

National Care Standards and Related Matters Regulations

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Introduction to the National Care Standards

On 2 July 2018, history was made in New Zealand when the National Care Standards Regulations were accepted by the Government.

The National Care Standards set out the standard of care every child and young person needs to do well and be well, and the support caregivers can expect to receive when they open their hearts and homes to tamariki and rangatahi. They are consistent with what we consider to be good practice.

Organisations that have legal custody of children or young people under section 396 of the Oranga Tamariki Act are also responsible for meeting the National Care Standards.

The standards were built around what tamariki and rangatahi told us they need when they're in care. We also consulted with caregivers, iwi social services, care providers, and social workers. The standards came into effect on 1 July 2019.

What do they cover?

The National Care Standards cover a range of things that are really important for tamariki and rangatahi in care, like supporting them to express their views and develop a life plan, keeping them connected to their family and whānau, giving them opportunities to participate in their culture, and ensuring their education, health and recreation needs are met.

They include a child-friendly Statement of Rights to ensure every child and young person in care understands what they're entitled to and knows how to speak up or make a complaint.

There are six parts to the National Care Standards:

Part One: Needs assessments, plans, visits, and collection of information about children and young people

Part Two: Support to address child's or young person's needs

Part Three: Caregiver and care placement assessment and support

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

Part Five: Supporting children and young people during care transitions

Part Six: Monitoring and reporting on compliance with these regulations

Voices of young people

In 2015, an Expert Advisory Panel was established to review the current care and protection system.

Children and young people told the Panel about their poor experiences and outcomes in care, and the Panel recommended that National Care Standards Regulations be developed. We built the Care Standards around what tamariki and rangatahi told us they need when they're in care.

"I want to be included in decisions made about me."

"I want to know why I'm in care and what will happen next."

"I should know lots about my caregiver before I meet them."

"I want carers who respect my culture and know about it."

"I want to be able to speak my language."

"I want to stay with my sister and brother."

"I should be able to be who I want to be."

What the National Care Standards mean for children and young people

"I think that children and young people who are aware of their rights would feel more empowered within themselves. It would give them a sense of security knowing their interests and property are being protected, which I feel would encourage many children in care to speak up about the good and bad things occurring for them while in care." – **Ebony**

"It shows the child their self-worth. Often prior to care children have been told they're not worth anything or have warped views of what they deserve, so having it in writing that they are intrinsically worth something and are owed these things can be a powerful thing." – **Injy**

"Children will feel safer and caregivers will be kept more accountable. This is crucial for a child-centric care system, which I believe is the only kind of system we should have." – **Shanae**

"Children will have an in-depth understanding of how they should be treated while in care. If a child does not know they are being neglected or treated unfairly/poorly, this is the behaviour they grow up to think is acceptable (and in turn the cycle begins). If children in care have an understanding of the Care Standards this should hopefully allow them to feel comfortable to voice any concerns." – **Kess**



Child-friendly statement of rights

This statement is for children and young people in care to read in order to help them understand their rights to care and support under the National Care Standards.

To help you understand this statement, here are some things to remember:

When we say **OTA**, it means the Oranga Tamariki Act 1989. That is the name of the law that looks after children and young people who need to be brought into care. The OTA says who can do what and what needs to be done when.

When we say **the chief executive**, we mean the person who the OTA says is in charge. There are people who help the chief executive get things done, including social workers and other organisations. The chief executive has to make sure the things they are in charge of actually happen.

When we say **in care**, it means that the chief executive is in charge of looking after you. There will be an order or agreement made about this under the OTA.

When we say **caregiver**, it means the person who the chief executive decides you will live with. This is one of the important decisions that the OTA says the chief executive has to make.

When we say **your support worker**, it means the person who the chief executive has said is in charge of doing the things that need to be done for you. This will usually be a social worker.

When we say **family and whānau**, it means all the people in your family. This includes your siblings, your whānau, hapū, and iwi, and anyone else who is related to you or is like family to you.

