsibilities and the roles of others in Oranga Tamariki
- the indicators of abuse and neglect.

Panels should take time to explore the range of knowledge and experience of each member and establish individual and group training needs. For example, you may require further training on child abuse/neglect, child, health and development, Te Tiriti o Waitangi or family violence, or you may want to develop panel expertise in facilitating meetings or administrative skills.

You should regularly discuss your individual and group training needs with the Site Manager. The Site Manager is required to assist the panel with training opportunities.

This may include funding training for the panel.

It can be useful and cost-effective to combine training for panels within an area, or from several areas. It also gives panels an opportunity to share ideas.

Oranga Tamariki holds a range of different training sessions that may be appropriate for panel members to attend. The Site Manager will advise panel members about upcoming training opportunities.

Panel members may also:

- use their collective expertise to meet some of their training needs
- learn from those members attending conferences and workshops in either their panel capacity or professional and private capacity
- collect articles and books for personal and group learning.

### Induction of New Panel Members

If a new member is joining the panel, they should receive:

- a copy of this handbook
- other necessary information such as how to claim expenses and tax requirements.
- a site induction to introduce them to Oranga Tamariki staff and to help them understand how the site works (your panel liaison person can arrange this).
- the induction training course

New panel members need to be helped to become part of the group and should be given opportunities to catch up with information held by other members. More experienced panel members are therefore encouraged to spend time welcoming and informing new members of the panel.

### Team-building and self-care

Care and protection work can be distressing and depleting, even for those not working directly with children, young people, and their families. It is important that panel members are aware of their own and others' need for support and an occasional break.

Resource Panel members will often hear distressing cases of child abuse and neglect. It is important that members can manage the stress that this can cause and separate it from day-to-day life. If members start to experience difficulties with this, then they

should discuss it with the panel chair as soon as possible. If further support is needed, the Site Manager who may be able to assist.

### Dealing with problems as they arise

Often failure to attend meetings or erratic and unreliable attendance to panel duties can signal that a member is either unable to give the necessary time or is uncomfortable with the tasks and duties.

In these situations, it is suggested that a member (possibly the panel chair), along with Oranga Tamariki staff support, e.g., liaison person or Site Manager, should first talk with the panel member concerned, to find out:

- if they have a difficulty that can be overcome with help
- if their employer is not assisting them to meet their panel obligations
- whether they have lost interest in being on the panel or can no longer give the required time.

### Revocation of membership

The authority to revoke a panel member's appointment has been delegated by the Chief Executive to Site Managers who must seek legal advice from Oranga Tamariki solicitors when considering a revocation.

Grounds for revocation are, for example:

- unauthorised disclosure of confidential information about a case
- serious personal or professional misconduct which impacts on the performance of their duties as a panel member
- failure to attend panel meetings for three consecutive meetings without good reason and notification
- constantly erratic and unreliable commitment to panel duties
- uncooperative and contentious behaviour.

Disestablishment of the whole panel may be considered if there is ongoing, irresolvable dissension, but not before problems have been worked on with the help of an outside facilitator.

Panels may be disestablished for reasons internal to the organisation of Oranga Tamariki, e.g., an organisational restructuring or an Oranga Tamariki site boundary change, but you will receive due notice in these circumstances.

### Process of Revocation

Oranga Tamariki requires that the following steps be followed by the Site Manager to comply with the principles of natural justice before seeking to revoke a panel member's appointment:

1. document the presenting concern
2. make a full investigation into the issues at hand, considering all points of view
3. develop a plan if further action is contemplated, and provide a full explanation for reaching that conclusion

## IN-CONFIDENCE

4. make a full disclosure to the panel member concerned and explain the reasons for any action that may be taken
5. give them a reasonable opportunity to explain their view of the issue
6. reappraise the situation in light of the panel member's response
7. ensure that there is access to independent arbitration and review if necessary or requested by the panel member concerned
8. make a decision based on the facts presented and the impact on the performance of duties as a panel member.

## 3. The Responsibilities of being a Panel Member

A panel member's main responsibility is to give advice to Oranga Tamariki staff or Police who are addressing care and protection concerns for a child or young person. Panel members may not undertake casework visits or inquiries unless this is part of an agreed investigation plan.

### Duties

- Attending regular panel consultation meetings to give advice to social workers, care and protection co-ordinators, other delegates of the chief executive, and the Police. Advice means:
  - providing information or suggestions
  - attending other panel meetings, when required, to discuss other panel business, and being available for emergency consultations if necessary
  - developing and maintaining a thorough knowledge of:
    - the care and protection provisions of the Oranga Tamariki Act and those relating to Te Tiriti o Waitangi
    - Oranga Tamariki policy and procedures
    - the nature and dynamics of child abuse and neglect
    - knowledge of services and resources available locally or nationally for tamariki, rangatahi and their family and whānau
- being involved in any panel project or activities related to coordinating community services for clients
- advising the relevant Oranga Tamariki manager on matters related to the appointment of care and protection co-ordinators.
- willingness to share the panel tasks from time to time. These may include:
  - being panel chair
  - drafting/letters
  - taking minutes
  - being responsible for reviewing correspondence and resources
  - drafting the annual report
  - arranging meetings and functions.

From time to time, an individual panel member may be asked to attend the information giving stage of a family group conference to provide specialised information.

Section 23 of the Oranga Tamariki Act 1989 states that the Care and Protection Co-ordinator to ensure that relevant information and advice is made available to family group conference, specifically section 23(2), which states that:

Subject to section 22, where it is appropriate for any person (including a member of a care and protection resource panel) to attend a family group conference for the



purpose of providing information or advice necessary for the conference, that person may attend the conference for that purpose.

## Maintaining Confidentiality

Client confidentiality is crucial.

As a result of your duties, panel members will receive information about children, young people and families who are subject to care and protection actions under the Oranga Tamariki Act. Panel members must be given identifying information i.e., actual names, not coded references, about the cases referred to them so that they can provide effective advice.

Information that a panel member learns through their contact with Oranga Tamariki cannot be used or discussed outside of Oranga Tamariki except in certain, specified circumstances. Such information is confidential within the panel. This means that the information entrusted to panel members about cases can be freely discussed within the panel and with the persons referring the matter to the panel, but it is illegal to use this confidential information in any other way.

In exercising their function under s 429(c) – promoting coordination of care and protection activities in the community, panels may wish to communicate with people in the local community or at a national level, for example, an MP or Minister. Such communication, written or oral, must not contain any information which identifies in any way any child, young person or family who is subject to care and protection action.

Panel members are bound by the Summary Offences Act 1981, which precludes unlawful disclosure of official information, and by the principles of the Official Information Act 1982 and the Privacy Act 2020.

A breach of confidentiality is a reason that can be used to revoke an appointment to the panel.

## Conflicts of Interest

Panel members are required to disclose any actual, potential, or perceived conflict of interest to the Site Manager so that this can be worked through, and appropriate additional management steps put in place. If there is any doubt, panel members should err on the side of disclosing.

Conflicts of interest arise where you have a personal or professional relationship with a child or family/whānau. For instance:

- where you have a personal relationship with a child or family member who is the subject of the panel consultation, you should stand down from the panel for that consultation
- if you are a family or whānau member, you should not attend a family group conference for that child as a member of the panel
- where you have a professional relationship with the child or family member, you may hear information about them that could raise dilemmas for you
- where the person is receiving support from a community group you belong to; or
- where the person is a client of an agency you work for or know about.

You may believe that information you receive during a consultation could assist the client to receive more effective help from your agency, but you are not permitted to disclose it.

If you find yourself in this situation, you should discuss your belief with the social worker investigating the case. The social worker may be in a position to pass the information to the appropriate agency or community group, with the family's permission.

When you have information about a family that could assist the Oranga Tamariki social worker in planning the investigation, it may be possible to advise the family/whānau that you want to discuss their situation with Oranga Tamariki. It may be appropriate to get their permission to do so even if the information is passed on after the panel consultation.

In other cases, individual panel members will need to judge whether the information is vital to the child or young person's safety; or for the listed purposes under s 66C of the Oranga Tamariki Act.

Section 66C lessons the need to gain consent to disclose information to Oranga Tamariki, though consent should still be sought if practicable.

Management measures should include steps to ensure that if a Panel member has stepped down for a particular consultation, that they do not inadvertently receive any information from Oranga Tamariki, Police or other panel members about this case. Conflicts require active management to give confidence to all persons (including whānau) that everything is above board. Training of panel members should include training on conflicts of interest.

You should be mindful of the requirements of the Privacy Act in any exchange of information about clients.

## Implications of the Privacy Act 2020

The aim of the Privacy Act 2020 is to protect individual privacy. There are 13 Information Privacy Principles (IPPs) which govern the collection, use and disclosure of information, and an individual's access to information about themselves.

- IPP 1 Purpose of collection of personal information
- IPP 2 Source of personal information
- IPP 3 Collection of information from subject
- IPP 4 Manner of collection of personal information
- IPP 5 Storage and security of personal information
- IPP 6 Access to personal information
- IPP 7 Correction of personal information
- IPP 8 Accuracy, etc, of personal information to be checked before use or disclosure
- IPP 9 Agency not to keep personal information for longer than necessary
- IPP 10 Limits on use of personal information
- IPP 11 Limits on disclosure of personal information
- IPP 12 Disclosure of personal information outside New Zealand
- IPP 13 Unique identifiers

For more information about these IPPs, the Privacy Act 2020 is available on [legislation.govt.nz](https://legislation.govt.nz)

### **Section 24 Relationships between IPPs and other New Zealand law**

(1) Nothing in IPP 6, 11, or 12 limits or affects—

- a) a provision contained in any New Zealand enactment that authorises or requires personal information to be made available; or
- b) a provision contained in any other New Zealand Act that—
  - i. imposes a prohibition or restriction in relation to the availability of personal information; or
  - ii. regulates the manner in which personal information may be obtained or made available.

(2) An action taken by an agency does not breach IPPs 1 to 5, 7 to 10, or 13 if the action is authorised or required by or under New Zealand law.

The Oranga Tamariki Act is the legislation which covers the notification and investigation of child abuse and the decision-making processes to be utilised when abuse has been confirmed.

Information may be shared under the Information Sharing provisions of the Oranga Tamariki Act and the Privacy Act does not prevent this.

Being able to share information about the wellbeing and best interests of tamariki with other agencies reflects that the wellbeing and best interests of tamariki are the paramount consideration under the Oranga Tamariki Act.

Information may be shared with a child welfare and protection agency, regardless of the purpose for which it was collected, if the disclosure is for one of the purposes specified in section 66C.

A child welfare and protection agency is defined in section 2 of the Oranga Tamariki Act and includes Oranga Tamariki, MOH, MSD, Police, DHBs, schools and a number of other agencies.

Some of the purposes for which information may be shared under section 66C include:

- preventing or reducing the risk of a child or young person being subject to harm, ill-treatment, abuse, neglect, or deprivation; or
- Making or contributing to an assessment of risk or need in relation to a child or young person, or any class of children or young persons.

Although this section allows for more information sharing, it is important to remember that you should only share as much information as is necessary to achieve the purpose.

Sections 17 and 21 of the Oranga Tamariki Act enable the disclosure of information by social workers to panels as they are required to consult as a part of the investigation process and before a family group conference is organised.

