

Appendix 1

Overview of the Independent Children’s Monitor’s assessment of compliance with the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018

Part 1: Needs assessments, plans, and visits to, and collection of information about children and young people in care.

- 1 Part one of the NCS Regulations requires current needs assessments and plans to be in place for all children and young people in care, and for social workers to regularly visit them. The plans must set out how individual needs are met, including who will work with them to achieve each goal.
- 2 Oranga Tamariki has developed a set of indicators to provide a framework for assessing their own performance against the NCS Regulations and demonstrate compliance. Oranga Tamariki self-assessments showed that 90 percent of children and young people have a current needs assessment that assesses both their immediate and long-term needs and 86 percent of them have a current plan that contains actions to address their needs, and when those actions will be taken and by whom.
- 3 The Monitor does not consider that these measures provide an accurate reflection of compliance for several reasons. Firstly, the NCS Regulations require assessments and plans to be updated every six months whereas the Monitor found that Oranga Tamariki has been assessing compliance over a period of 12 months. Secondly, the Monitor found that only 42 percent of children and young people had an approved Tuituia assessment in the last 12 months, which is not consistent with Oranga Tamariki’s policy of having a Tuituia assessment for all children and young people in care.¹ Thirdly, the Monitor found that the voices of children, young people, and their whānau were not always reflected in their needs assessments and plans undertaken by Oranga Tamariki. Some professionals who work with Oranga Tamariki reported that the assessments and plans sometimes had gaps and lacked sufficient information to guide them in how to provide support. Some caregivers also talked about not being involved in developing plans and often not receiving them.
- 4 The Monitor also found that one third of children and young people were not being visited frequently by a social worker and this has not improved over the last four years.²

Part 2: Support to address the needs of children and young people

- 5 Part two of the NCS Regulations requires meeting the needs of children and young people, including financial and specialised support, cultural, recreational, health, and educational needs. The Monitor found that support for connection with whānau continues to be an area of good practice; however, Oranga Tamariki must do more to meet the overall needs for those in care.

¹ The Tuituia framework provides a holistic view of children and young people that can be shared with care and protection, youth justice, residential, and high needs services, and provides a consistent framework for sharing information with relevant government agencies.

² Oranga Tamariki assess compliance by checking if, children and young people have been visited by social workers in accordance with their plans, or if no time was specified, with a minimum of eight weeks between visits.

- 6 The Monitor found that other government agencies, particularly the Ministries of Health and Education, were not consistently providing services to children and young people in care and that their individual systems do not necessarily enable the prioritisation of these children. The Monitor also found that Oranga Tamariki was not always aware of whether children and young people in their care had accessed services they needed, even if their plans included the annual health and dental checks.
- 7 The Monitor found that funding was siloed, which makes it harder for children and young people to receive what they need. While some social workers completed additional tasks to access funding, or even to find relevant funding, there were examples of delayed support for children and young people, which could impact school attendance or timely care placements. The Monitor found this created inconsistencies with some children and young people receiving what they needed while others did not.

Part 3: Assessments, plans, and support of caregivers

- 8 Part three of the NCS Regulations sets out what must be done before someone can be approved as a caregiver, as well as the support they need to assist them in their role, such as additional training, financial assistance, and access to respite care, advice and assistance, and support people. Oranga Tamariki data shows progress toward ensuring that only approved caregivers are caring for children and young people (67 percent increasing to 80 percent since the previous report).
- 9 However, the Monitor found that one in five children and young people are still being placed with unapproved caregivers³ and the average time to make an approval has risen to 100 days. The Monitor found that time spent by children and young people in motels has increased where no other options were available. The Monitor heard that this situation was exacerbated by funding approvals being lifted to national office, where social workers want to use a care provider because they do not have approved caregivers – either whānau or non-whānau – and they can no longer approve this cost at the local level.
- 10 Overall, caregivers reported having positive relationships with social workers. However, the Monitor reported that financial assistance continues to be a barrier for just under half of caregivers, with food, household running, and clothing costs mentioned most often. The Monitor found that caregivers valued training and wanted to access more development opportunities. The Monitor recommended more timely approval of caregivers and better support for them. It also recommended more frequent visits by social workers, given only 41 percent of caregivers were visited at the planned frequency.