Statement of rights

When you come into care

If you are in care because you can't live at home at the moment, your support worker's job is to do the things that will be best for you. If you are in care because you may have broken the law, your support worker's job is to think about what is best for you. They also need to think about other people's safety and about anyone who may have been hurt. If you

broke the law, your support worker will work with you to help you put things right.

When important decisions are being made about you, your support worker must:

- make sure you have a chance to say what you want to say
- listen to what you have to say
- help you if you find it hard to tell people how you feel or what you are thinking
- let you know what decisions have been made about you and why

When you come into care, your support worker will talk to you about why you are in care. They will also tell you:

- the way things should happen while you are in care
- how often your support worker will come and see you
- who you can talk to if you have any questions or are worried about anything

Your support worker will also give you lots of helpful information about other things. This will include things like when you can talk to and see your family and whānau, and when and how important decisions about you will be made.

They will give you the information in the best way to help you understand it. To work out what you need, you and your support worker will work together to understand:

- what you think and how you feel about things
- how you would like your life to be
- what you are good at and what you need to do better at

What you need to:

- feel happy and do well
- feel good about the things that are going on in your life
- stay close to family (including your siblings) and whānau
- know who you are and feel proud of who you are and where you come from

You and your support worker will also work together to understand what will help you:

- have fun and get to spend time with people you already know
- feel safe
- be healthy
- learn

Your support worker will make notes, which means they will write down some of the things you talk to them about. They will also share what they write down with you. Your support worker will work with

you and other important people in your life to make a plan to help you. The plan will be written down and your support worker will share it with you. If you go to live with a caregiver, there will be a check of the caregiver and their family and their house. This is to make sure that you will be safe with them and well looked after by them.

While you are in care

Your support worker has to visit you often, so that they can see how you are doing. Your plan will tell you how often your support worker will visit you. Your support worker will try and talk to you on your own, just you and them. This is so that you feel comfortable and you can talk about anything you may be worried about.

To find out how you are doing, your support worker will also talk to other people who matter. This might include your caregiver, teachers, family, and whānau. If your support worker finds out that you aren't doing well or if things have changed a lot for you, they have to talk to you about it and look at how to make things better. If anything important changes, this will be put into your plan.

Your support worker has to make sure you have what you need. Here are some of the things you might need and how your support worker will help with them.

Staying connected to family and whānau:

- Your support worker will help you, your family (including your siblings), whānau, and people that are important to you to stay close and connected.
- Your support worker will let your family or whānau know how you are doing. The support worker will talk to them about your plan, and ask them what they think.

Knowing who you are and where you come from:

- Your support worker will help you to know about and participate in your culture, language, and religion so you know about yourself and where you come from.

Being able to have things of your own:

- Your support worker will help make sure you have your own things like clothes and a backpack and somewhere safe to put them.

Getting the chance to experience good things:

- Your support worker will help make sure that you can try new things like sport, drawing, and singing
- Your support worker will help make sure you can do fun things in your community and with your friends.

Being healthy:

- Your support worker will help you to stay healthy. This might include making sure you have check-ups with a doctor, finding someone for you to talk to if you are feeling stressed out, and helping you to take care of yourself.

Learning:

- If you are preschool age, your support worker will help you to go to a preschool or playgroup if that would be good for you.
- If you are school age, your support worker will help you to stay at school. They will make sure that you have what you need for school (like stationery and a uniform). They will help you to join in with school activities, and give you extra help to do well in school if you need it.
- If you are old enough to leave school, your support worker will help you to keep going to school if that is best for you. If school isn't best for you, they will help you into training or to find work.
- Your support worker will keep in touch with your teachers so that we can understand what you need to help you to do well.

An important part of your support worker's job is to share information about you and what you need with your caregiver. This helps your caregiver to know the best way to take care of you. We will help your caregiver learn about your culture, whakapapa, whānau, and other things they need to know and do. This is so they can take good care of you.

If your support worker hears about something from anyone, including you, that makes them think you might not be safe or are not being well cared for, they will help you. They will see if something needs to be done about it and will make sure the information goes to the right people.

Remember, your support worker will always be thinking about what is best for you.