## **Storing Information**

Principle 5 of the Information Privacy Principles set out in section 22 of the Privacy Act 2020 requires personal information to be stored securely.

Where possible, all panel information relating to Oranga Tamariki cases should be stored at Oranga Tamariki offices. At times, a social worker may need to consult you over the phone. In these cases, you may wish to take notes about the consultation and the advice you gave. When this happens, just bring those notes to the office at the next meeting.

Panel members do not have automatic access to Oranga Tamariki files or electronic documents because these may contain information not relevant to their particular purpose.

Sections 38 and 438 of the Oranga Tamariki Act forbid the publication of any report of proceedings taken under the Act. Section 38 specifically forbids the publication of FGC proceedings while s 438 forbids the publication of court proceedings without the permission of the court that heard the proceedings in relation to matters under Part IV Youth Justice, Section 437 references 11B of the Family Court Act and covers Care and Protection matters.

## 4. Consultation

### Legal Requirements for Consultation

The Oranga Tamariki Act requires that social workers, care and protection coordinators, persons with delegated authority from the chief executive, and the Police must consult with care and protection resource panels at certain stages during their investigation and assessment of reported child abuse, and at certain stages in the family group conference process.

#### Sections 429(a) and 429(b)

Sections 429(a) and 429(b) of the Oranga Tamariki Act outline the functions of the care and protection resource panels regarding the provision of this advice and accompanying responsibilities as follows:

#### ***429 Functions of care and protection resource panels***

The functions of every care and protection resource panel shall be—

- a) to provide advice to social workers, other delegates of the chief executive, subdelegates, care and protection co-ordinators, and constables on the exercise or performance, by those persons, of the functions, powers, and duties conferred or imposed on them by or under Part 2 or 3, a delegation referred to in sections 7A to 7C, or a sub delegation referred to in section 7E:
- b) to receive reports from care and protection co-ordinators on matters relating to the exercise or performance, by such co-ordinators, of the functions, powers, and duties conferred or imposed on them by or under this Act:
- c) to promote co-ordination of the provision of services by the community to children and young persons in need of care or protection, and to the families and family groups of such children and young persons:
- d) to advise the chief executive on matters relating to the appointment of care and protection co-ordinators.

Specific points where consultation is required appear in Part II of the Act, under ss 17, 21, 31 and 32.

### Reporting of Child Abuse

Under s 15 of the Act, any person who believes that any child or young person has been, or is likely to be, harmed, ill-treated, abused, (physically, emotionally, or sexually), neglected or deprived may report the matter to the chief executive (which has been delegated to a social worker) or Police.

#### ***Section 17(1)(b) Investigation of report of ill-treatment or neglect of child or young person***

(1), If the chief executive or a constable receives a report under section 15 relating to a child or young person, they must,—

(b) as soon as practicable after an investigation has commenced, consult a care and protection resource panel in relation to the investigation.

In other words, the social worker exercising the powers delegated to them by the chief executive, or Police officer, should have progressed their investigation of the notification to a point where they can bring useful information to the panel's deliberation so that panel members may supply useful advice.

It is sufficient for one person from the investigating team to consult with the panel as soon as possible after the investigation has commenced.

All notifications made under s 15 of the Act that proceed to investigation must be referred to a Care and Protection Resource Panel. Social workers and Police may use their judgment regarding consultation on non-section 17 referrals.

Social workers are required to consult with the care and protection resource panel as soon as practicable after starting an investigation or child and family assessment. Social workers can also consult with the panel on other cases if the social worker thinks it will be helpful.

More information is available on the Oranga Tamariki Practice Centre: [Care and protection resource panel](#)

***Section 21 Care and protection coordinator to consult family, whānau or family group on convening a family group conference***

(1) Every care and protection co-ordinator shall, before convening any family group conference pursuant to this Part in respect of any child or young person,—

(a) consult with a care and protection resource panel; and

(b) make all reasonable endeavours to consult with the child's or young person's family, whānau, or family group in relation to—

(i) the date on which, and the time and place at which, the conference is to be held; and

(ii) the persons who should attend the conference; and

(iii) the procedure to be adopted at the conference,—

and, subject to section 22, shall, so far as it is practicable and consistent with the principles of this Act, give effect to the wishes of the child's or young person's family, whānau, or family group in relation to those matters.

(2) Subsection (1)–(a) does not apply if the family group conference is convened under section 18AAA.

Section 21 requires that care and protection co-ordinators must consult with the panel during the organisation stage of the family group conference.

The co-ordinators themselves must consult the panel. They may not delegate consultation responsibilities or consider that the consultation of the social worker during the investigation process is sufficient to their needs.

This consultation is different from that required by the social workers under s 17. The social worker consults about the investigation and the assessment of the child's or young person's safety and well-being. The co-ordinator consults about setting up the family group conference, ensuring that the family participation is enhanced fully, and all knowledge and information needed by the conference is provided.

### ***Section 31 Procedure where no agreement possible***

(1) Where—

(a) the members of a family group conference are unable to agree on what decisions, recommendations, or plans should be made in relation to the child or young person in respect of whom the conference was convened; or

(b) a care and protection co-ordinator is unable to secure agreement under section 30 to the decisions, recommendations, and plans made or formulated by a family group conference,—

the care and protection co-ordinator who convened the conference—

(c) must,—

(i) if the conference was convened on the basis of a report under section 18(1), make a report on the matter to the person who made the report; or

(ii) in any other case, report the matter to the chief executive:

(d) shall, where proceedings have been commenced under this Act in any court in relation to the child or young person in respect of whom the conference was convened, report the matter to that court:

(e) shall, in every case, consult with a care and protection resource panel.

(2) If a care and protection co-ordinator makes a report under subsection (1)(c)(i) or (ii), the person to whom that report is made may take any action under this Act that the person considers appropriate.

### ***Section 32 Records of decisions, recommendations and plans of family group conferences to be made available to interested persons***

Every care and protection co-ordinator who convenes a family group conference under this Part shall ensure that a copy of every record made pursuant to section 29(3) in relation to that conference is given or sent to—

(a) the child or young person in respect of whom the conference was convened, unless the child or young person would be unable, by reason of its age or level of maturity, to understand the contents of the record; and

(b) every person who is a parent or guardian of that child or young person or has the care of that child or young person; and

(c) any barrister or solicitor or lay advocate representing the child or young person; and

(d) any other person who is or will be directly affected by any decision, recommendation, or plan detailed in that record; and

(e) where there is an appropriate iwi social service or cultural social service with respect to the child or young person, that social service; and

(f) the appropriate care and protection resource panel.

(2) Where any child or young person is the subject of any proceedings under this Act before any court, a copy of the record made pursuant to section 29(3) in respect of any family group conference held in relation to that child or young person shall be made available to that court.

## Panel Procedures

### ***Section 430 Care and Protection Resource Panels may regulate their own procedure***

Section 430 gives the panel the right to regulate its own procedures regarding consultations and seeking advice.

Discussion and agreement with Oranga Tamariki staff will ensure mutual understanding and workable arrangements. All sites and their panel need to agree the best process for dealing with emergency situations and geographical distance. A written plan/agreement for the site could help provide clarity.

Panels must develop a system with the Oranga Tamariki Site Manager to monitor compliance with these legal requirements. Managers must be advised if the legal requirement to consult is not met.

## Providing Advice

The first function of panels under s 429(a) is to provide advice to social workers, other delegates of the chief executive of Oranga Tamariki, care and protection co-ordinators and the Police consulting with the panel. Panel members are not supervising the work of the individual but providing advice and support on care and protection matters.

This means:

- contributing any specialised information that panel members may have
- drawing attention to possible gaps in plans, practice, process, or assessments.

Consultation means participating in meaningful discussion and exchange of views.

Consultation may be ongoing and must be a two-way process.

Panels cannot give meaningful advice if they do not have enough information. It is important that social workers or Police bring useful information to their consultations with panels. Social workers are encouraged to provide the practice resources and tools that have informed their casework up to the point of consultation. Panels may ask for more information if they do not feel they have enough.

Panels may also request feedback from the social worker during the course of an investigation or child and family assessment.



The panel consultation and any advice given will be recorded on the child/young person's case record. As the individual consulting is accountable for their response to the panel's advice, it is important that the advice of the panel is understood.

The individual consulting should be clear:

- whether or not the panel supports any proposed action
- any actions that the panel has recommended be taken
- about any request by the panel for feedback or review.

Panel members need to be clear with the social worker about their reasons for reviewing a case.

Consultations provide an opportunity for discussion involving a number of people, but social workers may also seek advice from individual panel members in addition to the advice they seek at a panel meeting.

## The Important Questions

There are four crucial questions which panel members should consider at every consultation. These reflect our care and protection practice vision and the principles of the Act.

### **Is the child or young person's safety being ensured?**

The child or young person's immediate and future safety is the crucial issue when considering cases brought to you. One of your main responsibilities is to give advice to ensure that everything possible has been done to ensure the wellbeing of tamariki, including keeping the tamariki or rangatahi safe from any abuse, harm, or neglect.

### **Are decisions being made in the best interests of the child or young person?**

The child or young person's wellbeing and best interests are the paramount consideration.

### **Is the case being handled in a culturally appropriate way? Is/are the tamariki, rangatahi and whānau actively participating in decision making?**

Between them, panel members will have a good knowledge about engaging with families and culturally appropriate work and will know who should be contacted and what support might be sought for the tamariki/family/whānau involved. The panel consult is a good opportunity for this knowledge to be shared with the social worker.

### **Is the decision making supported by sound information and evidence?**

Are the requirements of the Act and Oranga Tamariki policy being followed correctly?

Have decisions been supported by the use of the practice tools?

Panel members need to have adequate knowledge of the legislation and policies that guide social work practice. It is not the panel's role to supervise the work of staff, but

it is appropriate to ask questions and comment if members observe any practice that might adversely affect outcomes for tamariki and whānau or family.

If a panel member is concerned about an aspect of social work practice, please make it known through the agreed local process for raising practice issues.

## Oranga Tamariki Practice Framework

The practice framework sets out and explains, in an accessible way, our overall approach to practice, helping us to understand the situation for tamariki, whānau and families and working in partnerships to restore and maintain oranga. The practice framework integrates practice, indigenous and professional knowledge with research, practice theories, values, ethical principles, with the practice skills needed for best practice. The practice framework outlines what we expect from our people and what tamariki and whānau can expect from us. It helps us to understand, and to advocate for tamariki and children, whānau and families, and help our partners and those we work with understand our unique statutory practice contribution.

At its core, the framework will support working in ways that recognise and value the inherent mana of those we work with. It will support an understanding of tamariki as being intrinsically and irrevocably connected to their whānau and whakapapa as foundational to wellbeing, and a Te Ao Māori informed framing of oranga as an outcome of our practice. This practice orientation is key to better outcomes for the tamariki and whānau we work alongside, and to achieving our Section 7AA aspirations. The practice framework is part of a suite of supports and tools that help us make the practice shift and builds our practice knowledge and experience about the best ways to honour tamariki and whānau Māori, children and families that need our statutory help and support.

