



Submission on the Oversight of Oranga Tamariki System Legislation Amendment Bill Social Services and Community Committee

**Submitted by Social Service Providers Te Pai Ora o Aotearoa (Te Pai Ora SSPA)
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Introduction & Background

1. Social Service Providers Te Pai Ora o Aotearoa (Te Pai Ora SSPA) welcomes the opportunity to submit on the Oversight of Oranga Tamariki Legislation Amendment Bill.
2. Te Pai Ora SSPA would welcome the opportunity to speak to this submission at the Committee.
3. Our submission is informed by our members, gathered through consultation and feedback that Te Pai Ora SSPA has facilitated.
4. Our written submission provides our feedback, where we have focussed on some key areas of greatest relevance to the mahi of our members. Te Pai Ora SSPA's contribution to this process is to shape and influence this mahi to ensure an equitable future for care-experienced children and rangatahi, their families and whānau and the social service organisations who work alongside them.

About Te Pai Ora SSPA

5. Social Service Providers Te Pai Ora o Aotearoa (Te Pai Ora SSPA) is a membership-based national organisation, comprised of over 240 community-based social service organisations from around Aotearoa New Zealand, based in both rural and urban locations.¹ Our membership makes up a vast majority of the service delivery to children and rangatahi in the social sector.
6. Among our members are local and national social service providers, large national care providers, kaupapa Māori and Iwi social service organisations and Pacific providers. Te Pai Ora SSPA members work across the full spectrum of community-based social services with a central focus on supporting the positive outcomes of children, rangatahi, families and whānau.
7. Te Pai Ora SSPA full members are funded by government to deliver social services in our communities every day, with a predominant focus on children, rangatahi, families and whānau (the majority of member organisations are s.396 and/or s.403 providers). Our affiliate members are organisations that deliver social services for these people, and organisations and individuals who work in areas aligned to the interests of children, rangatahi, whānau or communities.

¹ Find out more about Te Pai Ora SSPA at www.sspa.org.nz. Our strategic plan 2023-2026 can be found [here](#)

8. Te Pai Ora SSPA's vision is that Aotearoa's community-based social services are sustainable, able to make a positive impact every day in our communities, supporting children, rangatahi and whānau to thrive now and into the future. Te Pai Ora SSPA works to strengthen Aotearoa's social sector through advocacy and engagement, learning and development, relationships and sector leadership.



Te Pai Ora SSPA's position on this kaupapa

Safety of children is paramount

9. Te Pai Ora SSPA believes that the first and foremost focus for children and rangatahi in the care and protection system and in relation to the system of oversight must be on keeping them safe from harm, upholding their rights and protecting their wellbeing. In decisions regarding all children and rangatahi who come to the attention of Oranga Tamariki, the wellbeing and best interests of the child must be the first and paramount consideration.

Care-experienced children and rangatahi at the centre

10. This Bill is about children and rangatahi, it ultimately affects all children and rangatahi and their families and whānau in the Oranga Tamariki system. As evidenced in many reviews and reports findings of abuse and neglect have increased, minimum standards of care are not consistently being met and tamariki and rangatahi Māori are disproportionately represented within the care and protection system. Taking these realities into account, proposed changes to the Oversight System have serious implications for the way children and rangatahi, and the issues that affect them, are considered and acted on by government now and into the future.

Consistency with Aotearoa New Zealand's obligations

11. Policies affecting children and rangatahi must be grounded in Te Tiriti o Waitangi, be consistent with our international law obligations, and take an evidence-informed approach. Any change should be an opportunity:
- a. to strengthen how government fulfils its responsibilities to children and rangatahi;
 - b. fulfils the government's responsibilities to create the conditions in which children and rangatahi in Aotearoa New Zealand's care and protection system can grow and thrive

Integrate key findings and learnings for system change

12. We acknowledge the Bill's intent to strengthen the monitoring and advocacy roles, however we highlight systemic level reports that should be considered alongside these proposed changes to ensure the revisions are future-proofed. Related work underway includes:
- a. the independent statutory review of the oversight of the Oranga Tamariki system currently being undertaken by MartinJenkins;
 - b. the recent release of the Abuse in Care Royal Commission of Inquiry final report *Whanaketia* and its recommendations;
 - c. the review of the implementation of recommendations from Dame Karen Poutasi's review of the Children's system response to abuse *Towards a stronger safety net to prevent abuse of children*² and;

