



30 October 2013

**Submission on the Vulnerable Children Bill (the Bill)**

To the Social Services Select Committee

**This submission is from:**

Tara D'Sousa, National Manager  
Social Service Providers Aotearoa Inc. (SSPA).  
PO Box 9490 Marion Square  
Wellington 6141

**I can be contacted on:**

Tel: 04 8050885 (DDI)  
027 510 1517 (Mob)

Email: [manager@sspa.org.nz](mailto:manager@sspa.org.nz)

We would like to make an oral presentation of this submission.

**I request acceptance of a supporting Supplementary Paper as a late submission. The paper provides SSPA Members' experiences from collated feedback, to be submitted to the Select Committee no later than 6 November 2013.**

Nga mihi nui,

Tara D'Sousa  
National Manager

## **Submission**

### Introduction

- 1 SSPA is an umbrella body representing some 233 NGO social service providers who are co-funded by the Ministry of Social Development and other funders to provide a range of services for vulnerable children, young people, their families and communities. (See [www.sspa.org.nz](http://www.sspa.org.nz))
- 2 SSPA exists to support Member service providers to make a positive and significant difference in their communities through their work with children, young people and families.
- 3 SSPA operates with the principles of Te Tiriti o Waitangi, partnership, mutual support, accountability and transparency, consultation and social justice.
- 4 SSPA runs best practice professional development for member providers through provision of resources, facilitation of forums, regional meetings, seminars and conferences. Effectiveness and efficiency of social service practice and decision-making across the sector are also our concern.
- 5 Where practice, policy and regulation directly or indirectly impact on any aspect of community development, in this case children's wellbeing, SSPA endeavours to promote channels for constructive discourse, facilitates consultation and makes submissions as appropriate.
- 6 SSPA prepares its submissions through a synthesis of member views, in-house regulatory experience, research and contracted specialist advice.
- 7 Please note the views in this submission do not represent the views of all SSPA members, rather they are the initial conclusions reached by the National Executive supported by survey feedback of a small number of members
- 8 This submission is presented as follows:
  - (a) Context and general comments;
  - (b) Comments on two key sections of the Bill;
  - (c) Specific experiences of SSPA Members (Supplementary Paper – late);
  - (d) Recommendations.

a) Context and General Comments:

- 9 In 2012, SSPA facilitated a number of seminars across the country on the Green Paper which preceded the drafting of the White paper and the Children's Action Plan. SSPA's Executive made submissions to these documents and to the Expert Advisory Group Report on Solutions to Child Poverty. SSPA members have direct experience of the issues at the heart of this debate, namely children's vulnerability and the role of families, communities and state in protecting them and ensuring children's well-being.
- 10 In considering the Bill SSPA has selected two sections of particular significance to our membership on which to comment given the time and logistical constraints of gathering feedback from our nation-wide membership.
- 11 The Bill has one significant omission – it does not give effect to Te Tiriti o Waitangi. There needs to be a Te Tiriti o Waitangi clause to ensure Tiriti principles are embedded in the Bill and are implemented across all Ministries involved in the 'cross agency' measures.
- 12 We generally support the Bill; it comes out of a good place – there is political intent and will to make a difference to New Zealand's child abuse record. It clearly seeks collective responsibility and joined up government work which SSPA strongly supports.
- 13 However, it is a vast piece of legislation and requires resourcing to be fully realized; it also aims to reduce the vulnerability of children, and such preventative work is much needed but broader than child harm prevention.
- 14 Clause 6 determines that "*improving the well-being of vulnerable children*"...means promoting the best interests of vulnerable children (having regard to the whole of their lives) ... SSPA commends the inclusion in this clause of a range of measures including protection, improving physical and mental health, education, strengthening connection to whanau, increasing participation and improving social and economic well-being.
- 15 We therefore note that the Bill forms a regulatory part of a series of measures<sup>1</sup> to address the above determinants of child well-being. SSPA believes that critical non-regulatory measures underpin an approach to prevention of child abuse and the protection of the most vulnerable; measures such as the universality of quality services in health, education, housing and employment and very early intervention for children<sup>2</sup>.

---

<sup>1</sup> Regulatory Impact Statement, Ministry of Justice 2013

<sup>2</sup> Dr. Nicola Atwool: "A Theoretical Framework for New Zealand" 2013

16 Children's well-being is embedded in all of society. Research suggests that safe and nurturing community environments, supported through formal and informal social networks, will create a resilient and protective safety net for the most vulnerable children<sup>3</sup>

b) Comments on Two Key Sections of the Bill

Part 1: Cross Agency Measures – Subpart 3 Children's worker safety checking

17 SSPA members welcome the increased level of vigilance around services for children. Members' practice currently includes worker screening to the Clean Slate Act level of police checking as a minimum.