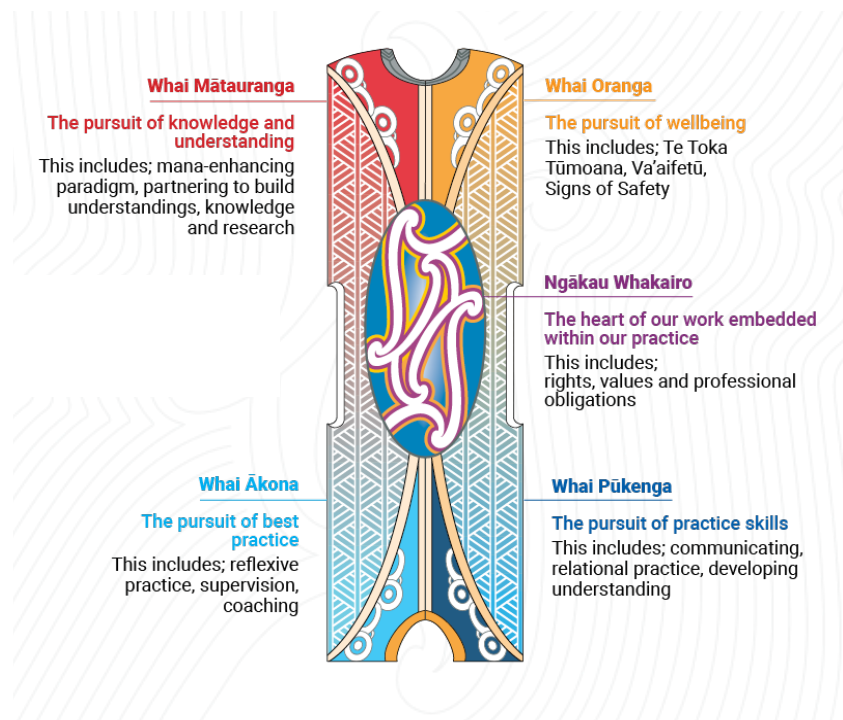
The practice framework guides how we work – for example, the framework emphasises ngākau whakairo as being at the heart of our practice. In recognising this, we uphold the rights of those that we work with, and make sure that our planning includes the people important to tamariki, whānau and families. Next, by selecting and using a practice model to help us understand what's happening we will also be drawing on a range of practice skills. A range of supports are also called out, including supervision that is supportive and stretching.

The practice framework helps us to understand how we, ourselves, influence our mahi, as we reflexively engage in what we bring to practice, understand how things like confirmation bias play out, and by opening up conversations about what our work feels like we emotionally grow and stretch as we learn.

The practice framework helps us to identify why we favour particular ways of practising, and by doing this we can recognise patterns and gaps. We then become more self-aware and open to new ways of working.

The framework offers a supervision and practice leadership toolkit. Case reflections and reviews can be considered through the domains, while coaching sessions in sites and residences can promote how the framework works.

The framework supports consistency in practice and supervision across the motu.



## Practice tools

Alongside the practice framework sit practice tools that support sound and transparent decision making. Being familiar with the tools and when they are applied will make the consultation process more meaningful.

A list of the practice tools and the policy that guides the use of them is attached in Appendix C. Information about Oranga Tamariki's policies, practice guidance, framework and tools are also located within the [Oranga Tamariki Practice Centre](#)

# 5. Oranga Tamariki Management Responsibilities to the Panel

## Management Responsibilities

The Regional Manager is responsible to the Chief Executive for the nationwide oversight of, and funding allocations to, all care and protection resource panels. If you are unable to resolve issues at the local level, you may take your concerns to the Regional Manager who will ensure that they are addressed.

## Site Managers' Responsibilities

The Site Manager is responsible for all the work of your Oranga Tamariki office, including the panel attached to that site; Site Managers report to a Regional Manager. Most of the responsibilities for the operation of panels have been delegated to the Site Manager. Responsibility for revoking a panel member's appointment remains with the Site Manager.

Site managers have the following responsibilities to ensure their panels operate efficiently and effectively:

- appoint sufficient panel members and ensure the panel consists of the right mix of members
- ensure that staff attend panel as appropriate and provide information in a clear, organised way (the role of supervisors should be discussed and agreed)
- meet regularly with the panel and/or panel chair to discuss the functioning of the panel, exchange information, and resolve concerns
- ensure a system for addressing practice concerns
- provide policy and procedure documents and internal communications so that panels can give advice from an informed basis
- appoint a panel liaison
- facilitate clerical assistance, including typing and photocopying facilities; meeting and secure storage facilities (some panels might prefer to do their own clerical work with a member being paid for their time)
- discuss training needs with the panel and facilitate training opportunities. This includes informing panel of training offered by learning and development
- conduct panel reviews
- provide funding for the panel to meet remuneration and training needs. Other funding may be agreed between the Site Manager and the panel for approved purposes.

## Oranga Tamariki Liaison Person

The manager will identify a staff member at supervisor or at senior practitioner level to take responsibility for liaison with the panel. They cannot be a care and protection co-ordinator.

The liaison person's role is to provide a link with Oranga Tamariki and assist the Site Manager to discharge their responsibilities to the panel. Expectations of the liaison role should be agreed with the panel and the Site Manager. These could include but are not limited to:

- keep panels up-to-date with relevant policy and procedures and explain the implications of these matters
- meet with panels at least quarterly and on request to discuss issues of mutual interest and provide information
- identify and arrange training
- help to resolve problems or difficulties
- ensure access to relevant articles, newsletters and books and internal communications related to the work of the panel
- facilitate panel involvement in relevant site activities.

## The Supervisor's Role

Supervisors have a leadership responsibility for a team of social workers. They monitor the work of these social workers, coach members of the team and distribute and oversee individual workloads. Supervisors may attend panel meetings in place of the social worker, but only if necessary and only if they have sufficient knowledge of the cases.

The panel may find it useful for a supervisor to attend panel meetings to provide general information to the panel. The role of the supervisor should be negotiated and agreed with the Site Manager.

## Panel Administration – Oranga Tamariki Support

There is a range of administrative tasks that support the panel's functions, outlined in this section. Some tasks may be done by Oranga Tamariki clerical staff and panels need to negotiate these responsibilities with the Site Manager.

### Administrative Tasks

- taking minutes at meetings and ensuring they are typed and distributed
- keeping records of consultations and ensuring bring-ups occur
- collecting panel correspondence and ensuring this is discussed and responded to appropriately (including newsletters)
- keeping records of consultations and minutes in a secure place, i.e., at the Oranga Tamariki office
- assisting the panel and social workers by organising for information to be provided to the panel before the consultation.

# 6. Working Guidelines for Panels

## Time management

The site and panel should agree a system for social workers to make an appointment with the panel to present their cases. This works best if staff negotiate among themselves for desired times and then individually book more than one slot if they need more panel time. The booking system should be available to staff the day before the meeting.

The panel liaison or panel administration support should be responsible for notifying panel members if there are no bookings.

## Chairing meetings

There are different ways of approaching the need for a panel chair. However, there are advantages in having a panel member take up the position for a fixed period (i.e., three to 12 months). This ensures continuity and allows the person in that role to learn about and implement their responsibilities. These include:

- ensuring meetings are run efficiently and in a way that respects panel members
- checking that members with tasks and duties have been able to do them and report back appropriately
- signing letters on behalf of the panel being responsible for communicating with the Site Manager or practice leader if necessary
- preparing an agenda before the meeting and working to it.

## Maintaining a good relationship with Oranga Tamariki staff

Sometimes panel members experience difficulties and tension with staff. If this happens, members first need to raise the issues involved with the people concerned in a conciliatory way. They should try to give everyone a chance to be heard.

If it does not seem possible to resolve the differences without outside help, ask for mediation assistance from a person outside the conflict.

Possible mediators are:

- Site Manager
- a practice leader
- Oranga Tamariki solicitors
- panel liaison
- an independent mediator from an outside organisation.

## Keeping Records

To help in compiling the annual reports, develop a small record sheet that members fill in at each meeting to record:

- numbers of consultations from social workers (new and bring-ups), care and protection co-ordinators (new FGCS, reviews, and following non-agreement at FGC) and others
- other issues discussed at meetings
- any community development or education planned letters written
- presence of liaison person and contacts with manager
- training offered or attended.

# 7. Promotion of Services to the Community

The nature of the work of the panel under ss 429(a) and 429(b) of the Oranga Tamariki Act 1989 leads logically to other functions such as:

- community development and education
- the right to make comment on the provision of services by community agencies and Oranga Tamariki.

## Legal and Policy Requirements

### ***Sections 429 Functions of care and protection resource panels***

The function of every care and protection panel shall be -

(c) to promote co-ordination of the provision of services by the community to children and young persons in need of care or protection, and to the families and family groups of such children and young persons.

This function is allied to:

### ***Section 7 Duties of the Chief Executive***

(1) It is the duty of the chief executive to take such positive and prompt action and steps as will in the chief executive's opinion best ensure—

(a) that the purposes of this Act are attained; and

(b) that those purposes are attained in a manner that is consistent with the principles set out in sections 4A and 5.

(2) In carrying out the duty imposed by subsection (1), the chief executive must—

(2)(ba) in relation to child abuse –

promote, by education and publicity, among members of the public (including children and young persons) and members of professional and occupational groups, awareness of child abuse, the unacceptability of child abuse, the ways in which child abuse may be prevented, the need to report cases of child abuse, and the ways in which child abuse may be reported.

Panels have interpreted s429(c) to refer to community development, education, and work, with the associated right to comment also on Oranga Tamariki services and practice in their local communities.



The extent to which a panel has time to take on specific projects will vary according to demands on individual panel members' time. Panels must decide on their own plan of action in these areas.

## **Community Services**

Close liaison with Oranga Tamariki is imperative for all aspects of this work.

Panels must work in consultation with Oranga Tamariki and with the agreement of the site and Site Managers when undertaking work concerning the advocacy, development, or promotion of community services.

## **Guidelines for Promotion of Services to the Community**

Panel work in community development and education can include:

- bringing groups of community agencies together to network about child protection and service provision issues in the local area
- assisting community organisations to develop community coordinated child abuse policies
- presenting specific education programmes to parts of the community
- generally educating the community on the role and functions of the panel
- setting up a file of resources to use for community education or development work.

To maintain knowledge and links with the community, skills, interests, and community links should be shared with each other.

Panels may wish to invite other agencies and community groups to meet with the panel to exchange information about work approaches to help better co-ordination of services.

## **Outside Consultations**

Consultations with the panel by workers of other agencies or community groups need to be approved by the manager. There are availability and financial implications that need to be considered. Note this does not include the Police, as the Police are required to consult.

## 8. Appointment of Care and Protection Co-ordinators

### Duties

The duties of a care and protection co-ordinator are prescribed by s 424 of the Act. Essentially, care and protection co-ordinators are managers of the family group conference processes prescribed in Part 2 of the Act.

Their duties include the following:

- to receive reports and referrals from social workers, Police, and other agencies, including the courts
- to convene family group conferences, and, where necessary, to convene further meetings of any such conference
- to consult with any care and protection resource panel as appropriate
- to consult, as appropriate, with people having knowledge of or experience in cultural matters
- to record the details of any decision, recommendation or plan made at a family group conference
- to ensure the regular review of family group conference plans, decisions, or recommendations
- to notify the results of a family group conference to the correct parties, including care and protection resource panels.

