

In confidence

Office of the Minister for Social Development and Employment

Cabinet Social Wellbeing Committee

OVERSIGHT OF THE ORANGA TAMARIKI SYSTEM AND CHILDREN AND YOUNG PEOPLE'S COMMISSION BILL – FURTHER POLICY DECISIONS TO PROGRESS LEGISLATION

Proposal

- 1 This paper seeks Cabinet agreement to key policy decisions needed to enable finalisation of the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill (the Bill), prior to formal agency consultation.

Relation to government priorities

- 2 Clarifying the proposed policy matters will support a more clear and cohesive Bill for introduction. The Bill is an important part of ensuring oversight of the Oranga Tamariki system is supported by the necessary legislative mandate to ensure children and young people are empowered to reach their full potential.

Executive Summary

- 3 In 2019 and 2020 Cabinet made policy decisions to enhance the independent oversight of the Oranga Tamariki system and children's issues [CAB-19-MIN-0113, CAB-19-MIN-0687 and CAB-20-MIN-0352.01 refer]. Cabinet agreed to develop new primary legislation that aims to strengthen the oversight system in three areas: system advocacy for all New Zealand children, complaints oversight and investigations, and independent monitoring of the Oranga Tamariki System.
- 4 Over the last 12 months MSD has worked closely with key agencies on the development of the Bill. There has also been regular consultation and input from the Kāhui group who were established to support MSD's engagement with Māori.
- 5 I am now seeking policy decisions on a number of matters needed to finalise the drafting of the Bill. The changes I am proposing include:
 - 5.1 **Treaty of Waitangi (the Treaty) provision for the Oversight functions** – clarifying that the Ombudsman and Monitor must endeavour to develop arrangements with iwi and Māori organisations in order to demonstrate a practical commitment to the Treaty of Waitangi
 - 5.2 **Clarifying the scope of monitoring** – confirming the scope of the Monitor extends to: 1) those entities within the system responsible for the support and services provided to children, young people and their whānau under, or in connection with, the Oranga Tamariki Act 1989, by agencies or by their contracted partners; and 2) relevant services provided by other Government agencies and their contracted providers.

- 5.3 **System advocacy and access to information** for the Children and Young People's Commission (the Commission), including:
- that the Commissioner may require access to anonymised personal information for the purpose of discharging their specific function relating to inquiring into systemic children's issues and
 - that the Bill provide for the Commissioner's function to help resolve individual children's issues by enabling the Commission to obtain relevant personal information with the individual's informed consent.
- 5.4 **Refining the governance arrangements** for the Commission by increasing the minimum board size from two to three members.
- 5.5 **Providing for effective governance and practical commitments to the Treaty** for the Commission – by providing additional capacity and capability requirements on the board to:
- have a strong focus on the rights, interests, and wellbeing of tamariki and rangatahi Māori
 - set strategic priorities and work programmes that support improved outcomes for tamariki and rangatahi Māori
 - include Māori participation and te ao Māori approaches in the discharge of its functions.
- 6 Following Cabinet agreement, I propose MSD officials carry out formal agency consultation on the Bill. Subject to this consultation and approval of Cabinet Legislation Committee, I intend for the Bill to be introduced into the House in mid-2021.

Background

- 7 In 2017, in response to reforms of the Oranga Tamariki system and new government priorities for children, the Government commissioned a review of independent oversight arrangements for the Oranga Tamariki system and children's issues (the Review). [SOC-17-MIN-0115 refers].
- 8 The Review found that the oversight arrangements require strengthening to address issues and gaps relating to: resourcing for system-level advocacy; under-investment in the resources and powers required for independent monitoring and for complaints resolution; and a lack of Māori views across all element of the Oranga Tamariki system and across independent oversight functions.
- 9 In March 2019, Cabinet agreed that independent oversight of the Oranga Tamariki System and children's issues should be strengthened in three key areas to allow: system-level advocacy for all New Zealand's Children; oversight and investigation of complaints of matters related to the application of the Oranga Tamariki Act 1989 and/or children in the care or custody of the state; and independent monitoring and assurance of the operations and obligations delivered under the Oranga Tamariki Act 1989 [CAB-19-MIN-0113 refers].