18 Clauses 32 and 33 of the Bill enable regulators to set thresholds, and Clause 39 provides for the approval of screening services by CEOs of key agencies; this means that the framework of regulated screening is not yet known. It is not clear whether a higher threshold of screening, regular three-yearly and non-core staff screening, the increased volume of screening and contracting to approved suppliers will potentially provide for significant increased costs, and whether these are envisaged as cost-neutral to government though not to service providers.

19 Current estimates indicate there are 370,000 children workers<sup>4</sup>; at the minimum police checking fee (currently waived for NGOs) of \$67, the resources required for this activity annually would be \$24.8m on a rotational basis of 3 – 4 years. The costs of penalties arising out of non-compliance are difficult to predict, but need to be anticipated.

20 We note and applaud the provisions to exempt checks where risk is low and for defences if a specified organisation took all reasonable steps to ensure safety checks were done.

21 In our experience, many of the risks children face are closer to home and may result in harm regardless of staff screening. It is critical that this investment is measured against expected returns in terms of child safety.

22 We also submit that resources invested in workforce capability and community education for abuse-prevention may be disproportionately diverted towards workforce screening.

---

<sup>3</sup> Ibid

<sup>4</sup> Hon Paula Bennett, Parliamentary Debates Aug 2013

Part 3 Children Young Persons and Their Families (Vulnerable Children)  
Amendment Act – Subpart 1 Subsequent Children

- 23 The amendment of the definition of "*child and young person in need of care and protection*" to include a specific reference to a subsequent child (Clause 104) and a new ground against which a parent of a subsequent child will be assessed poses certain risks to be balanced against the risk of harm to subsequent children.
- 24 The skills, competency and considered judgment of the assessing social worker (new S 18A CYF Act) will be critical to the effectiveness of the new provision for the removal of subsequent children. There is a risk the assessing social worker will apply a higher risk threshold despite a parent's effort to change.
- 25 Section 18B (new) requires a social worker to either apply to the court for a S67 declaration or apply for confirmation of the decision to not apply a S67 declaration. This could place legislative pressure on less experienced social workers and result in a risk-averse culture with assessments not proportionate to the child-harm risk.
- 26 As the onus of proof is placed on the parent (new S18(2)) to demonstrate to the assessing social worker that he or she "*is unlikely to inflict on the subsequent child the kind of harm*" that led to the parent having a previous child removed from their care, it is important that a transparent and principled approach is used to formulate an assessment.
- 27 A common feature of most "vulnerable" families<sup>5</sup> is their isolation and reluctance to engage with services. Effective engagement and intervention with these families is critical to the effectiveness of the Children's Action Plan and this Bill and much more significant than the creation of a series of monitoring checks. Increasing evidence points to interventions that grow from the ground up.
- 28 Natural justice and the Bill of Rights must apply so that parents of a subsequent child born or unborn have hope that they might keep their subsequent children if they make necessary changes to their lives.

---

<sup>5</sup> Vulnerable Families – those with issues that compromise effective parenting which may continue over several generations and include poverty, substance abuse, unemployment, housing, health violence etc. – Families Commission, 2009

29 SSPA supports an approach underpinned by a belief in the human spirit and capacity to reform/rehabilitate; people can and do change with support.

c) Specific experiences of SSPA Members (Supplementary Paper – to be submitted late)

d) Recommendations

30 That the Select Committee note local and regional level agencies' direct experience of the issues at the heart of this debate, namely children's vulnerability and the role of families, communities and state in protecting them and ensuring children's well-being.

31 There needs to be a Te Tiriti o Waitangi clause to ensure Tiriti principles are embedded in the Bill and are implemented across all Ministries involved in the 'cross agency' measures.

32 That the Select Committee consider how this Bill is resourced in order to fully realise its purpose, and ensure there is a balance of resources available for the non-regulatory measures that must work alongside the Bill in order to "*promote the best interests of vulnerable children (having regard to the whole of their lives)*"

33 That the Select Committee carefully consider the compliance costs for screening the entire children workforce and that this investment is measured against expected returns in terms of child safety.

34 That resources are invested in workforce capability and community education for abuse-prevention in proportion to the resources invested in workforce screening because of the critical need and exponential benefits of a skilled children's workforce.

35 That the Select Committee recognises and weighs the risks inherent in the removal of subsequent children amendments to the CYF Act especially in the legislative requirements placed on assessing social workers, the onus of proof of demonstrable change on parents, and the need to engage in behaviour change interventions in the interest of natural justice and redemptive hope for all human beings.

National Manager

On behalf of:  
Social Service Providers Aotearoa