### Policy and Legal Requirements

#### ***Sections 429 Functions of care and protection resource panels***

The function of every care and protection panel shall be -

(d) to advise the chief executive on matters relating to the appointment of care and protection co-ordinators.

It is the responsibility of the Oranga Tamariki Site Manager to formally advise the relevant panel of a vacancy for a care and protection co-ordinator and to consult the panel about the content of the ideal appointee specification for the vacancy.

### Guidelines

Panels should establish a mutually agreed protocol for the appointment of care and protection co-ordinators with the Oranga Tamariki Site Manager. For example, managers may consult the panel about the composition of the interview panel dealing with applicants for the co-ordinator position and may invite the panel to provide a representative on the interview panel.

# 9. Annual Report

## Legal and Policy Requirements

### **Section 431 Annual Report**

Without limiting the right of a care and protection resource panel to report at any other time, each care and protection resource panel shall, within 3 months after the expiration of each year ending 31 March or such other date as may from time to time be directed by the chief executive, furnish to the chief executive a report on the exercise of that panel's functions under this Act during that year.

Section 431 states that the Chief Executive may direct the annual report be provided at another time. The Chief Executive asks that the reports be completed within three months of the end of the Ministry's financial year, which is **30 June**.

This means that Annual Reports are due to Business Operations by 1 September, in order to provide the final report to the Chief Executive by 30 September.

## Guidelines

It is suggested that each panel forms a subcommittee to work on the annual report; panel members are entitled to payment for the time spent preparing the annual report.

Oranga Tamariki has a template to guide you through writing your report. You are not restricted by this template, but it is a helpful way of organising the information the panel has collected over the year. Ask for clerical assistance from your Site Manager if required.

The annual report does not have to be long and complex, but the information you provide will inform decisions about service delivery.

This is the panel's report. Panels may consult with their local Site Manager or panel liaison person regarding the report and may provide them with a copy. It does not need to be approved by the manager. However, to encourage productive working relationships, it would be beneficial to discuss the nature of your report with your Site Manager.

Please refer to Appendix E for a copy of the annual report template. If you wish to fill it out electronically, you can ask your panel administration support or panel liaison person to email it to you.

## Oranga Tamariki Annual Report Process

Oranga Tamariki ask that you send the report to the Regional Manager of your area.

Oranga Tamariki requires the Site Manager to:

- acknowledge all reports and provide a regional summary report and a copy of the individual reports to the Regional Manager.
- take action to remedy any issues or concerns that are identified within the reports.

Oranga Tamariki requires the Regional Manager to provide a summary report to the Deputy Chief Executive Service Delivery by emailing the national Business Operations team no later than 1 September of that same calendar year, in order for Business Operations and the DCE Service Delivery to provide the final report to the Chief Executive by 30 September.

# 10. Budgets, Payments and Tax Requirements

## Legal and Policy Requirements

### **Section 432 fees and allowances**

(1) Every care and protection resource panel is hereby declared to be a statutory board within the meaning of the [Fees and Travelling Allowances Act 1951](#).

(2) There may be paid out of funds appropriated by Parliament for the purpose to the members of any care and protection resource panel remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the [Fees and Travelling Allowances Act 1951](#), and the provisions of that Act shall apply accordingly.

In accordance with this legislation, panel members can be paid fees, salary, or allowances and travelling allowances and expenses at the rate set by the Minister of State Services.

## Fees Framework

*CO (22) 2 – Revised Fees Framework for members appointed to bodies in which the Crown has an interest applies.*

This Framework replaces Cabinet Office Circular CO (19)1.

The Framework provides guidance on the classification and remuneration of statutory and other Crown bodies. Since the Framework covers a varied array of bodies, it is not intended to be prescriptive, and judgement will be required to determine best fit.

The purpose of the Framework is to provide a basis for judgement in setting fees that will:

- ensure a consistent approach to remuneration across all statutory and other Crown bodies;
- contain expenditure of public funds within reasonable limits;
- provide flexibility within clear criteria.

### **Changes since the previous edition of this Handbook**

In 2019, the main changes to the previous Framework were:

- a new category for Audit and Risk Committees;
- a modest increase to the fee ranges for Groups 2, 3 and 4 bodies;
- for chief executive or governance board established bodies, the chief executive or governance board of the agency may agree to fee increases of

up to 3 per cent, within the applicable fee range and not more frequently than once a year;

- the responsible Minister may agree to fee increases of up to 5 per cent, within the applicable fee range and not more frequently than once a year, without referral to the Minister of State Services or the Cabinet Appointments and Honours Committee and Cabinet;
- the Minister of State Services may agree to fee increases of up to 10 per cent within the applicable fee range and not more frequently than once a year, without referral to the Cabinet Appointments and Honours Committee and Cabinet;
- a new section clarifying that Cabinet may agree standing exceptions to the Cabinet Fees Framework;
- expanding the purpose statement to reflect the importance of diversity of board members;
- updating the sections on taxation, allowances and expenses and public servants serving on Crown bodies;
- adding a new glossary of terms and an additional flow chart.

Between 2019 and 2022, the main changes to the previous Framework are:

- an increase of ten percent to the fee ranges for Groups 2, 3 and 4 bodies;
- independent members who chair sub committees will receive the same fee as a member of the parent body who chairs a subcommittee;
- if no legislative impediment exists, co-chairs may be appointed. Applicable chair rates will apply to both;
- all members of a body receive the same member rate when a body is appointed without a chair;
- deputy chairs or members acting as chair receive the rate for the chair role;
- Health Responsible Authorities are specifically excluded from the Framework;
- greater clarity is to be provided about situations where an organisation might have more than one prime function;
- allowing the Minister for the Public Service to approve technical or minor exceptions to standing exceptions without Cabinet consideration;
- clarifying that joint members of a parent board and its advisory committee are not paid twice for attendance at the same meeting;
- updates to the tax guidance section in the Framework;
- other minor administrative changes, such as updating links and references to current legislation and fixing minor omissions and errors.

Ministers and chief executives should ensure that all staff involved in appointments to bodies covered by the Framework are familiar with the requirements of this circular.

View online on the Department of Prime Minister and Cabinet website: [Revised Fees Framework for members appointed to bodies in which the Crown has an interest | Department of the Prime Minister and Cabinet](#)

## Funding

Responsibility for funding for panels is delegated to the Site Manager.

The Site Manager must:

- ensure that there is adequate funding for panel fees, travel, and training.

The Site Manager may:

- set aside additional funding for other panel activities. The use of any additional funding must be negotiated with the panel.

The panel must:

- be advised of the funding that has been allocated by the Site Manager for panel purposes and be advised and consulted about any changes to it
- negotiate with the manager on the use of available funds.

## Fees, Expenses and Allowances

Fees and allowances are paid to panel members who are:

- not earning
- are in private practice or employment and would suffer loss of income through involvement in panel activities.

NOTE: It is understood that the employees of government or quasi-government agencies and full-time paid employees of voluntary agencies concerned with tamariki and rangatahi will contribute their time as part of their agency's commitment to care and protection in their community.

Section 432(2) of the Oranga Tamariki Act, 1989 states that fees and allowances are paid to panel members. Currently, there is no authority for panel members' fees or allowances to be paid to an organisation. The panel member is free to pass on their fees and allowances to an organisation if they wish, but this is a private matter for the panel member concerned.

Payment is on a fee-for-service basis. Fees and allowances paid are based on actual hours of attendance at panel activities. The eligible activities for fee and allowance payments are:

- a panel meeting
- preparation of the annual report
- panel reviews
- attending a family group conference when invited under s23(2) of the Act
- an official casework visit, meeting, or conference
- panel training or management meeting that has been approved by the Site Manager or Regional Manager
- coordinating provision of community services, if first agreed with the relevant Oranga Tamariki manager

- community networking meetings, approved by the Site Manager or Regional Manager and held to promote the membership and work of the care and protection resource panel
- other official duties agreed by the operations or Site Manager
- mileage.

Each panel member must keep records of time, mileage and expenditure in a format agreed between the panel and the Oranga Tamariki Site Manager.

Appendix F sets out the current scale of fees.

## Taxation

The details of the fees and reimbursements paid to panel members in the tax period from 1 April to 31 March each year will be sent to them by the financial accounting section of Oranga Tamariki.

Panel members may claim a deduction on their income tax return if they incurred expenses which were not reimbursed in relation to their panel work. Some examples of deductible expenditure are:

- part of their home telephone rental, plus toll and facsimile charges if members use their phone for panel business
- part of their home rental, insurance, rates, interest etc, if members use their home for panel business
- any fees passed on to employers for allowing members to attend panel meetings
- travel expenditure and/or motor vehicle expenditure incurred to attend meetings or undertake work for the panel
- stationery used for panel business
- ACC levies paid for the previous year on panel fees
- fees for the preparation of a tax return.

Remember panel members can only claim a deduction for these items if they relate to panel work and were not reimbursed by Oranga Tamariki.

Panel members should also retain evidence of all expenditure that is claimed.

Assistance may be sought from the IRD or alternatively an accountant or tax advisor.



# 11. Oranga Tamariki system oversight

## Changes to oversight in 2022 and 2023

In August 2022, 2 pieces of legislation were passed:

- Oversight of Oranga Tamariki System Act 2022
- Children and Young People's Commission Act 2022

The Oversight of Oranga Tamariki System Act came into force on 1 May 2023, while the Children and Young People's Commission Act comes into effect on 1 July 2023.

This legislation was developed by the Ministry of Social Development, which consulted with Oranga Tamariki. The Minister of Social Development must arrange for an independent review of the operation and effectiveness of the Act and the operation of the Monitor under this Act. The review must commence no later than three years after the commencement of this Act.

These changes are intended to strengthen the independent oversight of the system by the Office of the Ombudsman, and Aroturuki Tamariki – the Independent Children's Monitor, Kaitiaki Mana Tangata – the Office of the Ombudsman, and a new Children and Young People's Commission, which replaces Manaakitia a Tātou Tamariki – the Office of the Children's Commissioner (OCC).

Some functions previously held by the OCC regarding individual case-level monitoring and investigating any decisions in respect of any child have been transferred to the Ombudsman and Aroturuki Tamariki.

The oversight legislation will strengthen monitoring and oversight of complaints processes, and advocacy for children, young people, and their whānau across the Oranga Tamariki system. It does this by:

- establishing an independent monitoring agency for the system, Aroturuki Tamariki, the Independent Children's Monitor, relating to the operations, and obligations delivered under the Oranga Tamariki Act and associated regulations
- providing for a strengthened complaints and investigation function for children in the care or custody of the state, led by the Office of the Ombudsman
- strengthening system-level advocacy for all children and young people, led by the Children and Young People's Commission.

## Impacts for care and custody providers

The changes mean there are new reporting practices for Oranga Tamariki, and also for our care and custody providers – they will now deal directly with Aroturuki Tamariki and the Ombudsman without our involvement.

The Chief Ombudsman has written to care and custody providers explaining that they can now receive complaints about their work directly. The changes also mean that Ombudsman staff will contact providers and seek information directly from them to resolve complaints.

## Monitoring of Oranga Tamariki

As at 1 July 2023, Oranga Tamariki kaimahi are working closely with the external monitoring agencies to understand the implications and impacts of this work, and to ensure that we will be compliant with the new legislation.