- 10 Cabinet further agreed to new primary legislation that brings together the roles, responsibilities, and powers of the oversight bodies in one place [CAB-19-MIN-0113 refers]. The omnibus bill is currently titled Oversight of Oranga Tamariki System and Children and Young People’s Commission Bill (the Bill).
- 11 Cabinet has also provided further direction on a range of policy matters in December 2019¹ and July 2020² (outlined in more detail in Appendix A).

Further Policy decisions and clarifications are required to progress the Bill

- 12 I seek Cabinet consideration of the following policy matters needed to finalise the draft Bill.

Treaty of Waitangi provisions and clarifying engagement arrangements

- 13 In December 2019, Cabinet agreed to a number of duties to be included in the Bill that will demonstrate a practical commitment to the principles of the Treaty of Waitangi (the Treaty) (to be further developed during drafting, and summarised in Appendix A) [CAB-19-MIN-0687 recommendation 3 refers].
- 14 It was initially intended that the oversight bodies must enter ‘partnerships or arrangements’ with iwi and Māori organisations, as one of the ways to give practical effect to the principles of the Treaty. The proposal to enter into partnerships or arrangements reflects that there is a continuum of engagement arrangements, including partnerships, that can be more or less appropriate in different circumstances³.
- 15 Further work to develop the duties has made it clear that it may not always be appropriate to enter into partnerships given the context of systems monitoring, and complaints and investigations handling. For example, section 396 and section 403 of the Oranga Tamariki Act enables the appointment of care providers and community service providers. Presently many of these approved entities are Māori providers who will be subject to independent monitoring and complaints and investigations oversight. If the Monitor or Ombudsman work in partnership with these entities, then this may adversely impact on their actual or perceived independence.
- 16 Rather than entering partnerships it may be more appropriate to require the Ombudsman and Monitor to enter into ‘arrangements’ with iwi or Māori organisations. The term ‘arrangement’ would allow parties to enter into a partnership where this was appropriate (e.g. in circumstances where there is no conflict of interest) but helps to avoid any expectation that a partnership would be the most appropriate form of arrangement in many circumstances.
- 17 A further concern with the proposal that the Ombudsman and Monitor ‘must’ enter into arrangements is that it is presently unclear which iwi or Māori organisations the oversight bodies would be required to enter into arrangements with and the willingness of Māori groups to do so. I believe it may be counterproductive to place a

¹ CAB-19-MIN-0687 and CAB-19-MIN-0113.

² CAB-20-MIN-0352.01

³ See Te Arawhiti’s “Guidelines for engagement with Maori” for further details on the spectrum of engagement arrangements

hard requirement on the Ombudsman and the Monitor to enter into arrangements in the context of the Monitor and Ombudsman embedding their new role and building trust with stakeholders and with Māori.

- 18 I therefore propose removing the duty relating to entering into ‘partnerships’ from the Bill. I propose instead that the Bill provide that oversight bodies must endeavour to develop arrangements with iwi and Māori organisations in order to demonstrate a practical commitment to the principles of the Treaty.
- 19 I note that the Bill presently provides that when the operation of the Oversight Act is reviewed a focus will be on how the Ombudsman and Monitor are engaging with Māori. At this time, when the oversight roles have matured and become more widely recognised, consideration could be given to firmer duties to support Māori engagement.

