

Improving outcomes for tamariki Māori, their whānau, hapū and iwi

Engagement and feedback document

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Introduction

Background

In 2015, an independent expert panel found that the care, protection and youth justice systems did not sufficiently meet the needs of children and young people nor did it do enough to improve their long-term life outcomes. The findings were informed by hearing directly from young people, whānau and carers who had experience of the agency.

In 2016, Government agreed to major State care reforms and a bold and urgent overhaul of the agency to improve long-term outcomes for New Zealand's most at risk children. The following year in April 2017, Oranga Tamariki was established as a dedicated stand-alone agency replacing Child, Youth and Family.

A large scale change programme is underway within Oranga Tamariki to improve current statutory services and to establish new services aimed at reducing the need for tamariki to enter care or a youth justice response and to better support young people transitioning from care into the community. Improving outcomes for tamariki Māori and their whānau through this change programme is a fundamental expectation.

Purpose

The purpose of this engagement and feedback document is to seek your views on how Oranga Tamariki can achieve improved outcomes for tamariki Māori and their whānau through its obligations under the Treaty of Waitangi (te Tiriti o Waitangi). This document does not propose any legislative amendments to the Oranga Tamariki Act 1989.

This document focuses on the chief executive's practical commitment to the Treaty of Waitangi as required in section 7AA of the Oranga Tamariki Act 1989 due to come into force by no later than 1 July 2019.

Specifically, Oranga Tamariki seeks your views on:

- Whether the Ministry's thinking so far on mana tamaiti, whakapapa and whanaungatanga is about right
- Which outcomes measures Oranga Tamariki should report on?
- What may be needed to guide our approach to future 'strategic partnerships'?

The views of iwi and Māori

The views of iwi and Māori in relation to the State's role in the care and protection of tamariki Māori are well known.

Puao-te-ata-tu, the 1988 report of the Ministerial Advisory Committee on a Māori perspective for the Department of Social Welfare remains the most significant and poignant reflection of Māori views on this matter. From a total of 65 consultation hui across the country involving staff, community workers, young people and the judiciary, the Committee reported its findings and recommendations on 'the most appropriate means to achieve the goal of an approach that would meet the needs of Māori in policy planning and service delivery in the Department of Social Welfare'.¹

¹ Puao-te-ata-tu: The report of the Ministerial Advisory Committee on a Māori perspective for the Department of Social Welfare (1988), p17, para 21. <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/archive/1988-puaoateatatu.pdf>

"We had countless discussions and consultations. The faces and the places have been different, the statements have been made in countless different ways, but the messages have been the same."²

Part of the Crown's response to Puao-te-ata-tu was through The Children, Young Persons, and Their Families Act 1989, specifically the principles that whānau should be involved in decisions about their tamariki and that there be a priority on the placement of Māori children within whānau, hapū, and iwi. Numerous references to whānau, hapū and iwi were then embedded into the 1989 Act, many of which remain in place today.

An Expert Advisory Panel was established in April 2015 to review the care and protection system.³ The review was informed by the views of young people and their whānau and caregivers. The importance of belonging and identity was a key feature of their experiences with the system.

"Young people spoke about their links to whakapapa, their marae and cultural values as a strength and source of comfort. They also spoke about the lack of understanding they sometimes encountered from caregivers and social workers about the importance of their culture. Other young people expressed a less positive perception of being Māori, and it was clear that life events could either distort or enhance this perception."⁴

"Many Māori parents described similar experiences, at times highlighting an intergenerational disconnection from whakapapa. For some parents, the idea that the system might support their child in making those connections was a source of comfort to them. Often a parent's own view of culture and what that meant could also be distorted by previous experiences."⁵

In the Panel's final report released in December 2015, several observations were expressed relating to tamariki Māori:

- The importance of whakapapa
- Supporting iwi and Māori in the provision of services through strategic partnerships
- High aspirations for tamariki Māori
- A focus on culture and identity.

The report also set out a number of recommendations for a future Child, Youth and Family operating model including the systems, structures and future investments needed to provide better lives for children and young people. The report described an operating model comprising five core services to be delivered by the future department – Oranga Tamariki.