If you want to tell someone that something bad or wrong has happened that needs to be made right, you can. Tell your support worker, or another support worker if it is your normal support worker who has done something wrong. They will help you understand what to do, how to do it, and what will happen afterwards.

Your support worker will make sure you have a record of important events and achievements in your life that you can keep. This will include things like photos of your birthdays and of people that are important to you, your art work, and your school reports.



If you have to move while you are in care or if you are leaving care soon:

Your support worker has to take extra care of you if you need to live somewhere else, need to move home, or are leaving care.

To do this, they will:

- tell you what will happen and why
- make a plan and support you while things are changing
- give you as much information about the move as they can, like what the new place will be like and what the people there are like
- help you meet the people before you move, if that is possible
- make sure the caregiver or person you are leaving gets the information they need to help you feel good about moving
- make sure the caregiver or person you are going to live with gets the information they need to help you settle in and feel good about moving
- make sure you can take your things with you, like your toys and photos
- help you keep in contact with the caregiver you are leaving if that is best for you.

If you are leaving care soon because you are almost 18, your support worker will help you. They will work with you to understand how ready you are to leave care and what you need to know or learn before you leave. Your support worker will provide you with advice and assistance before you leave care.

To do this, they will:

- help you get a copy of your records of important events and achievements
- help you learn things that you need to know how to do for yourself, like how to manage money and get health care when you need it
- help you get official documents you might need, like photo identification and your birth certificate.

If you are leaving care because you are over 18 but you would rather stay with a caregiver after you turn 18, you have the right to live with a caregiver until you turn 21. Whether you stay with a caregiver or not, your support worker will stay in contact with you until you are 21.

Your support worker can also provide you with advice and assistance until you turn 25, if you want it.

Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018



Rt Hon Dame Sian Elias, Administrator of the Government Order in Council

At Wellington this 2nd day of July 2018

Present:

Her Excellency the Administrator of the Government in Council.

These regulations are made under section 447 of the Oranga Tamariki Act 1989 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018.

2 Commencement

(1) The following regulations come into force on 31 December 2020.

- (a) regulations 79 to 81:
- (b) regulation 83:
- (c) regulation 84 (1) (a):

(2) The rest of these regulations come into force on 1 July 2019.

3 Application of regulations

(1) These regulations apply in respect of a child or young person in care or custody, and,—

- (a) in the case of a person aged under 18 years to whom section 386A of the Act applies, regulations 75 and 76 apply:
- (b) in the case of a child or young person not yet in custody but for whom the chief executive decides to seek a custody order,—
 - (i) regulations 7 and 17 apply; and
 - (ii) if a prospective caregiver for the child or young person has been identified, regulation 59 applies.



- (2) The obligations imposed by Parts 1 to 5 (other than in regulations 44 to 56) apply only to the extent that it is reasonably practicable to comply with them.
- (3) However,—
- (a) if an obligation can practicably be complied with only to some extent, it must be complied with to that extent; and
 - (b) if an obligation cannot be complied with by the required date, but can practicably be complied with at a later date, it must be complied with at the later date.
- (4) The chief executive must ensure that a written record is created and maintained that records—
- (a) when an obligation imposed by these regulations is not complied with, in reliance on subclause (2) or (3); and
 - (b) the reason for that non-compliance.
- (5) A failure by the chief executive to comply with subclause (4) does not invalidate an action taken in reliance on subclause (2) or (3).

4 Overview of regulations

- (1) Part 1 sets out rules about needs assessments, plans, and visits to, and collection of information about, children and young persons.
- (2) Part 2 sets out rules about the provision of support to address a child's or young person's needs.
- (3) Part 3 sets out rules about caregiver and care placement assessment and support.
- (4) Part 4 sets out rules about supporting children and young persons to express their views and contribute to their care experience.
- (5) Part 5 sets out rules about supporting children and young persons during care transitions and moving to independence.
- (6) Part 6 sets out rules about monitoring and reporting on compliance with these regulations.