Clarifying the scope of monitoring

- 20 The March 2019 Cabinet paper [CAB-19-SUB-0687 refers] sets out that the independent monitoring function should focus initially on monitoring compliance with the National Care Standards Regulations and over time extend to monitoring the wider Oranga Tamariki system. The December 2019 paper contained a footnote, which stated the “Oranga Tamariki System” includes “...services provided to *children who have early risk factors for future involvement in the statutory care, protection and youth justice systems.*”
- 21 The addition of “children who have early risk factors for future involvement in the statutory care, protection and youth justice systems” in the definition represents a significant extension in scope for the Monitor from what was set out in March 2019. This definition was not minuted and has not been confirmed by Cabinet. Nonetheless, the change has led to confusion about the scope which needs to be clarified within the Bill.
- 22 The findings of the 2015 Expert Advisory Panel and the 2018 Sandi Beatie review fed into the original rationale for the scope of the independent monitoring function focusing on children and young people who are in contact with Oranga Tamariki. The Beatie review, in particular, highlighted the need for the monitoring role to focus on “the experience of those who either come in contact with ... [the care and protection system] ... or are placed in its care, or who work within it”.
- 23 Further consultation has shown broad support for the scope of monitoring to continue to have a narrower focus. Expanding the scope to include children “at risk” who are not receiving services provided under the Oranga Tamariki Act 1989, would encompass a potentially much larger population and so dilute the needed focus of the Monitor.
- 24 I do recognise, however, that to gain a more holistic understanding of the outcomes being achieved for children, young people and their whānau that are known to Oranga Tamariki, the Monitor may need to look beyond the services being provided under the Oranga Tamariki Act 1989. Understanding the services and supports provided by other government agencies (for example, health, education or housing – see Appendix A) to these children, young people and whānau can provide important contextual

information for understanding their outcomes. This information should therefore be available to the Monitor to help inform their observations.

- 25 Consequently, I propose that Cabinet confirm the scope of the monitoring role encompasses:
- 25.1 services provided to children, young people and their whānau under, or in connection with, the Oranga Tamariki Act 1989, by agencies or by their contracted partners; *and*
- 25.2 services provided by other Government agencies and their contracted providers that:
- are provided to children, young people and their whānau who have been brought to the attention of Oranga Tamariki (e.g., through a report of concern, or who are involved with early support, intensive response, care, youth justice, or transitions), *and*
 - aim to address risk factors that increase the likelihood of involvement in the statutory care, protection and youth justice system
- 26 I further note that this proposed scope would mean the Monitor would be responsible for monitoring the extent to which the Chief Executive of Oranga Tamariki has fulfilled their responsibilities under section 7(2)(bab) in the Oranga Tamariki Act 1989⁴. The Monitor would not be required to monitor the services delivered by other agencies to those with children and young people with early risk factors for future involvement in the care, protection, or youth justice systems.

System advocacy and access to information

- 27 The Children's Commission's role under the proposed new oversight arrangements will focus on functions related to system advocacy, monitoring the progressive implementation of the Children's Convention, and gathering and sharing the voices of children and young people. As system advocate, the Commissioner will also continue to have the function to facilitate resolutions of individual children's issues. Amendments will also formally remove the Children's Commissioner's role in handling individual complaints as they relate to the care system, as this will no longer be necessary, and remove the function to investigate any decision in respect to any child more broadly [CAB-19-MIN-0113 refers].
- 28 On 16 December 2019, Cabinet agreed that, to support the Commissioner to discharge their functions, the Commission should have the power to require the provision of information, other than personal information. [CAB-19-MIN-0687 refers]
- 29 Further work has highlighted that the Commission may require access to personal information from which identifying information has been withheld for the purpose of discharging their specific function relating to inquiring into systemic children's issues.
- 30 This is because, in order to inform their understanding of a systemic issue, it may be necessary for the Commission to hold an understanding of specific events. For

⁴ This section includes a requirement for the Chief Executive of Oranga Tamariki to ensure that funded services that aim to reduce the impact of early risk factors are coordinated with other government services.

example, matters pertaining to the cohort of children uplifted into care or custody, or those involved in police pursuits, or trends in school suspensions.