- Prevention Service (now known as Early Interventions)
- Intensive Intervention Service
- Care Support Service
- Youth Justice Service
- Transition Support Service.

² Ibid, page 17, paragraphs 20-21

³ Expert Panel Final Report: Investing in New Zealand's Children and their Families (2015). <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/corporate/expert-panel-cyf/investing-in-children-report.pdf>

⁴ Ibid, page 54

⁵ Ibid, page 54

An external Māori Design Group was established by the chief executive in March 2017. The group provides an independent Māori perspective into the design and implementation of specific Oranga Tamariki policies, practices and services. Group members represent expertise from a wide-range of community groups such as Whānau Ora, iwi leaders, Māori urban authorities, gangs and iwi/Māori NGO's. A priority focus of the Māori Design Group is to ensure section 7AA is embedded across Oranga Tamariki. In particular, the group have played a key guiding role in determining how Oranga Tamariki should have regard to mana tamaiti, whakapapa and whanaungatanga (described further in this document).

Engaging with our partners has been a key focus of our work over the past year. In June 2018 the Ministry hosted 14 regional hui and one national hui with partners who deliver services to tamariki and their whānau. Among other things, these engagements sought feedback on specific developments such as intensive interventions, the Transition Support Service and Oranga Tamariki Practice Standards. Attendees were also made aware of chief executive's duties to the Treaty of Waitangi (Te Tiriti) through section 7AA.

[View the National Hui video on our website](#)

More recently, **a national hui** was held in October 2018 at Pipitea Marae with over 150 attendees from iwi and Māori organisations. Amongst the many voices were calls for co-leadership and co-design. In response to the challenges raised, this hui was considered the start of a journey that will see iwi and Māori involvement in the on-going development of the approaches, systems and processes used to support tamariki Māori and their whānau.

"My objective for this particular hui is to ensure that we are part of the conversation. Not as consultation, but as a true Treaty partner where we sit around the table and we make equal decision making. So it needs to be not just co-managed, we need co-leadership." - Rawiri Waititi

Oranga Tamariki shared its early thinking on section 7AA with iwi and Māori organisations at the national hui and provided an opportunity for attendees to provide guidance and direction. In response a session was held on strategic partnerships which highlighted among other things, the importance of joint values, the need to enable and support a whānau ora approach and the need to be flexible, genuine and honest.

[View the video on our website](#)

Mana tamaiti, whakapapa and whanaungatanga

What's changing?

Definitions for mana tamaiti (tamariki), whakapapa and whanaungatanga (as provided below) have been inserted in the Act's purposes and principles.

- Mana tamaiti (tamariki) means the intrinsic value and inherent dignity derived from a child's or young person's whakapapa (genealogy) and their belonging to a whānau, hapū, iwi, or family group, in accordance with tikanga Māori or its equivalent in the culture of the child or young person.
- Whakapapa refers to the multi-generational kinship relationships that help to describe who the person is in terms of their mātua (parents), and tūpuna (ancestors), from whom they descend.
- Whanaungatanga refers to the purposeful carrying out of responsibilities based on obligations to whakapapa, the kinship that provides the foundations for reciprocal obligations and responsibilities to be met, and the wider kinship ties that need to be protected and maintained to ensure the protection and maintenance of the person's sense of belonging, identity, and connection.

Section 7AA(2)(b) states that the chief executive must ensure that the policies, practices, and services of the department have regard to mana tamaiti (tamariki) and the whakapapa of Māori children and young persons and the whanaungatanga responsibilities of their whānau, hapū, and iwi.

The chief executive must report annually on the measures taken to carry out the duties described in section 7AA(2)(b), including the impact of those measures in improving outcomes for Māori children and young people who come to the Ministry's attention and the steps to be taken in the immediate future.

Why does it matter?

Whakapapa and whanaungatanga are central to Māori identity and traditional thought reinforcing the reciprocal obligations and responsibilities of whānau, hapū and iwi. It is intended that mana tamaiti / tamariki, whakapapa and whanaungatanga will assist with a clear articulation of how to give effect to a child-centred approach, particularly in relation to tamariki Māori.