The Monitoring and External Relationships team will co-ordinate information requests and oversee the overall strategic direction of the work programme for Oranga Tamariki.

The new reporting requirements are a good opportunity to ensure kaimahi practice around recording and complaints practices are robust and complete.

## The agencies overseeing the system

### **Aroturuki Tamariki, the Independent Children's Monitor**

Aroturuki Tamariki – the Independent Children's Monitor (ICM) was established in 2019. under the National Care Standards regulations. Aroturuki Tamariki have monitored compliance with the National Care Standards by agencies.

Aroturuki Tamariki became a departmental agency (hosted by the Education Review Office), the Monitor, on 1 May 2023 and the scope of its function will extend across the entire Oranga Tamariki system, including our care and custody partners and other services provided to children and young people under the Oranga Tamariki Act 1989.

Aroturuki Tamariki listens to the voices of tamariki and rangatahi and their whānau in monitoring the performance of the oranga tamariki system. This includes compliance, quality of practice and outcomes and identifying areas for improvement. Monitoring reports are used by others to advocate for system change.

The role of Aroturuki Tamariki extends across the entire system (not just care in relation to the National Care Standards).

Aroturuki Tamariki will carry out objective, impartial and evidence-based monitoring of the Oranga Tamariki system by:

- Assessing compliance with the Oranga Tamariki Act 1989 and related regulations and standards
- Assessing the quality and impacts of service delivery and practice on the experiences of children, young people, families and whānau
- Assessing outcomes for children, young people, families and whānau and changes over time, particularly for Māori children, young people and their whānau.

### ***Scope and additional powers***

Aroturuki Tamariki has the power to:

- require an agency to provide information it considers relevant
- share information between monitoring agencies (the Act overrides the Privacy Act in this respect).
- enter premises, having given notice of proposed entry (except in exceptional circumstances, and not private foster homes).
- They may also publicly report on any interference with their monitoring and lack of compliance with the provisions of the Act, including if a caregiver fails to facilitate access to a child or young person.

They may engage directly with:

- children and young people who receive services or support through the Oranga Tamariki system and the families, whānau, hapū, iwi, and communities associated with those children and young people.
- the Chief Executive of Oranga Tamariki, approved providers (s403, s396), and caregivers.
- relevant stakeholders, including advocacy services.
- any other individual or agency that Aroturuki Tamariki considers appropriate.

### ***Informed consent and code of ethics***

Aroturuki Tamariki must have a code of ethics relating to engagement with other persons to ensure safe and ethical engagement, ensure the voices of individuals are heard, provide certainty in engagement, and minimise the burden on individuals they wish to engage with.

They must obtain informed consent from the child or young person before engaging with them, or from their caregiver if the child or young person does not have the capacity to consent. Consent may be withdrawn at any time.

The goal is to support public trust and confidence in the Oranga Tamariki system.

Find out more at [aroturuki.govt.nz](https://aroturuki.govt.nz) or email [info@aroturuki.govt.nz](mailto:info@aroturuki.govt.nz)

### **Mana Mokopuna Children and Young People's Commission (formerly the Office of the Children's Commissioner)**

The Office of the Children's Commissioner (OCC) changed from a sole Commissioner to a Commission and a board governance model on 1 July 2023 to become the Children and Young People's Commission.

The Commission is an Independent Crown Entity. It advocates for children's rights to be recognised and upheld, provides expert advice to courts and government agencies, advocates for system-level changes, ensures children's voices are heard in decisions that affect them, raises awareness about children's rights and wellbeing and monitors places where young people are detained.

The Commission will continue to function as a National Preventive Mechanism (NPM) responsible for monitoring Oranga Tamariki places of detention including care and protection residences, youth justice residences, and youth justice community remand homes under the Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (OPCAT).

The Commission has the power to require the provision of any non-personal information from agencies, in order to strengthen the function of inquiring generally into and reporting on any matter related to children and young people.

### ***Changes under the Children and Young People's Commission Act 2022***

The role of the Commission will be to:

Promote the interests and wellbeing of children and young people including:

- supporting children and young people to engage with agencies to facilitate the resolution of issues.
- inquiring into and reporting on any systemic matter or practice affecting children and young people.
- advising organisations on how to develop children-centric complaints mechanisms.
- undertaking and promoting research on children's issues while giving special attention to te ao Māori.

Promote and advance the rights of children and young people by:

- raising public awareness of matters that relate to children's rights.
- monitoring application of Children's Convention and continuing to monitor residences under the OPCAT (Optional Protocol for the Convention Against Torture).
- Encourage children and young people's participation and voices.

Find out more at [manamokopuna.org.nz](http://manamokopuna.org.nz) or phone the Child Rights Line on 0800 224 453.

### **The Ombudsman**

The Ombudsman handles complaints about and investigates, the administrative conduct of public sector agencies, including official information requests. They also carry out a range of roles including monitoring places of detention and implementing the United Nations Disabilities Convention, as well as provide advice, guidance and training to public sector agencies and promote awareness of their role to the wider communities.

The Ombudsman also handles complaints about Oranga Tamariki, its care or custody providers, and other government organisations. The Ombudsman also investigates and monitors serious and significant issues.

The legislation expands the jurisdiction of the Ombudsman to include care or custody providers as defined by s396 of the Oranga Tamariki Act 1989, as well as giving the Ombudsman new power to obtain information proactively and for preliminary enquiries.

The existing role of the Ombudsman has been strengthened to undertake reviews of complaints, including:

- complaints about decisions made by Grievance Panels
- conducting investigations into specific cases.

Oranga Tamariki and care or custody providers must proactively provide information to the Ombudsman on:

- a) information on complaints made to Oranga Tamariki or the care or custody provider:
- b) information on trends and data that identify patterns of those complaints:
- c) serious and critical incidents such as:
  - death of a child or young person with current or recent involvement under the Act
  - death of adult in recent contact with Oranga Tamariki or victim of youth offending
  - suicide or attempted suicide of child in care
  - self-harm resulting in significant injury or a sustained pattern of self-harm
  - allegations or substantiated findings of abuse against child in care
  - use of force against a child in care by staff in residence (Oranga Tamariki Residential Care Regulations 1996)
  - child missing from placement or absconded from residence
  - any event or situation in which imminent serious injury or death of child in care or custody was averted.
- d) and any other information requested in writing by the Ombudsman.

Find out more at [Children in care | Ombudsman New Zealand](#) or phone 0800 802 602.

# 12. Resolving Concerns

## Oranga Tamariki

Concerns about any Oranga Tamariki service or practice should be first expressed locally, through the panel liaison person or through the agreed local process for raising practice issues, then to the Oranga Tamariki site or Site Manager.

If the panel is not satisfied with the local response, they should then express their concerns to the Regional Manager. The Regional Manager will work with the panel and the Site Manager, as appropriate, to resolve the concern.

Note: Panel functions do not include either staff supervision or personal support which is unrelated to consultation about cases. Panels should not become involved in Oranga Tamariki internal management or any staff problems in the workplace.

## Other Agencies

Panels concerned about the work of any person acting under the Oranga Tamariki Act should raise their concerns with, in this order:

- the person concerned
- their immediate supervisor
- the Oranga Tamariki Site Manager.

# Appendices

## Appendix A: Summary of Legislation

The following pages give a summary of some of the legislation you will need to know about in your role as a panel member for care and protection resource panels.

### Oranga Tamariki Act 1989

The Act provides the legislative base for the services provided by Oranga Tamariki.

The Oranga Tamariki Act was derived from the Children, Young People, and their Families Act, 1989. The Oranga Tamariki Act 1989 allowed for the establishment of the Ministry for Vulnerable Children, Oranga Tamariki which came into effect 1 April 2017.

This was further changed to Ministry for Children, Oranga Tamariki.

**Section 6** of the Oranga Tamariki Act states that at all times the child/young person's well-being and best interests must be the first and paramount consideration. Decisions must be made and implemented within the child/young person's sense of time, and their wishes given due consideration.

**Section 5** expresses the principles to be applied in exercise of powers under the Act, to involve the views of the child, the wellbeing of the child must be at the centre of decision making, the child's place within their family, whānau, hapū, iwi, and their place within this community should be recognised. Social workers work together with the family group to reach agreement on how to keep the child/young person safe.

The Act provides guidelines on the placement of children/young people, and recognises that, whenever possible, they live within their family, whānau, hapū, iwi and family group and should only be removed if there is a serious risk of harm.

If a child/young person cannot live with their family, priority is given to placement with other people significant to the child/young person. These may be members of their hapū or iwi or family friends. When a child/young person cannot live with their family or with significant others, preference would be given to placements with someone of the same cultural background and in the same locality. The child/young person should be given an opportunity to develop a meaningful psychological attachment to the person in whose care they are placed. A permanent placement with orders in favour of the caregivers can assist in the development of that psychological attachment between the child/young person and the caregivers.

### ***Guardianship and custody***

When children/young people are in the custody and/or additional guardianship of the Chief Executive of the Ministry of Children, the parents or usual guardians generally retain their guardianship rights.

### ***Guardianship***

Guardianship includes responsibilities as well as duties, powers, and rights in relation to a child/young person. The rights, powers and responsibilities of a guardian are to make the major decisions about the upbringing of a child/young person. These include:

- choice of name: this applies to both first name(s) and surname
- education: where and how the child/young person or young person is to be educated
- religion: choice of religion, religious education, or religious ceremonies
- non-routine medical treatment: consent to major medical, psychological, psychiatric, or dental treatment, including blood transfusions, vaccinations, sterilisation
- passports and international travel
- marriage: consent to marriage of a young person between the ages of 16 to 19 years inclusive
- other important life decisions affecting the child/young person such as culture and language.

There is an obligation to act jointly by consulting with other guardians wherever practicable. A guardian may exercise guardianship rights whether living with the child/young person or not.

### ***Section 110 – Guardianship Order***

A section 110 guardianship order is able to be made once the Court has determined that the child/young person is in need of care and/or protection. This is an order that:

- is able to be made in favour of the Chief Executive, section 396 services, or any person the Court determines appropriate
- is usually made to appoint the Chief Executive or any other person as a Guardian in addition to the child/young person's natural guardians (the parents)
- under section 110(2)(b) of the Oranga Tamariki Act,
- can be made on a sole guardianship basis under section 110(2)(a). Note that the director of a Child and Family Support Service cannot be appointed to the role of a sole guardian (s 110(3)). When a sole guardianship order is made, the rights and responsibilities of the natural/existing guardians are suspended until further order
- ceases to have effect when the young person marries, is adopted, or attains the age of 20 years
- gives guardians the ability to make decisions about the important aspects of a child or young person's life
- is used when long-term work is needed with the family and child/young person.



***What is Custody?***

Section 2 of the Act defines custody as the right to possession and care of a child or young person.

If the child/young person is in the custody of the Chief Executive, the provision of day-to-day care of the child/young person is the responsibility of the Chief Executive. Caregivers act on behalf of the Chief Executive to provide the practical day-to-day care, but legal responsibility remains with the Chief Executive. The custody rights of guardians are suspended by custody order or agreement.