- 31 To limit the personal information that may be obtained by the Commission to only the personal information that is necessary for the Commission to carry out its inquiry function, I propose the Bill provides the Commission may only require anonymised personal information.
- 32 I also consider it appropriate that the Bill provide for the Commissioner's function to facilitate resolutions of individual children's issues. This function reflects the current practice of the OCC and would help ensure people can quickly and easily seek a resolution to an individual child's issues without the need for a complaint or formal investigation. I propose that the Commission be able to obtain personal information relating to the issues confronting the individual with the individual's informed consent. Where resolution cannot be facilitated, the Commission will refer the matter to the Ombudsman (or another complaints body) for a formal investigation.
- 33 For the avoidance of doubt, I do not intend the Commission would represent or be the advocate for the individual. Rather the role of the Commission would be to support the individual to effectively engage with the entity who is the focus of the individual's concern.

Providing for effective governance and practical commitments to the Treaty for the Children and Young People's Commission

- 34 In December 2019, Cabinet agreed that the new governance arrangement for the Children and Young People's Commission should be a board of two to six members, appointed by the Governor General, and collectively possess a range of relevant skills and attributes including experience in the care system, wider understanding of children's issues, understanding of te ao Māori, and management skills [recommendation 34, CAB-19-MIN0681 refers].
- 35 I propose these governance arrangements be further refined. I propose that the minimum board size be increased from two to three members. The rationale for this change from the previous Cabinet agreement is to allow for a chair to mediate discussion, while also helping to ensure the minimum board size does not contribute to the board reaching a stalemate on votes.
- 36 I propose amendments to the governance for the Commission reflect the principle of partnership in the Treaty. On top of the usual competencies required for board members, the board must have the capacity and capability to:
- have a strong focus on the rights, interests, and wellbeing of tamariki and rangatahi
 - set strategic priorities and work programmes that support improved outcomes for tamariki and rangatahi
 - include Māori participation and te ao Māori approaches in the discharge of its functions.

- 37 In addition, I propose that at least 50 percent of the board must collectively have the experience and understanding of Māori knowledge and can represent the interests of Māori. MSD's Kāhui group were involved in developing these additional requirements and are supportive of these changes.

Implementation

- 38 The next steps are as follows:

Milestone/Activity	Timeframe
Formal agency consultation on the Bill	Mid- May (2 weeks)
Ministerial consultation on the LEG paper and Bill	Mid-June 2021 (2 weeks)
Cabinet LEG Committee	July 2021
Introduction	September 2021
Select Committee	September 2021
Committee of the Whole House	May 2022
3 rd Reading and enactment	May 2022
Regulations enacted	May 2022

Financial Implications

- 39 The proposal to increase the minimum number of Children and Young People's board members from two to three will slightly increase the minimum cost of running the board. The precise costs will depend on several factors that have yet to be agreed, including whether the role is full time, and the composition and remuneration of board members.

Legislative Implications

- 40 The legislative proposals in this paper will be included in the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill (the Bill).
- 41 The Bill has been accorded a category 4 priority on the 2021 programme.

Impact Analysis

Regulatory Impact Statement

- 42 Treasury's Regulatory Impact Analysis team has determined that the proposed new oversight arrangements are exempt from the requirement to provide a Regulatory Impact Statement on the grounds that they have no or only minor impacts on businesses, individuals, and not-for-profit entities. Providers within the Oranga Tamariki system are subject to a cost recovery funding model, any regulatory burdens on providers associated with the new oversight arrangements would be passed on in full as a cost to Government.

Climate Implications of Policy Assessment

- 43 No climate implications are associated with the proposals.

