



# SSPA Alert

SOCIAL SERVICE PROVIDERS AOTEAROA. 6 MARCH 2017

*SSPA Alert is to tell you about current events*

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## What's happening?

Parliament's Social Services Select Committee is considering a major Bill amending the Children, Young Persons and Their Families Act 1989. SSPA has made a submission to the Select Committee.

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## SSPA submission – a summary

The CYPF (Oranga Tamariki) Amendment Bill has many positive aspects that reiterate the commitment of the state to better outcomes for children and young people. SSPA welcomes those aspects of the Amendment Bill that:

- Support the creation of a more child-centred system
- Give greater priority to the voices of children and young people in decisions that relate to them
- Give a commitment to early intervention
- Extend the age of the youth justice jurisdiction to age 17
- Extend the principle of the best interests of the child into the youth justice system
- Provide for support for young people leaving care as they transition to adulthood
- Hold the Chief Executive accountable for outcomes for Māori children and young people
- Ensure children and young people with disabilities receive equitable treatment
- Provide additional support for caregivers
- Provide for a framework of National Care Standards.

We have some concerns, however, about aspects of the implementation of the legislative and institutional arrangement designed to give effect to these matters.

The concept of a “stable and loving home” (or its absence) as the basis for state intervention in the lives of families is a tenuous basis and one that will resist measurement. This term should be deleted from the Bill.

There is no clear definition of what a “vulnerable” child is.

The Purposes and Principles sections contain a lengthy set of matters which have the potential to add unnecessary complexity to the decision-making of social workers, especially as there is no weighting or priority given.

We share the concerns of other agencies about the changes being proposed to the standing of whānau, hapū and iwi in the decisions relating to their children. While we commend the intention to focus on better outcomes for Māori children and young people, we believe the Bill should retain the emphasis on the importance of family, whānau and kin in their lives. We support the safety and well-

being of children being the paramount consideration, but do not believe this is enhanced by viewing children outside the context of their families and their culture. The 1989 Act aimed to empower families, kin groups and the wider community to look after their own children and SSPA believes this is still the best principle on which to base a child protection system.

We recommend a clear hierarchy of options coming to the attention of the Ministry: first, stronger focus on resources and support being given for family preservation, and for whānau placement as the next available option, with care placement outside the kin network the last option. The phrase “at the earliest opportunity” appears to place the emphasis on quick permanent placement and this seems likely to lead to risk-averse practice and to a growth of the number of children and young people in permanent non-kin care.

We do not support the information sharing arrangement proposed and agree with the recommendation of the Privacy Commissioner to retain the current arrangements, or if this is not agreed, to limit the information sharing to that which is required for risk assessment purposes. The current legislation already places a duty to report and share information about children and young people at risk of harm or abuse. In addition to introducing unnecessary complexity, we are concerned with issues about consent by service users, and the compromise of professional duty of care and confidentiality. Privacy issues are especially important in view of the net-widening nature of state intervention enabled by this Bill.

The changes being proposed are ambitious and very large scale. Previous changes to the child protection and youth justice systems have failed, in part because of under-resourcing and under-estimation of the extent of change management required. We must not make the same mistake this time. The change management and resourcing extends to the NGO provider sector, where a greater level of involvement is envisaged and must be resourced.

Other key points in our submission include:

- Recommendation to strengthen the accountability for achieving outcomes for Māori children and young people by establishing an independent Māori monitoring entity
- Removing the National Care Standards from regulation so that they can be more readily amended if required
- Extending the right to legal representation for young people beyond intention-to-charge family group conferences (FGCs) and ensuring legal representation in other situations
- More community-based options as an alternative to remand in custody. We support the Commissioner for Children’s call to remove the legislation that enables young people to be held in Police cells.

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## Action

SSPA will be presenting the submission to the select committee.