The responsibilities of the Chief Executive as custodian may include:

- physical care and protection
- food, clothing, shelter
- oversight and supervision
- day-to-day routine health and dental care
- emotional and psychological care
- giving of love and attention
- promoting a sense of well-being, identity, and esteem
- providing opportunities for links to be maintained with wider kin/whānau group
- social and educational care
- arranging a change of schooling where necessary
- encouraging attendance at school, homework, and related activities
- opportunities for interaction with peers and age-related social activities
- teaching values, and modelling, encouraging, and reinforcing prosocial/positive behaviour
- participation in appropriate activities.

***Sections 101 and 102 – Custody Order***

A s 101 custody order is able to be made once the Court has determined that the child/young person is in need of care and/or protection.

This type of custody order:

- gives the custodian the ability to determine who has the day-to-day care of the child/young person. The rights of any guardians in relation to day-to-day care
- are suspended until further order
- needs to be reviewed in Court every six months when the child/young person is under seven years and yearly for the age group of 7-16 years
- is recommended when long-term work is needed with family and children or young people in the absence of other orders about access, gives the custodian the authority to decide who may have access to the child/young person
- ceases to have effect when the young person marries, is adopted, or attains the age of 17 years.

The s 102 custody order is an order that can be made after the Court has determined that the child is in need of care and/or protection. It is made when the placement is intended to be short term in nature. The s 102 order expires after 6 months unless it is renewed.

**Section 78 – Custody Order pending determination of proceedings**

The s 78 custody order is a temporary order that can be made to address the child/young person's care while the question of whether the child is in need of care and/or protection is being determined.

**Section 39 – Place of Safety Warrant**

This warrant is used if a child/young person is at immediate risk and emergency action is needed. It is able to be obtained if a social worker (or a Police officer) suspects that the child/young person is at risk. If a child/young person is removed or detained on the authority of this warrant, they are deemed to be in the custody of the Chief Executive.

**Section 139 – Temporary Care Agreement**

This agreement is made when a parent, guardian or caregiver is temporarily unable or unwilling to care for a child/young person. It:

- is a voluntary agreement between the parents and the Chief Executive of Oranga Tamariki. It can also be entered into with an Iwi Social Service, Cultural Social Service or Director of a Child and Family Support Service.
- temporarily transfers the right of day-to-day care and possession of the child to the Chief Executive (or person the agreement is entered into with)
- has the same effect as if a custody order had been made
- is for 28 days. One further 28-day agreement can be made if necessary
- enables time out and/or assessment and allows time for decisions about the ongoing care of the child/young person
- is designed with the object of returning the child/young person home
- can be broken by either party giving 72 hours' notice (this may be changed by negotiation).

**Section 140 – Extended Care Agreement**

This agreement:

- is a voluntary agreement between the parents and the Chief Executive of Oranga Tamariki
- can only be made after consideration and approval of a family group conference
- lasts up to six months for a child under seven years old
- lasts up to 12 months for any other children or young person
- is designed with the object of returning the child/young person home at the end of the timeframe, or to Independent living
- requires ongoing contact between the child/young person and their family
- can be broken by either party but normally requires seven days' notice
- requires the consent of a child/young person of 12 years or over, unless the child/young person is unable to understand the agreement. Note that the wishes of all children are required to be sought and considered.

### ***Section 121 – Access Order***

An access order:

- is made by the Court to formalise access arrangements
- has terms and conditions that must be complied with.

### ***Section 86 – Services Order***

This is an order by a Court that directs Oranga Tamariki or any other service to provide specified services and assistance to the child/young person or their families or caregivers. It usually relates to financial assistance.

### ***Section 91 – Support Order***

This is an order by a Court that directs a person or an organisation to provide specified support for a period of up to 12 months.

### ***Section 87 – Restraining Order***

A restraining order:

- is used to prevent a person who may cause the child/young person harm or stress from having contact
- is a way to stop the named person from living with the child/young person, using or threatening violence or physical harm, molesting the child/young person or watching, following, or waiting for them, or contacting them or anyone else they are living with.

### ***Section 205 – Preventing the removal of a child/young person from New Zealand***

When there is a reasonable belief that a person is about to take a child/young person out of New Zealand, the Court may order that any tickets or travel documents (including the passport) be surrendered to the Court.

The Court can also issue a warrant directing the Police or a social worker to take possession of the child/young person and they can be placed in the custody of the Chief Executive.

Any custody under this section is likely to be short term in nature.

### **Care of Children Act 2004**

The Care of Children Act 2004 (COCA) came into force on 1 July 2005, replacing the Guardianship Act 1968 (including the Guardianship Amendment Act 1991). After 1 July 2005, all existing orders under the Guardianship Act became equivalent orders under COCA.

The purpose of COCA is to promote the welfare and best interests of the child/young person and facilitate their development by ensuring appropriate arrangements are in place for their care.

## Appendix B: Care and Protection Service Pathway

The following provides a brief overview of the process beginning with the report of concern through to an intervention.

### Working Together For Children, Young People and Families

Many of the referrals that come to us turn out to be families that would benefit more from community-based support and services rather than help from Oranga Tamariki. Differential Response helps us link families with social services in a structured way.

Where the decision is made that Oranga Tamariki is the right response, there are further response options available based on what the family needs. One of the pathways is a Child and Family Assessment (CFA) which is a more facilitative and less intrusive alternative to a social work investigation.

The investigation pathway is reserved for serious child abuse, that require a joint approach between New Zealand Police and Oranga Tamariki to ensure our actions do not compromise each other's focus. The Child Protection Protocol: Joint Operating Procedures (CPP) is the process that we follow.

Social Workers will consult with panels about investigations and child and family assessments.

### Report of Concern

Under s 15 of the Oranga Tamariki Act 1989, any person who believes that a child or young person is being, or is likely to be, harmed, ill-treated, abused (whether physically, emotionally, or sexually), neglected or deprived, or who has concerns about the well-being of a child or young person, may report the matter to Oranga Tamariki or the Police. Oranga Tamariki also receives reports when there are concerns regarding a young person's behaviour or insecurity of care concerns for a child/young person. When this report is made to Oranga Tamariki, this is sometimes referred to as a 'report of concern' or a 'notification'.

### Contact Centre

The National Contact Centre is the first point of contact for people using 0508 FAMILY (0508 326 459) to connect to services within Oranga Tamariki.

Social workers in the Contact Centre assess and refer child protection concerns to a variety of pathways that includes Oranga Tamariki or community responses.

### Initial Assessment

Whenever such a report of concern is received, it is assessed by a social worker to determine the appropriate response for the family/whānau. This intake process makes sure that sufficient information is gathered to make an initial assessment of the level of risk to the child or young person and to plan an appropriate response or investigation. The Intake Decision Response tool assists the social worker to make a decision regarding appropriate response to a report of concern.

When deciding what response is needed, the social worker taking the initial information consults with their supervisor on which of the following responses is the most appropriate for the family:

- No Further Action required (NFA)
- Further Oranga Tamariki response (Further Action Required, FAR):
- Partnered response (PR)
- Child and Family Assessment (CFA)
- Investigation.

The timeframe for a CFA or Investigation will be determined by the Decision Response tool and will be:

- within 24 or 48 hours in cases where an immediate response is indicated
- in all other cases, within 7 or 20 days

The majority of cases will be referred for a CFA, with cases of serious physical abuse, sexual abuse, serious neglect, or cases where a child witnesses serious family violence receiving an investigation.

Allegations against Oranga Tamariki caregivers will always receive a Oranga Tamariki response and go down either the CFA or investigation pathway.

### ***No Further Action***

A decision of 'No Further Action' is reached when the Report of Concern does not need a response from Oranga Tamariki or another agency. This is the appropriate response where:

- there is no substance to the report of concern; or
- the information discloses no risk that the child or young person is in need of care or protection; or
- family/whānau is actively pursuing safety and wellbeing of child or young person and has willingness and capacity to respond; or
- matters have already been reported and have been or are being dealt with by Police, family/whānau or another agency under s 17.

### **Services Provided in the Community**

Services are provided in the community where the family/whānau has low level issues and needs services rather than a formal Oranga Tamariki response. It recognises that many of the families are already receiving community-based services, and it is a way of providing an earlier, more comprehensive, and co-ordinated response.

### ***Partnered Response (PR)***

If the Contact Centre assessment identifies that the family/whānau could benefit from services rather than a formal OT response, then the site may refer the family to community services. These referrals are managed by the differential response co-ordinator dedicated to the role of linking families with the community services they require. Oranga Tamariki continues to be involved in supporting appropriate service

provision and provides a safety net for the community organisation and the family/whānau if things do not go to plan.

There are different points in the process where a referral may be made: some referrals will be made when we are first notified about a family or whānau and it is clear that they would benefit from community services working with them; other families may be referred once Oranga Tamariki has completed a fuller assessment and determined that the best response is for community services to continue to work with the family/whānau.

### ***Referral information***

Prior to making a referral, we obtain the agreement of the family/whānau to being referred on to community-based social service providers. A referral form has been developed to help standardise our provision of information to community-based social service providers.

## **Oranga Tamariki Responses**

### ***Involvement of a kairaranga ā-whānau***

Kairaranga ā-whānau have a unique role in working closely with tamariki and whānau Māori who have most often experienced historical, intergenerational, and present-day trauma (trampling of mana and violation of tapu).

They have the expertise to connect with them in ways that are trauma responsive, supportive of healing and restorative of mana (mana-enhancing practice). They bring specific cultural skills, knowledge, wisdom, and experience to help them establish strong, trusting and culturally responsive relationships.

Kairaranga ā-whānau help tamariki to strengthen their whanaungatanga relationships with their whānau, hapū and iwi.

### ***Safety Assessment***

The initial stage of work in either the investigation or CFA is focused on engaging with the child and their family/whānau and assessing the safety of any children involved in the notification. The Safety Assessment tool is used to consider the safety of the child(ren) and determine what response is required.

The next stage of work is focused on completing an assessment of the strengths and risks of the family/whānau and working with them to identify appropriate solutions to agreed areas of concern. This involves continuing to engage with the family/whānau and significant others, working with the family so that they understand and respond to issues and creating the environment to facilitate change.

Tools that are used in this phase of work include:

- the Family Strengths and Risks Assessment
- the Child and Family Consult
- Supervision Triggers
- Vulnerable Infant Triggers.

### ***Child and Family Assessment***

The Child and Family Assessment response is appropriate when the notification involves an allegation that the care, safety or wellbeing of the child or young person may be at risk but does not indicate the response should involve Police and the collection of forensic evidence.

The child and family assessment is a facilitative and less intrusive approach to engaging families and understanding their needs than a statutory investigation. This will mean that families will receive an assessment focused on understanding their needs along with their strengths and resources.

Most of the families Oranga Tamariki works with will receive an assessment response. Cases of serious physical abuse, sexual abuse, serious family violence or serious neglect will receive an investigation response.

### ***Investigation***

An investigation response is appropriate when the notification involves an allegation of serious child abuse that may require Police involvement. The Child Protection Protocol (CPP) sets out which cases are governed by the CPP and the steps to follow when the response requires an investigation.

The CPP is the joint process that is followed when Oranga Tamariki and Police are responding to complaints or reports of concern that allege actions or behaviour that may constitute a criminal offence, and where there is a role for both parties.