5 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

Act means the Oranga Tamariki Act 1989

approved organisation means an organisation approved under section 396 of the Act

behavioural needs, in relation to a child or young person, means the things needed to help their behavioural development

care or custody, in relation to a child or young person, means being subject to an order for custody or sole guardianship or to a care agreement, in favour of (or naming as the carer) the chief executive of Oranga Tamariki—Ministry for Children, an iwi social service, a cultural social service, or the director of a child and family support service, as the case requires

caregiver—

(a) means a person in whose care a child or young person is placed by the chief executive under section 362 of the Act:

(b) includes a whānau caregiver:

(c) does not include a parent or guardian of the child or young person

chief executive means,—

a) in relation to a child or young person in the care or custody of the chief executive of Oranga Tamariki—Ministry for Children, that chief executive (including the chief executive's delegates):

(b) in relation to a person who is in the care or custody of an iwi social service, a cultural social service, or the director of a child and family support service, the person in charge of that social or cultural service, or the director of that family support service, as the case requires

educational needs has the meaning set out in regulation 11(2)

emotional needs, in relation to a child or young person, means things needed

to help—

- (a) their emotional development; and
- (b) them to cope with life circumstances or events that may be causing them concern (for example, difficulties in relationships with peers, settling into a new environment, or adapting to change)

harm includes physical, psychological, emotional, or sexual harm

health needs has the meaning set out in regulation 13(2)

identity and cultural needs, in relation to a child or young person, means things needed to help establish and develop their identity, including any of the following:

- (a) their cultural identity:
- (b) their whakapapa:
- (c) their gender identity:
- (d) their sexual orientation:
- (e) their needs in relation to any disability that they have:
- (f) their spirituality or religion:
- (g) their knowledge and practice of 1 or more languages:
- (h) their connection with places (whenua) relevant to their culture and identity (such as their marae)

need to maintain connections with family, whānau, hapū, iwi or family group, in relation to a child or young person, means their need to maintain connections with those persons, taking into account the outcomes of a process conducted by or on behalf of the chief executive under regulation 12

play, recreation, and community needs, in relation to a child or young person, means things needed to help them to—

- (a) participate in community and peer activities:
- (b) experience opportunities to try different things, having regard to—
 - (i) their age and development; and
 - (ii) any disabilities they may have

safety needs, in relation to a child or young person, includes the needs determined by a process conducted by or on behalf of the chief executive under regulation 14

visitor is a person who undertakes visits to a child or young person or caregiver on behalf of the chief executive

whānau caregiver means a person (other than a parent or guardian)—

- (a) who is a member of a child or young person's family, whānau, hapū, iwi, or family group; and
 - (b) with whom the chief executive has placed the child or young person under section 362 of the Act; and
 - (c) who has primary responsibility for the care of the child or young person.
- (2) A needs assessment, plan, record, or report may comprise 1 document or 2 or more documents stored in the same or different places.

6 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.



Part One

Needs assessments and plans for children and young people in care.

Under Part One, every child and young person in care is entitled to a holistic needs assessment and support plan that reflects their views, wishes, aspirations and strengths. The views of their whānau, hapū and iwi must also be heard and taken into account. Children and young people can expect their plan to be maintained and reviewed regularly. Part One also covers regular visits to children and young people in care by their social worker to ensure their on-going safety and well-being.

What will this mean for children and young people in care?

- “My social worker asks me lots of questions about what I need and listens to the things I say.”
- “My plan covers the things I said to my social worker about what I need and what’s important to me.”
- “I get a visit from my social worker when I need it. We talk about what’s going well, my concerns, and what’s important to me.”
- “My plan is updated regularly as things in my life change.”

What will this mean for caregivers?

- “When a child or young person comes into my care their plan is shared with me. This helps me understand their needs.”

What will this mean for social workers?

- “I know how to engage widely with whānau, hapū and iwi to hear and account for their views and wishes.”
- “I have the tools, skills and knowledge required to complete a holistic needs assessment and to develop a plan that reflects these needs.”
- “I will share and discuss the child’s plan with their caregiver’s social worker. This will help to ensure the caregiver’s plan is informed by the child’s plan, which is really important for making sure the child’s needs are met.”

