Dear [Name]

Thank you for your email of 3 June 2018, to Oranga Tamariki—Ministry for Children (Oranga Tamariki) requesting the following information under the Official Information Act 1982 (the Act):

- There is a memorandum of understanding [protocol] between your ministry and the ministry of Education regarding the interviewing of children at or associated with schools in cases of suspected abuse whether by caregivers or teachers.
- Please would you send me a copy of this memorandum?

Oranga Tamariki does not have a Memorandum of Understanding (MOU) with the Ministry of Education specifically addressing the interviewing of children at or associated with schools in cases of suspected abuse. Accordingly, your request is declined under section 18(e) of the Act, as the information requested does not exist.

We do have a MOU which sets out the mutual commitment of the Ministry of Education and the former Child, Youth and Family (and now Oranga Tamariki) to a collaborative working relationship to ensure safety, well-being, education and other positive outcomes are met for children and young people. You can view this MOU at the following link:


Schedule one to the MOU, which sets out how we will work with the Ministry of Education and New Zealand Police to manage allegations of abuse involving an adult working in the education sector, can be viewed at the following link:


Under section 15 of the Oranga Tamariki Act 1989, 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 Oranga Tamariki or the Police.
When we receive a report of concern there is a statutory obligation placed on the Chief Executive to investigate the concerns (section 17 of the Oranga Tamariki Act refers). This obligation is mandatory, there is no choice and the Family Court has been clear that such an investigation is not to be impeded or obstructed in any way. When we have received a report of concern, social workers are required to assess whether care and protection concerns exist for a child or young person. This assessment is holistic and looks at all aspects of the child's life, including their relationship with each custodial parent and their behaviour and well-being while in the care of each parent/caregiver. This assessment can involve interviewing the child in a neutral environment, away from any alleged abuser.

Our practice guidance requires social workers to consider whether they have the authority to talk to a child prior to any interview. In most cases it will be appropriate to first try to obtain permission from the child's parent/caregiver. In cases where the parent/caregiver is the alleged perpetrator, gaining their permission may not be appropriate and could put the child in harm's way. In such cases, the social worker may ask school staff for permission to speak to the child during school hours. Our practice guidance emphasises that it is preferable for the school to obtain the child’s consent to an interview and that the child should be aware of who the social worker is, their role and the reason for the interview. Our practice guidance includes the requirement to ensure it is made clear to the child that they do not need to consent and will not get in trouble if they don't.

Oranga Tamariki intends to make the information contained in this letter and the attached documents available to the wider public shortly. We will do this by publishing this letter and attachments on our website. Your personal details will be deleted and we 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@ot.govt.nz.

If you are not satisfied with this response, you have the right to ask an Ombudsman to review this decision. Information about this is available at www.ombudsman.parliament.nz or by contacting them on 0800 802 602.

Yours sincerely

[Signature]

Steve Groom
General Manager Public, Ministerial and Executive Services