These actions or types of behaviour fall into three categories:

- physical abuse
- sexual abuse
- neglect.

The definitions for these types of abuse within the CPP are included in the Child Protection Protocol: Joint Operating Procedures Between New Zealand Police and Oranga Tamariki Ministry for Children (December 2021).

Any case may be referred under the CPP at any time if new information means the case may meet the CPP definitions. It is important to remember that these definitions are specific to the CPP context and are designed to assist staff to decide if the CPP is the correct process to follow.

If the concerns do not meet the CPP definitions, this does not mean that the role of Police and Oranga Tamariki is at an end. Oranga Tamariki will consider whether an assessment of care and protection concerns should be undertaken to address safety and wellbeing concerns.

Police will ensure that any family violence cases that do not fall within the CPP are referred to the District/Area Family Violence Coordinator or equivalent for follow up. There will be some cases that are initially identified as CPP, but new information means the CPP definitions are no longer met, or there is no longer a role for one party.

This does not mean that that the role of Police and Oranga Tamariki is at an end, but that CPP is no longer the correct process for investigation.

### ***Hui ā-whānau***

Hui ā-whānau are a whānau gathering facilitated using Māori methods of engagement and protocols (te reo me ōna tikanga). They are initiated and facilitated by either whānau themselves or Oranga Tamariki staff to engage whānau as early as possible.

Hui ā-whānau are guided by tikanga Māori (cultural practices). Hui ā-whānau will help better inform the whānau and practitioners, to ensure they have the opportunity to involve wider whānau support networks such as hapū, iwi and friends to participate in finding meaningful resources and interventions within a more informal setting to assist with the wellbeing of tamariki.

As the facilitation of a hui ā-whānau requires cultural competency this is best done by kairaranga ā-whānau, senior Māori practitioners or bicultural practitioners (non-Māori practitioners with a level of cultural competence who are able to facilitate a hui using te reo me ōna tikanga).

### ***Family/Whānau Agreement***

A family/whānau agreement is established as an outcome of an investigation when it is assessed that a family/whānau agreement will address the identified issues, and the social worker has not reached the point of forming a belief that the child/young person is in need of care or protection.

The Family/whānau agreement is a contract or written agreement with the family/whānau. The purpose of a family/whānau agreement is to enable a family/whānau that is experiencing difficulties in caring for their child to:

- receive appropriate services
- help resolve identified issues
- retain care of their child/young person.

The emphasis of this intervention is on working with the family/whānau and using their strengths and resources to ensure that the child/young person is protected and cared for and areas that need addressing are addressed.

### ***Family Group Conference (FGC)***

The family group conference ensures that family/whānau are supported to develop their own solutions to the issues they face. Professionals and families work together to reach agreement on how they can keep a child or young person safely within the family group and the community. The FGC is a family-led process where the family group are able to make decisions and plans that will support their child/young person to be cared for in a safe and responsive way.

In arranging the FGC, the co-ordinator talks with the child/young person, family/whānau, and the social worker regarding a date, time and place that suits them, and explains what will happen at the FGC. It is the co-ordinator's job to make every effort to try and contact all known family/whānau and invite them to the FGC (including both sides of the family). If people require assistance to attend the meeting, this is



something that the co-ordinator can work through with them and provide help when appropriate. It is the co-ordinator's job to ensure that the children/young person and their family/whānau are provided with all the relevant information that they need to make sound decisions and plans. This may include information on health, education and any other issues facing the young person, or it may include information on parenting in the context of drug or alcohol addiction, or patterns of offending in matters of sexual abuse.

### ***The FGC Meeting***

#### ***Information and advice giving***

The information and advice-giving step involves all members of the conference. It involves a clear discussion about why the FGC is being held, what the issues are and what help is available to sort out the problem.

The information and advice-giving phase of the FGC also provides an opportunity to discuss the issues that have been raised. Important in any FGC is the need to consider any assessments that have been completed. This provides an opportunity for the FGC to explore the child or young person's needs and what can be done to support them.

#### ***Private Family Discussions***

The FGC is a model that puts the family at the centre of decision-making. The law requires that families are provided with an opportunity during the FGC to talk privately about the issues and what might be done to address them. During this time, family group members can discuss what they think is the best course of action to respond to the concern, who is able to be involved and what they would like to see happen. No professionals are present at this time, although family may want to involve other people.

#### ***Decisions, Recommendation and Plans***

After the whānau has completed their private discussions and have come up with what they want to see in a plan, the conference comes back together, and the co-ordinator helps to reach an agreed outcome. Sometimes it may be necessary to firm up the ideas in the family's plan and this may require further discussion and negotiation by all members of the FGC. In most cases, FGCs agree about what should be done.

After the FGC, copies of the plan will be given to everyone affected by the decisions. The co-ordinator has responsibility for making sure that the plan is reviewed. If it is not working, or circumstances change, the co-ordinator must be told immediately so another FGC can be called if necessary.

There are times when a child or young person's care or safety cannot be resolved through family/whānau agreement or FGC. In more serious situations, the social worker may need to place matters before the Family Court for resolution.

### **Family Court**

Care or protection proceedings are principally dealt with by the Family Court. The philosophy of the Family Court is to assist people to resolve their own problems by counselling, conciliation, and mediation. This is in contrast to the strictly adversarial approach in the District Court.

The Court's role is not to 'rubber stamp' family/whānau decisions. It has the power to make its own decisions. This means the Court may override the decisions of a FGC, if it is considered that those decisions do not promote the welfare and interests of the child or young person. In doing this, the Court would need to be seriously concerned that the FGC decisions and plan would not keep the child or young person safe.

### ***Court Orders***

When there have been concerns for the child or young person's care or safety, court orders may be necessary. The Court can make orders relating to the custody and guardianship of a child or young person. It can also make a range of orders to support the child/young person, parents, guardian, or others having the care of the child/young person. These orders include services orders, restraining orders, and support orders.

### **Care**

In some situations, the assessment and family decision-making will result in the child/young person coming into the care of the Chief Executive. This response is reserved for situations where the care and protection concerns cannot be addressed by working with the family whilst the child or young person remains in their care.

There are a number of ways that a child/young person may enter the care of the Chief Executive; short-term agreement, emergency action, or under a Court Order. In all situations, it is preferable for the placement of the child/young person to be with their family or extended family member. A placement outside the family will only occur when there are no suitable family/whānau, hapū or iwi placements available.

### **Residences**

Residential care is an institutional intervention and only used in extreme circumstances. Tamariki and rangatahi are only placed in residential care when it is impossible to have their needs met within the community and safe, contained care is required.

## Appendix C: Practice tools

### Intake Decision Response Tool

On receipt of a report of concern (notification), the receiving social worker must apply the Intake Decision Response tool to make decisions about the appropriate response and timeframe. If the notification was received at the Contact Centre, the Decision Response tool will have already been applied. The site will reapply the Decision Response tool to confirm the response and timeframe. The rationale for each decision must be recorded in CYRAS.

When there are concerns regarding self-harm or suicidal ideation, the social worker will also refer to decision making when suicide/self-harm is part of the concern.

### Safety and Risk Screen

Each child or young person who has been referred for further Oranga Tamariki response (as a result of the application of the Decision Response tool) must receive an assessment of their safety, using the Safety and Risk Screen tool, within the identified 'urgency of response' timeframe (24 hours, 48 hours, 7 days or 20 days).

Engagement with the child or young person and their family will occur as part of completing the Safety and Risk Screen. This needs to include engagement with any children under the age of five years, and any child or young person for whom the notifier identifies particular or specific concern (the notified child or young person).

### Child and Family Consult/Young Person and Family Consult

A Child and Family Consult or Young Person and Family Consult must be undertaken when the Safety Assessment tool identifies that further assessment (either Child and Family Assessment or investigation) is required. The Consult tool must also be used:

- during the completion of the investigation or child and family assessment to inform the assessment decision
- when removal from, or return home is considered
- as the framework for the professionals' meeting held prior to a child or young person in the custody of the CE returning home
- as the framework for the professionals' meeting held within four weeks of a child or young person in the custody of the CE returning home
- for all child offenders and all young people who offend and who have had active care and protection intervention in the last three months.

### Tuituia Assessment

The Tuituia Assessment is to be used on all cases that proceed past the Safety and Risk Screen. It has three parts:

1. The Tuituia framework
2. The Tuituia recording tool
3. The Tuituia report

The framework guides all our assessment activity. It:

- offers a holistic view of the mokopuna that can be shared throughout our care and protection, youth justice, residential and high needs services
- provides a consistent framework and focus for information sharing and collaborative cross-agency work.

When we're assessing the wellbeing of the mokopuna, we look across three domains:

- Mokopuna ora — their holistic wellbeing
- Kaitiaki mokopuna — their caregiver's capacity to nurture their wellbeing
- Te ao hurihuri — the whānau, social, cultural, and environmental influences surrounding them.

## **Genogram**

A genogram must be created for every child or young person when a family group conference is required. It describes the composition of the whānau or family of all parents, and key relationships for up to 3 generations. The genogram must be recorded in CYRAS.

Other more detailed whakapapa information for tamariki and rangatahi Māori must not be recorded in CYRAS. It is sensitive information that belongs to whānau.

In CGIS, relationship maps are created automatically when relationships and roles are added to the caregiver and their household.

## **Screening and Assessment with tamariki and rangatahi 12 Years and Older**

The practice tools for tamariki and rangatahi 12 years and older include:

- The Substance Abuse and Choices Scale (SACS) and/or Cage
- The Kessler and Suicide Screens
- The Suicide Risk Assessment

When the tools are completed with tamariki and rangatahi aged 12-14, the outcomes must be discussed with a Towards Wellbeing Advisor.

## **Screening for Suicide, Psychological Distress and Substance Abuse**

It is critical that we look for, recognise and act on signals that a child or young person may be at risk of self-harm, suicide, alcohol or drug abuse or psychological distress.

The following screens will be used by Oranga Tamariki staff trained in their use:

- Kessler and Suicide Screens - to screen for psychological distress and suicide
- Substance and Choices Scale - to screen for substance abuse.

These screens must be applied whenever mental health, suicide and/or substance use is identified as a concern or potential concern at any phase of our work. In addition, there are specific points at which these screens must be applied. These points are detailed in the 'Points of application table – screens and assessments for young people' below.

The only exception to completing to a Suicide/Kessler/SACS is if Mental Health Services or Alcohol and Drug Services have recently completed and shared an assessment which details the level of current risk and there has been no significant change to the young person’s circumstances since that assessment was completed.

Whenever a risk of suicide or self-harm is identified, you **must** consult with a Towards Wellbeing advisor about the suicide risk assessment and the formulation and implementation of a suicide risk management plan.

***Suicide Risk Assessment***

In cases where there is a believed risk of suicide, or the suicide screen indicates suicidal risk, a social worker must further assess the risk of suicide by using the Suicide Risk Assessment and consulting with a Towards Well-being Suicide Monitoring Programme (TWB) advisor. If the risk of suicide is identified, a Suicide Risk Management Plan must be developed, in consultation with the TWB advisor.

The suicide risk must be reassessed (using the Suicide Risk Assessment) if a concern is raised about a child or young person's behaviour or mood, or there is a change in the child or young person’s circumstances that may impact on their level of risk (e.g., periods of transition, relationship break-up or loss of a loved one or friend).