² Towards a stronger safety net to prevent abuse of children. A review of the implementation of the recommendations of Dame Karen Poutasi following the death of Malachi Subecz, August 2024
<https://aroturuki.govt.nz/assets/Reports/poutasi/Review-of-implementation-of-Poutasi-recommendations.pdf>

- d. regular system compliance and monitoring reporting including: Experiences of Care in Aotearoa, agency compliance with the National Care Standards³ and Safety of Children in Care Annual report⁴,

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Proposed structural changes

13. Te Pai Ora SSPA supports the proposed changes to bring into effect specifically:
- transforming the Independent Children’s Monitor Aroturuki Tamariki from a departmental agency hosted by the Education Review Office into an independent Crown entity
 - reverting the Children and Young People’s Commission Mana Mokopuna to a single Commissioner by disestablishing the Board
14. However we wish to point out that both entities were established in their current forms very recently in May and July 2023 respectively. They have only had a year in operation to bring about the changes legislated through the Oversight of Oranga Tamariki System Act 2022 and the Children and Young People’s Commission Act 2022. Together, the three organisations that make up the Oversight of Oranga Tamariki System - the Independent Children’s Monitor Aroturuki Tamariki, Children and Young People’s Commission Mana Mokopuna and the Ombudsman have been developing processes, policies, and scenarios to help operationalise the new Oversight of Oranga Tamariki System legislative framework.
15. Te Pai Ora SSPA has been encouraged by its interactions with the Oversight partners across the systems workstreams this last year in efforts to ensure community-based social service organisations can continue to be as effective as possible with their work supporting children, rangatahi, families and whānau.
16. Given the proposed set of changes outlined in the Bill to both entities, we suggest the select committee reconsider the proposed provision for the key leadership roles – Chief Children’s Commissioner and the chief executive of the Independent Children’s Monitor Aroturuki Tamariki – to have one-year terms. This risks destabilising the system during a critical period of change. Extending these terms would provide continuity and stability, allowing leaders to embed effective practices and the continuation of relationships between the oversight partners and external networks necessary for impactful oversight.
17. We are encouraged that Mana Mokopuna’s core functions remain unchanged enabling them to sustain effectiveness in bringing diverse perspectives, participation and voices into their work as an independent advocate so that children’s rights and wellbeing are better protected, and harm against mokopuna is prevented.

What Te Pai Ora SSPA suggests as key areas for consideration

18. We make the following suggestions and recommendations to add value to the wider conversation on future change to ultimately ensure a more cohesive system that understands and upholds children’s rights and wellbeing and keeps them safe from harm across all areas of the system.

³ Experiences of Care in Aotearoa 2022/2023 Agency Compliance with the National Care Standards and Related Matters Regulations <https://aroturuki.govt.nz/reports/experiences-of>

⁴ Oranga Tamariki Annual Report 2023/24, Safety of Children in Care Annual Report – reporting period 1 April 2023 to 31 March 2024, Appendix C, pg 151 onwards <https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Corporate-reports/Annual-Report/Annual-Report-2023-2024.pdf>

Independent statutory review of oversight of the Oranga Tamariki system

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19. We draw attention to the current independent statutory review being conducted by MartinJenkins, commissioned by the Ministry of Social Development.⁵ This review sits in the context of the current Oversight arrangements being relatively new only having entered into force in mid-2023. It has been moved up to align with the current proposed legislative changes, alongside the government only beginning to respond to the recommendations of the Abuse in Care Royal Commission of Inquiry. This review is actively reviewing a system when the system itself is currently undergoing reform and a change process where the same system will no longer exist at the end. We anticipate this review will most likely provide further input for changes to the Oversight system.

Grounding the Bill in Te Tiriti o Waitangi

20. Te Tiriti o Waitangi needs to be meaningfully embedded at the heart of this kaupapa. The oversight system must uphold the principles of Te Tiriti o Waitangi, and the implementation of children and rangatahi rights must be in accordance with Te Tiriti o Waitangi to avoid the same mistakes that have already been made by the Crown in relation to the care and protection system. Tamariki and rangatahi Māori remain disproportionately represented in state care. Strengthening culturally responsive practices, processes and decision-making is paramount to achieving equitable outcomes and integral to any future design and reform of the care and protection system. There is mana in a child and rangatahi's identity which is not separate but is key to wellbeing.