Part One

Needs assessments, plans, and visits to, and collection of information about, children and young persons

Needs assessments

7 When needs assessment is required

- (1) If the chief executive decides to seek a custody order for a child or young person, or a child or young person enters care or custody, the chief executive must ensure that a needs assessment is carried out to identify the child's or young person's—
 - (a) immediate needs; and
 - (a) long-term needs.
- (2) A child or young person who undergoes a needs assessment must be informed of the progress in, and time frames for, completing the assessment, in accordance with regulation 66(b)(ii).

8 When needs assessment must be completed

The needs assessment for a child or young person must be completed as soon as practicable after the child or young person enters care or custody.

9 Record must be kept of needs assessment

A needs assessment for a child or young person and any amendment to it must be in writing and be maintained by the chief executive in written or electronic form, or both.

10 Matters that must be identified in needs assessment

- (1) The following matters must be identified in each needs assessment for a child or young person (together with an assessment of what is required to meet those needs):
 - (a) their identity and cultural needs:
 - (b) their need to maintain connections with their family, whānau, hapū, iwi, and family group:
 - (c) their safety needs:
 - (d) their behavioural needs:
 - (e) their play, recreation, and community needs:
 - (f) their emotional needs:
 - (g) their educational or training needs:
 - (h) their health needs:
 - (i) their needs relating to any disability:
 - (j) how often they should be visited by a visitor.
- (2) A person carrying out a needs assessment must—
 - (a) take into account—
 - (i) the views of the child or young person whose needs are being assessed; and
 - (ii) the views of their family, whānau, hapū, iwi, and family group; and
 - (b) consult, where appropriate, with other persons having particular knowledge and expertise relevant to the child or young person (for example, their caregiver, health and education professionals, and cultural experts).
- (3) The needs assessment must identify—
 - (a) the child's or young person's—
 - (i) wishes (so far as is reasonably practicable given the age and development of the child or young person); and
 - (ii) aspirations (so far as is reasonably practicable given the age and

- development of the child or young person); and
- (iii) strengths; and
- (b) the ways in which their strengths can be fostered.

11 Process for assessing educational needs

- (1) The chief executive must ensure that when the educational needs of a child or young person are assessed the process involves—
 - (a) identifying and considering the child's or young person's educational or training goals (that is, what they want to achieve); and
 - (b) considering and planning how—
 - (i) their educational needs will be addressed; and
 - (ii) the achievement of their goals will be supported through both formal and informal educational settings.
- (2) In this regulation, educational needs, in relation to a child or young person, includes the needs determined by a process conducted by or on behalf of the chief executive under subclause (1).

12 Process for identifying connections with family, whānau, hapū, iwi, and family group

- (1) The chief executive must ensure that the following persons are identified in relation to the child or young person:
 - (a) members of their family (including siblings) and whānau;
 - (b) important members of their hapū, iwi, or family group;
 - (c) persons whom the child or young person considers to be important members of their family, whānau, hapū, iwi, or family group;
 - (d) persons whom the family, whānau, hapū, iwi, or family group of the child or young person considers it important for that child or young person to have ongoing contact with.
- (2) The chief executive must ensure that the following are assessed:
 - (a) the child's or young person's need to establish, maintain, or strengthen connections with those persons identified under subclause (1); and
 - (b) the things required to meet that need.
- (3) Subclause (2) does not apply, in relation to a particular member of the family, whānau, hapū, iwi, or family group, if in the opinion of the chief executive it is not in the best interests of the child or young person to establish, maintain, or strengthen a relationship with that person.

13 Process for assessing health needs

- (1) The chief executive must ensure that, when the health needs of a child or young person are assessed,—
 - (a) reasonable endeavours are made to ensure that the child or young person has access to a health practitioner who has knowledge and experience of the cultural values and practices of that child or young person; and
 - (b) in the case of a Māori child or young person, the health practitioner referred to in paragraph (a) is a health practitioner who has knowledge and experience of Māori models of health.
- (2) In this regulation, health needs, in relation to a child or young person, means any current or projected needs relating to—
 - (a) their physical health (including dental, auditory, and nutritional health, and any health needs in relation to a disability or long-term condition); and
 - (b) their psychological health, and any need for assistance to recover from



- the effects of trauma; and
- (c) their alcohol or drug misuse (if any).