***Assessing Risks, Strengths and Needs***

Assessment of a young person's strengths, risks and needs will support decision making and strong case work.

***Points of application table – screens and assessments for young people in Care and Protection and Youth Justice, including when a young person is in residence***

	SACS or Cage	Kessler	Suicide Screen
When suicide, mental health, and/or substance abuse is identified as a concern or potential concern at any phase of our work	X	X	X
When significant events, trauma, behaviours and/or risk factors, as detailed in the suicide risk factors sheet, are evident	X	X	X
When a young person is entering care and/or residence	X	X	X
When a young person is exiting care and/or residence	X	X	X
When an application to an Oranga Tamariki residence, Group Specialist Home, HCN or YSS or other relevant service, provider and/or agency is made	X	X	X
For all young people with an assessment finding of behavioural/relationship issues that require further intervention by Oranga Tamariki	X	X	X

**Appendix D: Example of Referral to Panel Form**

REFERRAL TO \_\_\_\_\_ CARE & PROTECTION  
 RESOURCE PANEL ON \_\_\_\_\_ (Date)

Name of Child/ren Serial No: DOB / Age	
Ethnicity / Iwi / Hapū	
School	
Parents	Mother: Father:
Significant Others	
Genogram	Yes / No
Notification	Notified by: _____ on _____
History	
Concerns	
Action Taken  Outcome / Plan	
Allocated Social Worker	

Consultation complete: Yes / No

Call Back: Yes / No

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Chairperson: \_\_\_\_\_



**Meetings**

*(Details of where, when, and how many meetings were held over the year)*

--

**Consultations**

*Consultations from:*

*Number of cases:*

Social workers (s17)

Police (s17)

Care and Protection Coordinators (ss21,32/31)

Other consultations

*(Detail how cases are presented to you and what other records are kept)*

--

**Family Group Conferences**

FGCs

*Number of cases*

Decisions, recommendations and plans received under s32

FGCs attended under s23(2)

--	--

**Other tasks and activities**

*(Outline any other tasks or activities panel members have performed over the year, and comment on their value (e.g., coordination of services, attending regional hui))*

--

**Training**

*(Outline any training the panel has been involved in)*

--



**Working relationship with Oranga Tamariki**

*(Describe the working relationship with staff of Oranga Tamariki, outlining strengths or areas for improvement, and the level of support you've received)*

**Optional**

*Comment on the overall panel functioning.*

*Outline issues that have interested the panel or occupied you during the year.*

*Include any observations regarding care and protection issues in the local community, involving all agencies and groups.*

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

## Appendix F: Payment to Panel Members

The payment of fees and allowances is on a fee-for-service basis. Fees and allowances paid are based on actual attendance at panel activities.

Cabinet recently agreed to a revised Fees Framework for determining or reassessing the fees paid to members of statutory and other bodies in which the Crown has an interest [APH-22-MIN-0195]. Circular CO (22)2 and the attached Framework replaces Cabinet Office Circular CO (19)1.

Cabinet had previously agreed in 2012 that the Framework provides that any employee of a government agency, appointed in their own right to a body covered by the Framework, must not retain both the fee and their ordinary pay, where the duties of the outside organisation are undertaken during their ordinary working hours.

### Revised Fees Framework

The Framework provides for the classification of bodies into one of four groups. Cabinet has agreed to a schedule of fees for all categories that reflects the nature of their business environment and the role requirements.

Once a decision has been made on which group the organisation best fits into, establish the level within the group, and then find the fee range for that level in the appropriate table. A decision is then required on what amount, within (or below) the ranges provided, is most appropriate. Section C, particularly paragraph 30, provides guidance on how to make these decisions. Further assistance is available from the SSC.

For Groups 1, 2 and 4 bodies, fee levels are generally expressed as a daily rate, as this works best for those bodies that have an unpredictable workload.

### *Who sets the fees*

The fee setting authority is the position or organisation that has the authority to establish a body covered by the Framework. This may be set in legislation. The default process for some Group 4 bodies where there is no responsible Minister or relevant legislation (e.g., bodies established by chief executives or governance boards of agencies) is that the fee-setting authority (e.g., the chief executive or governance board) should apply the Framework in order to determine the fee. If the proposed fee is outside the parameters of the Framework, it must be treated as an exception under the Framework.

### ***Group 4: All other Committees and Other Bodies***

This category covers a vast array of bodies from advisory committees to technical review committees to professional regulatory bodies. These bodies may have their functions described in statute, or alternatively have been established by a Minister under a general statutory power to establish advisory committees or by the Cabinet. In other cases, the bodies will have been established by chief executives or governance boards of agencies to provide advice on the agency's functions and responsibilities on a general basis or on specific areas or issues.

The levels within this category are determined by:

- skills, knowledge, and experience required for members;
- function, level, and scope of authority;
- complexity of issues;
- public interest and profile.

**Group 4 – daily fees**

Fees will continue to be set on a fair but conservative basis to reflect a discount for the element of public service involved. Members occupying identical positions on the same body should be paid the same fee rate.

The fee rate is varied only to reflect additional responsibility such as that assumed by chairpersons (and deputies and the chair of a substantial sub-committee where appropriate) who may receive an extra margin for additional responsibilities that go with the role. The exception to this is when fees have been grand-parented.

The daily fee applies to all work, including that performed outside of meetings (e.g., preparation, representing the board at other forums, or administrative work) that is required for the body to carry out its role. All work that is required to be performed for the body by the member should be paid at the approved daily rate.

<b>Total Score</b>	<b>Level</b>	<b>Fees range – chair</b>	<b>Fees range – members</b>
24-28	1	\$594 - \$1,265	\$446 - \$952
20-23	2	\$429 - \$974	\$319 - \$616
15-19	3	\$308 - \$633	\$226 - \$435
10-14	4	\$275 - \$402	\$209 - \$297
9 or less	5	\$226 - \$292	\$165 - \$226

Members are not paid for time spent in travel to and from meetings or on body business, except in instances where a daily fee is paid, and the member has to travel for more than a total of three hours in the course of a normal business day of approximately 8 hours.

The purpose of paying for travel time that is greater than three hours is to compensate for lost income during the business day. For example, a member may spend a few hours at a meeting but in doing so spends all day away from normal business activity, due to spending several hours travelling to and from the meeting.

In circumstances where considerable time is involved in travel, this can be recognised by the chair, with the agreement of the servicing/accountable organisation. In these

cases (and particularly where air travel is involved) the preparation and travelling time need to be considered together for payment purposes. Where considerable travel is frequently necessary to meet the requirements of the role, this should be recognised either by reducing the working time or paying for some or all of the travel time.

In considering payments for travelling time, the chair and servicing agency need to consider issues of equity, the government's intention for geographical representation, and ensure that attendance at meetings does not result in undue personal hardship.

Where a meeting is held by teleconference or video conference, the usual fees apply. Where a member is unable to attend a meeting in person but joins the meeting by teleconference or videoconference, with the agreement of the chair, the usual fees apply. If the member receives daily fees and participates in less than half of the meeting, an hourly pro-rata rate would apply.

Under exceptional circumstances a contribution may be made to childcare expenses with the agreement of the chair (or another member if the chair is claiming expenses) and the servicing agency. However, it is generally expected that the daily fee paid is adequate to meet out-of-pocket expenses of individual members as well as reimbursing them for their time spent. An example where a contribution to childcare expenses may be made is where an additional meeting is called at short notice (e.g., less than 48 hours). In determining whether payment is warranted, consideration should be given to issues of equity and ensuring that attendance at meetings does not result in undue personal hardship.

### **Reimbursing expenses**

Members travelling to and from meetings, or on the business of the body in which the Crown has an interest (where the members are required to be away from their normal places of residence), are entitled to reimbursement of out of pocket travelling, meal and accommodation expenses actually and reasonably incurred. The expectation is that standards of travel, accommodation, meals, and other expenses are modest and appropriate to reflect public sector norms.

Actual and reasonable travel, meals, accommodation, and other expenses incurred by the member in carrying out the business of the body in which the Crown has an interest may be reimbursed provided they are supported by appropriate documentation.

Where it would not be reasonable to travel by public transport and a member's private motor vehicle is used for travel to and from meetings, or on the business of the body in which the Crown has an interest, reimbursement will be at the Kilometre rates specified by Inland Revenue.

### ***Process for receiving reimbursement***

Please complete the Committee Panel Member Fees and Allowances Claim form. A copy of the form is available from the Oranga Tamariki Site Manager.

Site Managers are responsible for ensuring that they have a copy of the most recent form, which is available from the national Recruitment team.

## **Application of the Fees and Travelling Allowances Act 1951**

### ***Section 432 of the Oranga Tamariki Act Fees and allowances***

(1) Every care and protection resource panel is hereby declared to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There may be paid out of funds appropriated by Parliament for the purpose to the members of any care and protection resource panel remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

### ***Fees and Travelling Allowances Act 1951***

#### ***Section 3 Remuneration of members of statutory Boards***

Where, under any enactment, any member of a statutory Board is entitled to receive any remuneration by way of salary, fees, or otherwise for his services as a member of the Board, the remuneration shall, subject to any determination of the Remuneration Authority, be paid at such rate as the Minister from time to time approves in that behalf.

#### ***Section 4 Travelling allowances payable to members of statutory Boards***

(1) This section applies to any member of a statutory Board who, under any enactment, is entitled to receive payment of travelling allowances or travelling expenses in respect of time spent in travelling in the service of the Board.

(2) Where any such member, for the purpose of attending a meeting of the statutory Board or, pursuant to a resolution of the Board, of transacting any business of the Board, is required to be absent from his usual place of residence, there shall be paid to him, in accordance with regulations made under this Act, an allowance (in this Act referred to as a subsistence allowance) at such rate as the Minister from time to time approves in that behalf.

(3) Where the member, for any such purpose, is required to make any journey and he travels by public conveyance there shall be paid to him, in accordance with regulations made under this Act, all fares and other expenses of locomotion incurred by him in making the journey.

(4) Where a private means of conveyance is used for any such journey, there shall be paid to the member, in accordance with regulations made under this Act, an allowance (in this Act referred to as a mileage allowance) at such rate as the Minister from time to time approves in that behalf.

## Appendix G: Suggestions for Phase 2 Review

The first phase of the Handbook review, carried out from 2021-22 focused on some immediate legal and operational changes to bring the Handbook up-to-date.

As at 19 July 2023, Oranga Tamariki has identified a need to further review this Handbook. Kaimahi had provided substantial advice that the tone and style of this document does not fully align with the Practice Shift. It was suggested that the Handbook needed to be framed in te Tiriti o Waitangi and draw on Te Ao Māori principals of oranga. We believed that this needed to be approached properly, carefully, and collaboratively, and therefore should be done as part of a more comprehensive phase 2 review.

Due to workload constraints, it is unlikely that this work will begin before 2024.

It is proposed that we review content in line with:

- the Practice Shift
- Hipokingia ki te Kahu Aroha Hipokingia and the Future Direction Plan
- Oranga Tamariki Action Plan

As part of Phase 2, Oranga Tamariki would like to receive guidance from existing Panel members as to what information they think should be included and how information and updates could be usefully presented and distributed.