

Potential Changes to Oranga Tamariki Act



New Zealand Council Of
Christian Social Services

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Contact Name:	Nikki Hurst Hamish Jarvie
Organisation Name:	New Zealand Council of Christian Social Services (NZCCSS)
Organisation Description:	The New Zealand Council of Christian Social Services (NZCCSS) welcomes the opportunity to provide feedback on potential changes to the Oranga Tamariki Act. NZCCSS has six foundation members: the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support and the Methodist and Salvation Army Churches. Through this membership, NZCCSS represents over 250 organisations providing a range of social support services across Aotearoa. We believe in working to achieve a just and compassionate society for all, through our commitment to our faith and Te Tiriti o Waitangi. Further details on NZCCSS can be found on our website https://nzccss.org.nz/

Tirohanga Whānui | Overview

As Oranga Tamariki moves towards a projected significant change in its operation, there are considerations which must be made. Successful Youth Work centres the individual tamariki/rangatahi¹, providing positive and empowering experiences which they will take forward into their adult lives. While this is important on an individual scale, it has wider implications for the Māori and Pacific communities especially and Aotearoa as a whole. Better outcomes for our tamariki and rangatahi are better outcomes for society, and great care must be taken by government agencies to ensure those outcomes.

¹ Sanders, J., & Munford, R. (2014). Youth-centred practice: Positive youth development practices and pathways to better outcomes for vulnerable youth. *Children and Youth Services Review*, 46, 160–167. <https://doi.org/10.1016/J.CHILDYOUTH.2014.08.020>

Imprisonment of Tamariki/Rangatahi in OT Facilities:

While NZCCSS recognises that in exceptional circumstances it can be necessary to incarcerate young people, it is imperative that this is done in a mana-upholding way. Additionally, it must be carried out in accordance with Te Tiriti o Waitangi and, most importantly, Oranga Tamariki acts wherever possible to avoid ongoing institutionalisation of tamariki and rangatahi.

If Oranga Tamariki is unable to properly provide for such young people, significant Corrections involvement in their care is likely to continue a process of institutionalisation and will likely fail to appropriately manage ongoing mental wellbeing challenges faced by a significant percentage of young offenders². In this sense, it is a case of one or the other rather than a partial involvement of Oranga Tamariki or Corrections.

Option 1: Standalone Model affords space for Oranga Tamariki to provide wraparound care for young people who necessitate ongoing and significant care to rehabilitate. While this is sure to be resource intensive and costly for Oranga Tamariki, the outcomes for the young people involved are of paramount importance, as such this is the preferred option. Option 2B is an approach with minimal intervention from Corrections, allowing for Corrections Setting outside of the residence. While not ideal, 2B holds less likelihood of continued institutionalisation than a fully Corrections directed residence as in 2A.

Information Sharing with Iwi and Māori Providers:

While information sharing is imperative to combat the siloed approach often taken by government agencies and departments, NZCCSS holds the perspective that this must be done in a manner that upholds the mana of tamariki and rangatahi. Young people will be best served by fully wraparound, culturally appropriate services. However, these services and the information shared with those providing them must not come at the cost of the overall safety of the individual.

Cultural well-being feeds into the wraparound services that should be available to rangatahi in care, and as such the availability of information to those organisations which are informed in these areas may be significant and beneficial. One issue which must remain front of mind when creating legislation and regulations around this is the wishes of the young person who is being provided for, and the security of their information.

² Shailer, J.L., Gammon, R.A. and de Terte, I. (2013), Youth with Serious Mental Health Disorders: Wraparound as a Promising Intervention in New Zealand. *Aust N Z J Fam Ther*, 34: 186-213. <https://doi.org/10.1002/anf.1028>

Special Guardianship Orders:

NZZCCSS believes that legislation change is not necessary in preventing the misuse of SGOs. What is required to ensure the best outcomes for tamariki and rangatahi is a child centred approach to the regulation of these orders, which honours Te Tiriti o Waitangi – especially regarding the right to be treated as an equal citizen with the Rights of all other children.

SGOs must be uniformly applied across the motu, as well as uniformly adjudicated upon in Family Court, with clear regulation around what constitutes an appropriate scenario for a judgement to be made. As the options paper states, there is a disparity in access to SGOs which oftentimes corresponds to a lack of resources – meaning that some caregivers with legitimate reason to apply for SGOs are unable.

While there has been some misuse of SGOs, they hold an important role in the wellbeing of tamariki and rangatahi and the ability of their guardians to properly care for them. Implementing more stringent regulations around their implementation and making them more accessible where needed will help to ensure proper and situationally appropriate usage of SGOs.

Additionally, further detail is necessary around the parameters of contact with family as an inalienable right for any policy change to be made. While the options paper details that this right is inalienable within the boundaries of safety, however this must also consider the general wellbeing of the child and their connection with their non-biological guardian. Balance on a case-by-case basis is necessary in this situation, just as with information sharing.

Perceived Problem:	Preferred Option 1:	Option 2:	Option 3:
<p>Imprisonment of Rangatahi/Tamariki in OT Facilities:</p>	<p>Stand Alone Model:</p> <p>If OT is able to provide a safe and rehabilitative environment, this option is preferable.</p> <p>Dealing with young people who do not have fully developed brains, institutionalising will not bring any positive outcomes.</p>	<p>Option 2B– Corrections Settings outside of the residence:</p> <p>This option is preferable ONLY if OT is unable to provide safe/rehabilitative environment for either resident in question or others.</p>	<p>Option 2A- Corrections Continues to Hold Specific Responsibilities:</p> <p>In the same vein as 2B, but more restrictive. Corrections would have control over significant aspects of the resident’s life.</p>
<p>Information Sharing with Iwi and Māori Providers</p>	<p>Amend Parties, Purpose, Onus on Chief Executive and Extend Information Sharing Networks:</p> <p>While concerns remain around safety of rangatahi/tamariki, this option holds the most effect in terms of effective information sharing as well as safety checks and balances.</p>	<p>Amend Parties to and Purpose of Information Sharing:</p> <p>Purpose of information sharing will include: (a) use that information for the purposes of ensuring the wellbeing, including cultural wellbeing, of children and young people</p>	<p>Amend Parties to Information:</p> <p>This is the bare minimum – more parties are able to access information (especially kaimahi). Potential benefits include greater understanding/safety for tamariki/rangatahi.</p>