There is a solid body of evidence about the relationship between identity and positive development from a range of national and international sources. Within the New Zealand context, there is compelling evidence on the relationship between identity, being connected to one's whānau and iwi, and the causal connection to positive growth and development of the child.

Key considerations

Oranga Tamariki has made an intentional effort to understand other provisions in the Act, particularly references to whānau, hapū and iwi. In doing so, the following key considerations listed below have guided our thinking.

- Mana tamaiti, whakapapa and whanaungatanga are interrelated and should be considered together, not separately.
- The roles and obligations of whānau, hapū and iwi are intertwined with whakapapa and whanaungatanga and therefore mana tamaiti.
- Mana tamaiti, whakapapa and whanaungatanga are applicable to all policies, practices and services.
- Mana tamaiti, whakapapa and whanaungatanga are linked to specific outcomes for tamariki Māori and we can measure and report annually on our progress towards achieving those outcomes.
- Mana tamaiti, whakapapa and whanaungatanga should be viewed within the context of the Oranga Tamariki Act, specifically 'whānau, hapū and iwi' provisions including section 7AA and as such, should have the objective of reducing disparities for Māori children.

What does 'having regard to' mean?

Oranga Tamariki has identified five core objectives to describe how it will have regard to mana tamaiti, whakapapa and whanaungatanga. These objectives have been underpinned by every reference to whānau, hapū and iwi in the Oranga Tamariki Act 1989.

The five objectives are described below and are supported by examples of whānau, hapū and iwi provisions relevant to each objective. Of note is that every reference to whānau, hapū and iwi also includes references to 'family and family groups'. In other words, the five objectives apply equally to all tamariki. Getting it right for tamariki Māori, means getting it right for all tamariki.

Key objectives:

1. **Oranga Tamariki will ensure the participation of tamariki Māori, whānau, hapū and iwi in decisions affecting them at the earliest opportunity to enhance their wellbeing and safety.**

Section 5: (1); "Any court that, or person who, exercises any power under this Act must be guided by the following principles:(c) the child's or young person's place within their...whānau, hapū, iwi...should be recognised, and, in particular, it should be recognised that-(ii) the effect of any decision on the child's or young person's relationship with their...whānau, hapū, iwi...and their links to whakapapa should be considered."

Section 5: (1); "Any court that, or person who, exercises any power under this Act must be guided by the following principles:(c) the child's or young person's place within their...whānau, hapū, iwi...should be recognised, and, in particular, it should be recognised that-(v) wherever possible, a child's or young person's...whānau, hapū, iwi...should participate in decisions, and regard should be had to their views:"

2. Oranga Tamariki will support, strengthen and assist whānau Māori to care for their tamaiti or tamariki to prevent the need for their removal from home into care or a Youth Justice response.

Section 4(1)(d): “assisting... whānau, hapū, iwi..., at the earliest opportunity to fulfil their responsibility to meet the needs of their children and young persons (including their developmental needs, and the need for a safe, stable, and loving home):

Section 7(2)(c): “ensure, wherever possible, that all policies adopted by the department, and all services provided by the department,-(iii) support the role of...whānau, hapū, iwi; (iv) avoid the alienation of children and young persons from their...whānau, hapū, iwi...”

3. If removal from home is necessary, Oranga Tamariki will preference placements for tamariki Māori (including their siblings) with members of their wider whānau, hapū, iwi or family group who is able to meet their needs, including for a safe, stable, and loving home.

Section 7(2)(c): “ensure, wherever possible, that all policies adopted by the department, and all services provided by the department,- (iv) avoid the alienation of children and young persons from their...whānau, hapū, iwi...”

Section 13(2)(i): “if a child or young person is removed..., decisions about placement should-(iii) be guided by the following: preference should be given to placing the child or young person with a member of the child’s or young person’s wider family, whānau, hapū iwi or family group who is able to meet their needs, including for a safe, stable, and loving home.”

Section 13(2)(j): “a child or young person who is in the care or custody of the chief executive or a body or an organisation approved under section 396 should receive special protection and assistance designed to-(i) address their particular needs, including(C)identity needs;

4. Oranga Tamariki will support tamariki Māori in the custody of the chief executive to establish, maintain or strengthen their sense of belonging through cultural identity and connections to whānau, hapū and iwi.