Population Implications

44 The population implications are summarised as follows:

Population group	How the proposal may affect this group
Māori	As at 31 December 2020, 57 percent of children and young people in the care of Oranga Tamariki identified as Māori, with a further 11 percent identifying as Māori and Pacific. The proposals in this paper focus on improving outcomes for tamariki and rangatahi Māori by setting up robust oversight arrangements for monitoring outcomes over time, and developing guidelines to support productive strategic partnerships with iwi and Māori organisations.
Pacific children	As at 31 December 2020, 6 percent of children and young people in the care of Oranga Tamariki identified as Pacific, with a further 11 percent identifying as Māori and Pacific. The proposals in this paper aim to improve outcomes for all children in the Oranga Tamariki system, including Pacific children by setting up robust oversight arrangements for monitoring outcomes over time.
Children and Young People and their families	For the 2020 calendar year Oranga Tamariki received 78,902 notifications, about 57,776 children and young people. As at 31 December 2020 there were 5577 children and young people in care and protection custody and 110 in youth justice custody. The proposals in this paper aim to provide a comprehensive, cohesive and efficient system of oversight for children within the Oranga Tamariki system. This information will improve outcomes for children and young people and their families by providing greater transparency and insights needed to improve systems and processes.
Disabled people	There is an over-representation of disability needs in the care and youth justice systems. International research indicates that abuse and disability often coexist in the lives of children. Children who are abused are at greater risk of developing a disability, and children with a disability are at a higher risk of being abused and neglected. The strengthened oversight system will help improve outcomes for disabled people by providing insights needed to improve systems and processes.

Human Rights

45 Draft legislation will be assessed comprehensively for compliance with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Privacy implications

46 A Privacy Human Rights and Ethics report is being prepared and will be further updated as required throughout the development of the Bill. MSD officials will work with the Office of the Privacy Commissioner to identify any outstanding privacy, human rights or ethics implications as the Bill is finalised. Information rules to govern the proposal to provide for the Children and Young People's Commission to access anonymised personal information will be developed with affected organisations and the Privacy Commissioner.

Consultation

47 Following the 27 March 2019 Cabinet decisions, MSD established the Kāhui Group and conducted 21 Hui throughout New Zealand. § 9(2)(h)

s 9(2)(h) MSD subsequently engaged with the Kāhui Group regularly as we have developed the Bill.

48 This paper was prepared by MSD. The proposals in this paper have been developed through extensive consultation with the Office of the Children’s Commissioner, the Ombudsman, Oranga Tamariki and the Monitor.

49 Other agencies consulted on this paper were Te Kawa Mataaho, Department of Prime Minister and Cabinet, the Treasury, Ministries of Health, Justice and Education, Te Arawhiti, Te Puni Kokiri, and the Office of the Privacy Commissioner.

Communications

50 No publicity is planned.

Proactive Release

51 I intend to proactively release this paper as required by CO (18)(4), subject to the Official Information Act 1982.

Recommendations

I recommend that the Cabinet Social Wellbeing Committee:

Treaty provision for Oversight functions

- 1 **note** that Cabinet agreed that oversight bodies and iwi and Māori organisations will enter into partnerships or arrangements [recommendation 3, CAB-19-MIN-0687]
- 2 **agree** that the Ombudsman and the Monitor not be required to enter partnerships with Iwi or Māori Organisations, but must endeavour to develop arrangements with iwi and Māori organisations in order to demonstrate a practical commitment to the principles of the Treaty of Waitangi

The scope of monitoring

- 3 **agree** the scope of the Monitor’s role encompasses:
 - 3.1 services provided to children, young people and their whānau under, or in connection with, the Oranga Tamariki Act 1989, by agencies or by their contracted partners; *and*
 - 3.2 services provided by other Government agencies, or their contracted providers, that:
 - 3.2.1 are provided to children, young people and their whānau who have been brought to the attention of Oranga Tamariki (e.g., through a report of concern, or who are involved with early support, intensive response, care, youth justice, or transitions) *and*
 - 3.2.2 aim to address risk factors that increase the likelihood of involvement in the statutory care, protection and youth justice system

System inquiries and information

- 4 **agree** the Children and Young People’s Commission can require the provision of information, including personal information from which identifying information has been removed, from agencies for the purpose of supporting their function to generally inquire into systemic issues relating to children and young people