14 Process for assessing safety needs

The chief executive must ensure that, for the purpose of determining the safety needs of a child or young person, a process is conducted that—

- (a) identifies the risk of harm to the child or young person or to other persons by the child or young person; and
- (b) considers the following:
 - (i) the nature of the harm, loss, or injury that the child or young person may have experienced, and the effect this may have on the child's or young person's ongoing safety or well-being:
 - (ii) the risks of harm posed by other persons who come into, or may come into, contact with the child or young person:
 - (iii) the nature of the child's or young person's level of resilience and any protective factors present in the child's or young person's environment:
 - (iv) aspects of the child's or young person's behaviour that may present a risk of harm, and the impact this may have on their own safety or the safety of others.

15 Reassessment of needs

The chief executive—

- (a) may at any time carry out a reassessment of any aspect of a child's or young person's needs; and
- (b) must carry out such a reassessment—
 - (i) when the chief executive reviews the child's or young person's plan under regulation 22; or
 - (ii) if the chief executive, as the result of a visit, identifies that the child's or young person's needs have changed; or
 - (iii) whenever more information is obtained that indicates that the needs of the child or young person have changed.

Plans

16 Purpose of plans

The purpose of preparing and implementing a plan for a child or young person who enters custody or care is—

- (a) to ensure that their needs (as described in their needs assessment) are met; and
- (b) to give effect to the purposes of the Act, in particular those set out in section 4(1)(a), (e), (g), and (h).

17 When plan must be commenced and completed

- (1) The chief executive must ensure that—
 - (a) the preparation of a plan for a child or young person is commenced as soon as the chief executive decides to seek a custody order for that child or young person; and
 - (b) the plan is completed as soon as practicable after they enter care or custody.
- (2) The child or young person for whom a plan is prepared must be informed of the progress of, and time frames for completing, the plan in accordance with regulation 66(b)(ii).

18 Process to be used to develop plan

- (1) The chief executive must ensure that the matters identified in a needs assessment for the child or young person under regulation 10 are taken into account in the development of the plan for a child or young person.



- (2) The chief executive must also ensure that the following matters are taken into account in the development of the plan for a child or young person:
- (a) the views of the child or young person and their family and whānau;
 - (b) the views of important members of their hapū, iwi, or family group.

19 Matters to be identified in plan

- (1) The chief executive must ensure that the plan for each child or young person in care or custody sets out—
- (a) how each of the needs of the child or young person that are identified in the needs assessment under regulation 10 will be addressed; and
 - (b) the support to be provided by the chief executive under regulations 30 to 42 to meet those needs; and
 - (c) how frequently the child will be visited by a visitor, and the reasons for choosing that frequency; and
 - (d) the matters required by regulation 20; and
 - (e) the support to be provided to a caregiver under regulation 62 to meet the child's or young person's needs.
- (2) The chief executive must also ensure that the plan records the actions that other persons (for example, the child's or young person's caregiver, family, whānau, teacher, or doctor) have agreed to undertake to help meet the child's or young person's needs.

20 Plan must include information about arrangements with family, whānau, hapū, iwi, marae, and family group

- A plan for each child or young person in care or custody must include the following:
- (a) details of contact arrangements with members of the child's or young person's family (including siblings), whānau, hapū, iwi, marae, and family group;
 - (b) information about arrangements to enable those members to be advised of events (for example, sporting or educational activities) at which the child or young person is participating, so that those members can attend and strengthen their relationship with the child or young person;
 - (c) details of any arrangements for the child or young person to be kept informed about matters relating to their family, whānau, hapū, iwi, marae, and family group and, in particular, details about those siblings who live elsewhere;
 - (d) details of any other arrangements for the child or young person to maintain connections with their family, whānau, hapū, iwi, marae, and family group for example, by—
 - (i) arranging for the child or young person to learn and understand their whakapapa; and
 - (ii) enabling their family, whānau, hapū, iwi, or family group to carry out their whānaungatanga responsibilities to meet the needs of the child or young person.