³ Section 51 of the NCS Regulations allows for provisional approval of caregivers for urgent placements of children and young people where the assessment is not possible to be completed at that time (though a full assessment would need to be completed as soon as practicable).

Part 4: Supporting children and young people to express their views and contribute to their care experience

- 11 Part four of the NCS Regulations requires Oranga Tamariki to provide specific information to a child or young person who enters their care that is appropriate to their age, development, language, and disability. This includes providing information on how to make complaints and the requirement for Oranga Tamariki to appropriately respond to allegations of abuse and neglect.
- 12 The Monitor found that the number of children and young people who experienced abuse or neglect while in care had increased since previous reports, reaching 507 children and young people (8.8 percent of all children and young people in care).⁴ The Monitor found 317 (63 percent) of children and young people reported abuse relating to one incident and 96 (18.9 percent) of children and young people had two or more incidents of abuse. The Monitor found that 23 percent of abuse or neglect instances were in secure residences, 11 percent from those who returned or remained home and in the custody of their parents, 6 percent from those in family placements (family caregiver) and 5 percent from those in non-family placements (non-family caregiver, group home, or independent living arrangement).
- 13 Section 69 of the NCS Regulations requires allegations of abuse and neglect to be responded to promptly, and information to be recorded and reported consistently. The Monitor found that Oranga Tamariki had performed fewer safety screenings and had fewer assessments and investigations completed on time compared with previous years. The Monitor found that improvement had been seen in some areas, for example complaints and grievances processes are being used, but they still recommend significant progress before they can assess Oranga Tamariki as being compliant with the NCS Regulations.

Part 5: Supporting children and young people during care transitions

- 14 Part five of the NCS Regulations requires that children and young people are well supported during care transitions. This includes transitions between different care arrangements, returning home after being in care, and transitioning out of care into adulthood.
- 15 The Monitor heard a mix of positive and negative experiences from children and young people about their involvement in transition planning. The Monitor found that transitions could be handled better and, as seen in other areas, children and young people who return home are not being visited as often as they need. While this is only one factor, it is reflected by the number of children and young people who were found to experience abuse or neglect when they returned home.
- 16 The Monitor found that the Transition Support Service works well for young people who engage with it.⁵ Most of the young people they spoke with talked positively about their transition worker and the support they provided such as accessing and

⁴ In 2021/22, there were 459 children and young people found to have been abused or neglected in care and in the 2022/23 year there were 497.

⁵ Young people aged 15 to 25 years old who have been in care for more than three continuous months are eligible for the Transition Support Service. Non-government organisations are contracted by Oranga Tamariki to support the young person transition to independence.

managing finances, obtaining drivers' licences, and writing a Curriculum Vitae. However, the Monitor did note that earlier and more complete referrals to the Transition Support Service by Oranga Tamariki would enable better support for young people.

Part 6: Self-monitoring and reporting on compliance with these regulations

- 17 Part six of the NCS Regulations requires Oranga Tamariki and other organisations with custodial responsibilities of children and young people to self-monitor their compliance with these regulations. They must report to the Minister for Children and the Monitor on their own self-monitoring results.
- 18 Oranga Tamariki has assessed itself as partially compliant with the NCS Regulations. The Monitor found that its assessment showed it still has a long way to go to ensure that all children and young people in its care receive the minimum standard of care set out in the NCS Regulations. As noted in paragraph 2, Oranga Tamariki has developed a set of indicators to provide a framework for assessing its own performance against the NCS Regulations and demonstrate compliance. The framework is divided into 21 lead indicators, covering a wide range of areas, including, but not limited to, the frequency and quality of social worker visits, planning for transition to adulthood, whether the views of the child or young person and their family have been considered, strengthening relationships and connections with key stakeholders, and the safety, educational, health, and cultural needs of the child or young person.
- 19 The Monitor found that Oranga Tamariki has made improvements to its collection and analysis of data. However, further improvements are needed to ensure relevant information is being collected and made accessible in a timely manner.