Section 4(1): “the purposes of this Act are to promote the well-being of children, young persons, and their...whānau, hapū, iwi...by-(h) maintaining and strengthening the relationship between children and young persons who come to the attention of the department and their-

(i) ...whānau, hapū, iwi...

(ii) siblings”

Section 13(2)(j): “a child or young person who is in the care or custody of the chief executive or a body or an organisation approved under section 396 should receive special protection and assistance designed to-

(i) address their particular needs, including(C)identity needs;

(ii) preserve the child’s or young person’s connections with the child’s or young person’s-(A)... whānau, hapū, iwi...”

5. Oranga Tamariki will support, strengthen and assist tamariki Māori and their whānau to prepare for their return home or transition into the community.

Section 13(2): *“In determining the wellbeing and best interests of the child or young person, the court or person must be guided by, in addition to the principles in Section 5, the following principles:(h)if a child or young person is removed in circumstances described in paragraph(g), the child or young person should, wherever that is possible and consistent with the child’s or young person’s best interests, be returned to those members of the child’s or young person’s...whānau, hapū, iwi or family group who are the child’s or young person’s usual caregivers:*

Section 386AAC: *“A person who is performing functions or exercising powers under sections...to assist a young person to move to independence must be guided by...the following principles:(d)...whānau, hapū, iwi...are to be supported to help the young person move to independence:”*

Your feedback

Oranga Tamariki seeks your feedback on whether its thinking so far on mana tamaiti, whakapapa and whanaungatanga is about right.

[Go to our feedback page](#)

Setting measurable outcomes

What's changing?

New section 7AA(2)(a) requires the chief executive to ensure that the policies and practices of Oranga Tamariki have the objective of reducing disparities by setting measurable outcomes for Māori children and young persons who come to the attention of the department.

Why does it matter?

The Act has existing requirements on the chief executive to take proactive and prompt measures to ensure that the objects of the Act are reached, including that the well-being of children is advanced by the promotion of services that are appropriate having regard to the needs, values, and beliefs of particular cultural and ethnic groups. The chief executive is also required to:

- monitor, and advise the Minister on, the effect of social policies and social issues on children, young persons, families, whānau, hapū, iwi and family groups
- ensure policies and services have particular regard for the values, culture, and beliefs of the Māori people.

This legislative change was intended to make explicit the accountability of the chief executive to ensure policies and services deliver better outcomes for Māori children and young people. Regularly reporting against these outcomes will help the Ministry and all its partners to ensure reduced disparities for tamariki Māori and their whānau.

Over recent years Oranga Tamariki and predecessor organisations have used a variety of outcome and performance measures to guide their work, including appropriation measures agreed by Parliament. Recently we published an ['outcomes framework'](#) to help guide our work towards implementing the new legislative requirements of the Oranga Tamariki Act for all children.

The framework links the role of Oranga Tamariki back to the Government's overall goal for children and young people (to be set out in the [Child and Youth Wellbeing Strategy](#)), and sets out some of the key changes in services to be provided by Oranga Tamariki and the way in which tamariki and whānau are supported. The Oranga Tamariki outcomes framework will evolve over time, but for now, the Ministry wants to understand what these outcomes mean for tamariki Māori and their whānau. Oranga Tamariki seeks your input into the outcomes and measures that represent the greatest priority for tamariki Māori. To ensure that in the future we build the most effective set of measures that do not create unintended consequences or stigmatise tamariki Māori and their whānau, the feedback you provide will be considered by a panel of experts in this field.

What measures could be considered?

Oranga Tamariki can measure any number of indicators to evidence effectiveness in reducing disparities between Māori children and all other children it works with. In broad terms, categories of potential outcomes and measures are highlighted below.

- **Service measures**, reflecting how the achievement of better outcomes might have a specific meaning in a Māori context such as placements with whānau, hapū and iwi, showing the specific meaning of 'more appropriate care placements' from a Māori worldview.
- **Engagement measures**, reflecting the disparities in volumes in Oranga Tamariki engagement between Māori and non-Māori, such as rates of entry into care.