Timeliness and greater enforceability of Oversight Recommendations

21. Timeliness is a persistent barrier within the Oranga Tamariki system in agencies responses to the reviews and evidence produced by the oversight partners. Delays in timeliness of response by core government agencies to key findings that come out of the oversight monitoring mechanisms hinder the system's ability to protect children and rangatahi effectively.
22. We would like to see robust, timely accountability for the core agencies to give effect to any recommendations or challenges that are raised by the monitoring oversight structure.

Incorporating Royal Commission Findings

23. The findings of the Royal Commission of Inquiry into Abuse in Care underline the need for systemic transformation to prevent harm. This includes addressing intergenerational trauma and ensuring accountability for past and ongoing failures. The oversight system must explicitly outline how it will incorporate these findings into its framework, policies, and practices.

Gaps in Collaboration and Information Sharing

24. Reports from the Independent Children's Monitor and Oranga Tamariki reveal that inter-agency collaboration remains inadequate. Barriers to information sharing between health, education, and care providers result in fragmented support for children and rangatahi. Addressing these gaps is critical to ensuring their needs are met comprehensively and equitably.
25. A critical gap is understanding how government agencies' work programmes and systems level frameworks in the children's system fit together and are aligned. Currently, it is not clear how these are collectively driving to ensure good long-term decision making and leading to support and better outcomes for children and rangatahi in the care and protection system.

Resourcing community-based social service supports

⁵ Terms of Reference: Independent Review of the Oversight of Oranga Tamariki System Act 2022 and Children and Young People's Commission Act 2022, see [here](#)

26. Under-resourcing in community and iwi-based organisations impedes effective early intervention and care provision. To achieve transformative outcomes, sufficient funding must be allocated to enable these organisations to support tamariki and whānau. This year's annual review of contracts by Oranga Tamariki with community-based social service providers has been challenging and with uncertainties resulting from the speed, lack of notice and degree of change by this key funding partner.



27. In order to support Government priorities, our message is to re-set the way this contract management process works in the future so that children and whānau are not put at risk by the rapid removal of services. We ask for fair transparent decision-making processes to be put in place and communicate any contract changes that particularly impact:

- a. services for children going into or already in care
- b. early intervention to prevent children going into care
- c. services that support children and whānau in the first crucial 2,000 days of life.

28. Our message to our Government partners is, do no harm in your desire to be ambitious. In order to support government priorities use what the community-based social service sector knows to shape as you go. They know their communities best.

Policy Instability and Sector Impact

29. Frequent policy changes risk eroding trust and undermining progress in embedding effective practices. Stable, long-term cross-party strategies aligned with evidence-based recommendations and data driven decision making are essential to overcoming entrenched inequities. Short term decision making is not conducive to solving long-term complex issues and does not serve the aspirations and outcomes of children and rangatahi well, both in the present and for them into the future. This is well evidenced in numerous reports.

Suggestions to support practice and policy improvements to the care and protection system

30. As detailed in our submission, we have made below a few suggestions on how practice and policy could be better supported:

Act and make changes in line with reports and reviews completed - the long-term failure of the state child protection system to protect children and rangatahi and their families and whānau is well known and evidenced in many reports. Key recommendations from these reports and reviews are seldom implemented and there is a need for timely, bold, transformational change of the entire care system

Consultation with the children's and social service sector - Te Pai Ora SSPA is of the view that there needs to be consultation with communities such as iwi, hapū and community-based social service partners, and children and rangatahi in the care and protection system to ensure good long-term decision making and leading to support and better outcomes for children and rangatahi

Need partnered decision-making, resourcing, wider community and cross-government collaboration and information sharing to deliver consistent, high-quality support for tamariki and rangatahi to achieve transformative outcomes

31. This Bill presents an opportunity to strengthen the oversight and monitoring framework for the Oranga Tamariki system. However, the success of these reforms hinges on addressing systemic barriers and ensuring the voices and needs of children and rangatahi are central to decision-making to build a culture of protecting children and rangatahi's rights.

32. We urge the Committee to consider these recommendations to build a robust, equitable, and culturally responsive system that delivers enduring outcomes for all children and young people in Aotearoa New Zealand.