Reviewing children's and young persons' plans

21 Purpose of plan reviews

- The purpose of a plan review is to ensure that the plan for a child or young person in care or custody is implemented in a way that—
- (a) meets the ongoing needs of the child or young person; and
 - (b) reflects any changes in their needs or circumstances; and
 - (c) minimises any safety risks to, or caused by, the child or young person.

22 When plan must be reviewed

- (1) The chief executive—
- (a) may review any aspect of a plan for a child or young person at any time; and
 - (b) must ensure that every plan is reviewed—
 - (i) as soon as practicable and no later than 6 weeks after the child or

- young person enters care or custody; and
 - (ii) regularly after the review conducted under subparagraph (i), and not less than once every 6 months.
- (2) The chief executive must also ensure that any relevant aspect of a plan is reviewed whenever the chief executive identifies,—
 - (a) as a result of a visit to a child or young person, that the child or young person is not being adequately protected or supported or their needs or circumstances have changed; or
 - (b) that, as a result of information received from any source, the circumstances or needs of the child or young person have changed.

23 Matters to be taken into account when reviewing plan

The person undertaking a review under regulation 22 must take account of all relevant information available from any source, including the following:

- (a) the findings of any reassessment of needs;
- (b) information obtained from, or provided by, the child or young person;
- (c) any relevant information provided by persons required to be contacted under regulation 29.

24 Information to be given to child or young person, caregivers, and others

- (1) The information in a plan for a child or young person (including any plan that is updated after a review) must be given to the child or young person, in a form that is appropriate, taking into account their age, development, and any disability of the child or young person.
- (2) The information in a plan (including any plan that is updated after a review) that is relevant to the care of the child or young person must be given to the child's or young person's caregiver, or the manager of the residence where the child or young person lives (as the case requires).
- (3) The information in a plan must be given to those members of the child's or young person's family, whānau, hapū, iwi, and family group identified in accordance with regulation 12 as important to or for the child, in a manner and to the extent that the chief executive considers appropriate, taking into account—
 - (a) the principles in section 5(1)(c) of the Act; and
 - (b) the views of the child or young person; and
 - (c) the privacy interests of the child or young person; and
 - (d) any restrictions on the disclosure of information in a plan, agreed to at a family group conference or imposed by a court.

25 Relationship between plan and other documents

- (1) A plan for a child or young person must not be inconsistent with—
 - (a) any plan agreed to at a family group conference or by a court; or
 - (b) any protection order under the Domestic Violence Act 1995; or
 - (c) any order under the Care of Children Act 2004.
- (2) However, a plan may incorporate, in whole or in part, any document referred to in subclause (1).

Visits

26 Purpose of visits to children and young persons

The purpose of visits by a visitor to a child or young person in care or custody is to—

- (a) monitor their ongoing safety and well-being; and
- (b) help ensure compliance with the principles in section 4A of the Act; and
- (c) ensure that the needs assessment and plan for the child or young person are up to date and that the plan is being implemented.

27 When visits to children and young persons should be undertaken

- (1) The chief executive must ensure that visits to a child or young person in care or custody are undertaken at the frequency described in their plan.
- (2) The chief executive must ensure that—
 - (a) the frequency of visits is reviewed regularly; and
 - (b) if the frequency is altered, the plan is updated to reflect this.

28 What happens when child or young person is visited

- (1) The chief executive must ensure that, when a child or young person in care or custody is visited by a visitor, the visitor seeks to understand how the plan is working, including by—
 - (a) inquiring about the things that are going well for the child or young person; and
 - (b) inquiring about any concerns the child or young person may have; and
 - (c) discussing and seeking to understand matters that are important to them; and
 - (d) identifying whether their circumstances or needs have changed.
- (2) The visitor must, where appropriate and if practical, talk with the child or young person in private to enable the child or young person to express their views freely.