- **Quality measures**, reflecting the subjective experience of engagement with Oranga Tamariki, such as cultural competence levels within Oranga Tamariki or the voices of tamariki Māori.
- **Life-course measures**, reflecting overarching disparities and the long term impacts of achieving our shared short term goals, such as education, training and employment outcomes.

Your feedback

Oranga Tamariki seeks your feedback on which Maori outcome measures it should report on.

[Go to our feedback page.](#)

Strategic partnerships

What's changing?

Section 7AA(2)(c) requires the Ministry to seek to develop strategic partnerships with iwi and Māori organisations, including iwi authorities, in order to:

- provide opportunities to, and invite innovative proposals from, those organisations to improve outcomes for Māori children, young persons, and their whānau who come to the attention of the department
- set expectations and targets to improve outcomes for Māori children and young persons who come to the attention of the department
- enable the robust, regular, and genuine exchange of information between the department and those organisations
- provide opportunities for the chief executive to delegate functions under this Act or regulations made under this Act to appropriately qualified people within those organisations
- provide, and regularly review, guidance to persons discharging functions under this Act to support cultural competency as a best-practice feature of the department's workforce
- agree on any action both or all parties consider is appropriate.

Section 7AA(3) provides that one or more iwi or Māori organisations may invite the chief executive to enter into a strategic partnership.

Section 7AA(4) requires the chief executive to consider and respond to any invitation.

Section 7AA(5) requires the chief executive to report annually on the measures taken to carry out the duties described in section 7AA(2)(c) and (4), including the impact of those measures in improving outcomes for Māori children and young people who come to the Ministry's attention and the steps to be taken in the immediate future.

Why does it matter?

It was envisaged by the Expert Advisory Panel and through section 7AA of the Act to enable iwi and Māori organisations to be the primary mechanism for meeting the needs of Māori children, young people, and their whānau. In comparison to 69% of children in care who identify as Māori, iwi and Māori organisations represent 21% of all providers funded by Oranga Tamariki to deliver services to tamariki.

Current and future interest by iwi and Māori organisations in the care and protection system varies from the setting of expectations and targets within their respective areas through to service provision (e.g. as whānau /hapū/iwi caregivers or delivering early intervention initiatives such as Family Start).

The Ministry envisages strategic partnerships as a starting point for discussions with iwi and Māori organisations about the role they want to have with Oranga Tamariki to improve outcomes for tamariki Māori and their whānau. Strategic partnerships offer significant opportunities for iwi and Māori organisations to meet the purposeful carrying out of responsibilities based on obligations to mana tamaiti, whakapapa and whanaungatanga and the strengthening of belonging, identity and connection for tamariki Māori.

Current partnering arrangements and strategic partnerships

Oranga Tamariki has a number of partnering arrangements to suit the interests and needs of iwi and Māori organisations. These arrangements include site-level agreements between sites and hapū/iwi, contracts for service, memoranda of understanding and social accords. Strategic partnerships now add another mechanism to the partnering framework.

Early thinking on what could be in a strategic partnership

Oranga Tamariki is engaged in a number of strategic partnership discussions with iwi and Māori organisations and recently signed the first strategic partnership agreement with Te Rūnanga o Ngai Tahu. In the Ministry's discussions with these organisations, the following common high level parameters have emerged.

High level parameters

For iwi and Māori organisations:

- The importance of whakapapa
- The basis for a strategic partnership being the Crown-Māori relationship as envisaged through Te Tiriti o Waitangi
- The need for flexibility by Oranga Tamariki to focus on the local and regional context
- Making clear the Ministry's responsibility toward supporting better outcomes for tamariki Māori through the co-creation, design and investment in outcomes.

For Oranga Tamariki, the primary outcome of any strategic partnership is to achieve 'improve outcomes for tamariki Māori' by:

- Keeping tamariki out of care
- Ensuring tamariki have a better experience in care and youth justice
- Helping tamariki transition successfully out of care and youth justice.

In discussions with iwi and Māori organisations on strategic partnership agreements, the following outputs have been highlighted:

- Joint key outcomes
- Values and principles to guide the partnership
- Key objectives and respective responsibilities of each partner.

Your feedback

[Go to our feedback page.](#)