



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

14 OCT 2016

Dear

On 21 September 2016 you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

- *The number of cases, involving Child, Youth and Family, where children have remained in the care of people who have active violence or sexual charges, broken down by district or territorial authority.*

The Ministry does not collate data for cases involving Child, Youth and Family where there are Police charges against parents, guardians or caregivers. A Police charge is not necessarily recorded by Child, Youth and Family as it is Police data, not the Ministry's. A Police charge against a parent, guardian or caregiver does not equate to a finding of abuse against a child or young person. I am unable to provide you with this information as it is held in notes on individual case files or in some cases not held by the Ministry. In order to provide you with this information Ministry staff would have to manually review thousands of files. As such I refuse this part of your request under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

As you have previously been informed, Child, Youth and Family receives notifications from the social sector, including from the Police. A notification does not mean a child or young person will necessarily require Child, Youth and Family statutory intervention.

When further action is required cases will be referred for either a Child, Youth and Family assessment or investigation for where the situation involves serious physical abuse, sexual abuse, serious neglect, or cases in which a child or young person witnesses serious family violence. All Reports of Concern the Ministry receives are taken seriously.

- *What is the protocol for when CYF become involved in a case where an adult has been charged with an offence against a child in their care? Are the children automatically removed from their care, or are there circumstances where the children can remain in the home?*

Section 15 of the Children, Young Persons and their Families Act 1989, states any person who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally, or sexually), ill-treated, abused, neglected or deprived may report the matter to Child, Youth and Family or the Police.

When there is an allegation of abuse against a parent, guardian or caregiver a social worker makes an assessment of the immediate safety of the child or young person and puts in place any measures needed to secure this. In all cases a safety assessment is undertaken.

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For those cases that require further investigation, Child, Youth and Family works jointly with Police as they investigate whether criminal charges should be laid.

In some cases, the safety assessment determines the need for Child, Youth and Family to remove the child or young person from the parent, guardian or caregiver. This decision is based on what is in the best interests of the child or young person.

The Child Protection Protocol (CPP) sets out the way Child, Youth and Family and the Police will work alongside each other in cases of serious child abuse. The CPP is focused on clarifying the roles and responsibilities of each organisation, and the process to be followed, to ensure a prompt and effective response to cases of serious child abuse. The scope of this protocol is wider than for cases where charges have been laid by Police. Child Youth and Family's investigation includes keeping the children safe and planning with the family and other services to improve their wellbeing. Police's primary duties are to protect victims and consider questions of criminal liability for perpetrators. The decision to lay charges is a Police decision. I trust that the information in this protocol will address your request.

The CPP ensures timely, coordinated and effective action by Child, Youth and Family and Police so that:

- children are kept safe
- perpetrators are held to account wherever possible, and
- child victimisation is reduced.

The CPP sets out the process for working collaboratively at the local level, and as a formally agreed national level document, it is followed by all Child, Youth and Family and Police staff. Further information is available here:

www.practicecentre.cyf.govt.nz/documents/resources/final-child-protection-protocol-2013.pdf

Further information about Child, Youth and Family assessment and decision making policy is available here: <http://cyf-practice-centre.ssi.govt.nz/policy/assessment-and-decision-making/index.html#Careandprotectionpathwaydecisionmaking5>

You may be interested to know that the Ministry's vetting system for approving caregivers includes thorough Police vetting for all household members aged 17 years and over, which would identify any interactions a person may have had with the Police, as a witness, victim or offender. This includes, but is not limited to, the Family Violence database and any Department of Internal Affairs investigation into the possession of, and trading in, child exploitation material.

All caregiver approvals are reviewed annually with updated Police and medical checks every second year. They also have, as a minimum, six monthly face-to-face visits (in addition to the required visiting of the child in their care by the child's social worker) and at these meetings the caregiver and care social worker discuss any changes of circumstances that may affect their capacity as a caregiver. This would include the disclosure of any criminal investigations.

Child, Youth and Family has clear policy and guidelines in place for staff in their response to any complaints or allegations against a caregiver. Detailed information about Child, Youth and Family's policy regarding allegations against caregivers is available on the Child, Youth and Family practice centre website here:

www.practicecentre.cyf.govt.nz/policy/allegations-against-caregivers/index.html

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter available to the wider public after ten working days. The Ministry will do this by publishing this letter on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely



Rachel Sutherland
General Manager Ministerial and Executive Services