Governance - Children and Young People’s Commission

- 5 **agree** that the minimum board size for the Children and Young People’s Commission board be increased from 2 to 3 members
- 6 **agree** that, consistent with the partnership principle within the Treaty, and in addition to the usual competencies required for board members, the Children and Young People’s Commission board members must have the capacity and capability to:
 - 6.1 have a strong focus on the rights, interests, and wellbeing of tamariki and rangatahi
 - 6.2 set strategic priorities and work programmes that support improved outcomes for tamariki and rangatahi
 - 6.3 include Māori participation and te ao Māori approaches in the discharge of its functions
- 7 **agree** that at least 50 percent of the board must collectively have the experience and understanding of Māori knowledge and can represent the interests of Māori.

Timeframes for introducing the Bill

- 8 **note** the Bill is category 4 on the 2021 Legislative programme, with introduction proposed for mid-2021

Other matters

- 9** **authorise** the Minister for Social Development and Employment, in consultation with other Ministers as appropriate, to make decisions on related policy matters to enable the progress of legislative drafting to finalise the Bill
- 10** **authorise** the Minister for Social Development and Employment, in consultation with other Ministers as appropriate, to make any decisions on minor and technical matters required to finalise the Bill

Authorised for lodgement

Hon Carmel Sepuloni

Minister for Social Development and Employment

Appendix A - Chronology of work and examples to illustrate proposed scope of the monitor

Chronology

In August 2017, in recognition of the historical systemic failings in New Zealand’s care and youth justice system and through a desire to improve outcomes for children, young people and whānau who come into contact with that system, the then Cabinet Social Policy Committee (SOC) agreed to a review. The review focused on the independent monitoring, complaints review, investigation and advocacy functions for the new vulnerable children’s system be led by the Ministry of Social Development (MSD) with support from SSC (Te Kawa Mataaho / Public Service Commission / PSC). [SOC-17-MIN-0115 refers]

In March 2018, this Committee:

- agreed to a targeted consultation process to test preliminary work identifying overlaps and gaps in current independent oversight arrangements for the Oranga Tamariki system and children’s issues, and potential options to improve the independent oversight model
- invited the Minister for Social Development to seek final policy decisions from Social Wellbeing Committee (SWC) following the consultation. [SWC-18-MIN-0025]

From May 2018 to August 2018, an independent lead reviewer, Sandi Beatie QSO, led the engagement with a range of stakeholder groups, including iwi and Māori service providers, other service delivery NGOs, and groups representing children, caregivers and others involved with the Oranga Tamariki system. In August 2018, she provided her post-consultation report highlighting that there was strong consensus on the need to strengthen independent oversight to support improvements in outcomes for children, young people and their whānau.

Independent oversight of the care, protection, and youth justice system is particularly critical, because the government has coercive powers (such as the power of Oranga Tamariki to remove children and young people from their whānau or to place young people in secure residences) and the State has specific responsibilities for those in their care. The establishment of the Royal Commission of Inquiry into the Historical Abuse of Individuals in State Care (from 1950 – 1999) highlights the need to safeguard those in State care and ensure that abuse in care is less likely, and dealt with more effectively, for children and young people today.

On March 2019 Cabinet agreed the independent oversight of the Oranga Tamariki system and children’s issues be strengthened in three core areas [CAB-19-MIN-0113 refers]:

- system-level advocacy for all New Zealand children and young people, which will continue to be undertaken by the Office of the Children’s Commissioner (“the Commission”)
- oversight and investigation of complaints of matters related to the application of the Oranga Tamariki Act 1989 and/or children in the care or custody of the State, which will be undertaken by the Office of the Ombudsman

- independent monitoring and assurance of the operations and obligations delivered under the Oranga Tamariki Act 1989 and associated regulations. The MSD was appointed the independent monitor from 1 July 2019 to establish the monitoring function, with the intent that it is transferred to the Commission once a robust monitoring function is established and a new legislative framework is in place.

At that time Cabinet also agreed to repeal the Children's Commissioner Act 2003 (the CC Act) and to re-establish the Children's Commissioner and relevant provisions (with modifications) in the Oversight Act and associated regulations. [CAB-19-MIN-0113 refers].

On 16 December 2019, Cabinet made further policy decisions to assist with Bill drafting [CAB-19-MIN-0687 refers].

Cabinet agreed that for oversight bodies to demonstrate a practical commitment to the Treaty of Waitangi, the Bill provide for duties which will include the following matters (to be further developed during drafting).

Oversight bodies must ensure:

- that in setting strategic priorities and in the development of the work programme they have as a key priority the need to support improved outcomes for Māori children and young people;
- Māori participation in the context of the oversight bodies discharging their functions;
- their employment, engagement and other policies, procedures and practices must give effect to tikanga, mana tamaiti (tamariki), whakapapa of the Māori children and young persons and the whanaungatanga responsibilities of their whānau, hapū and iwi;
- Oversight bodies and iwi and Māori organisations will enter into partnerships or arrangements to:
 - a) provide opportunities to, and invite proposals on how to improve oversight of the Oranga Tamariki system and in doing so, outcomes for Māori children, young persons and their whānau who come into contact with the Oranga Tamariki system;
 - b) enable the robust, regular, and genuine exchange of information between those oversight bodies and those iwi and Māori organisations (supported by information sharing provisions);
 - c) agree on any action both or all parties consider is appropriate;
 - d) ensure the complaints and investigations processes are accessible for Māori children and young people and their whānau, hapū and iwi or any other Māori organisation supporting them;
 - e) ensure the complaints and investigations processes incorporate a tikanga approach, and the whānau, hapū and iwi of the child or young person are engaged with, where possible, during the complaints and investigations

processes, unless to do so would be impracticable or risk harm to a child or any other person.

On 27 July 2020 I took an oral item to Cabinet to rescind the decision to repeal the Children's Commissioner Act 2003, and to re-establish the Children's Commissioner as the Children and Young People's Commission (the Commission) and relevant provisions in a new Act [CAB-20-MIN-0352].

Examples to illustrate proposed scope of the Monitor

Example of service provided	Potentially in scope?	Potential area of interest of the monitor	Rationale
Section 396 provider with custody of children	Yes	monitoring compliance with National Care Standards Regulations	In scope because Section 396 providers deliver services to children under the Oranga Tamariki Act 1989.
Parenting programme partly funded by Oranga Tamariki provided to parents in families who may not have been brought to the attention of Oranga Tamariki	Yes	monitoring whether the programme is effective at reducing the number of children and young people requiring more intensive intervention	In scope because the programme is funded by Oranga Tamariki under the Oranga Tamariki Act 1989.
Mental health services provided to children in care as part of their care plan	Yes	making observations about whether children in care receive an appropriate mix and quality of services that improve outcomes over time.	In scope because the mental health service is being provided as part of a care plan then it is provided “in connection with” services provided under the Oranga Tamariki Act 1989.
Provision of public housing support to whānau who are subject to an Oranga Tamariki report of concern.	Yes	making observations about the role of public housing in supporting whānau who are subject to a report of concern in reducing the likelihood of family breakdown or harm occurring to their tamariki.	In scope because public housing, although not part of the Oranga Tamariki System per se, is a service that impacts on the outcomes of children known to Oranga Tamariki. Note, the Monitor would not be expected to provide oversight of the Public Housing system as a whole, but rather the impacts of public housing on the outcomes of children currently known to Oranga Tamariki.
Mental health service that is not funded by Oranga Tamariki provided to a child who may be at risk of involvement in the care and protection system, but are not known to Oranga Tamariki.	No	n/a	Not in scope because the services are not being provided under the Oranga Tamariki Act and the services are not being provided to children, young people or whānau who are receiving services under the Oranga Tamariki Act.