Persons to be regularly contacted

29 Other people who must be contacted

The chief executive must also ensure that the following persons are contacted and discussions are held on a regular basis to monitor the ongoing safety and well-being of a child or young person in care or custody and to ensure that the needs assessment and plan for the child or young person are up to date and that the plan is being implemented:

- (a) the child's or young person's caregiver, in order to seek to understand—
 - (i) the needs of the child or young person; and
 - (ii) what support may be required to enable the caregiver to meet, or continue to meet, the child's or young person's needs:
- (b) other professionals who provide ongoing services to the child or young person:
- (c) members of the child's or young person's family, whānau, hapū, iwi, and family group who are identified as important to or for the child under regulation 12(1)(c) and (d).





Part Two

Meeting the needs of children and young people while they are in care.

Part Two is about meeting the needs of children and young people while they're in care, as set out in their support plans. This will include financial and specialist support to maintain their whānau connections, and to meet their cultural, recreational, education and health needs. We need to make sure children and young people can easily take their belongings with them and keep them safe, and make sure caregivers have access to the right support and services.

What will this mean for children and young people?

- "I understand how my needs will be met."
- "I understand what's happening with school and with things like visits to the doctor."
- "I am supported to connect with and visit my marae."
- "I am given opportunities to do things I like doing, like being in a sports team, or going to cultural events and activities with my whānau."
- "I feel connected to my whānau and community and I'm developing relationships with the people that are important to me."
- "I have my belongings with me and can keep them safe."

What will this mean for caregivers?

- "I know how to access services and support that will help me meet the needs of children and young people in my care."
- "I know how important it is to respect and look after the belongings of children and young people in my care."

What will this mean for social workers?

- "I know how to connect children and young people in care, and their caregivers, with the support and services they need."
- "I know how to facilitate and support connections with the child's or young person's whānau and community."

What will this mean for caregiver social workers?

- "I know how to connect caregivers to the right support and services to help them meet the needs of children and young people in their care."

Part Two

Support to address child's or young person's needs

General support

30 Support for assessed needs

- (1) The chief executive must ensure that—
 - (a) support is available to a child or young person in care or custody to address their needs (as identified in their needs assessment); and
 - (b) the child or young person is assisted to access the support referred to in paragraph (a).
- (2) The support referred to in subclause (1)(a) includes financial support and the assistance of specialist services (where required).
- (3) If support is provided under this Part, it should be provided—
 - (a) promptly; and
 - (b) in the amount and in the way the chief executive considers appropriate; and
 - (c) in a way that involves consideration of the cultural safety of the child or young person to whom support is provided.
- (4) In this regulation, cultural safety means the protection from any action that diminishes, demeans, or disempowers the cultural identity or well-being of an individual, including their—
 - (a) age or generation; or
 - (b) gender; or
 - (c) sexual orientation or gender identity; or
 - (d) occupation; or
 - (e) socio-economic status; or
 - (f) ethnic origin; or
 - (g) migrant experience; or
 - (h) religious or spiritual belief; or
 - (i) disability.

Whānau connections

31 Support to establish, maintain, and improve whānau connections

- (1) The chief executive must ensure that support is provided to a child or young person in care or custody to promote mana tamaiti (tamariki) by ensuring that the child or young person is able to establish, maintain, and strengthen their relationships with—
 - (a) members of their family, whānau, hapū, iwi, and family group; and
 - (b) in particular, those people identified as important to or for the child or young person under regulation 12(1)(c) and (d).
- (2) The support required by subclause (1) does not apply, in relation to a particular member of the family, whānau, hapū, iwi, or family group, if in the opinion of the chief executive it is not in the best interests of the child or young person to establish, maintain, or strengthen a relationship with that person.
- (3) The support required by subclause (1) includes the support necessary to—
 - (a) ensure that the child or young person is able to have contact and connection with those persons identified as important to or for the child or young person under regulation 12(1)(c) and (d); and
 - (b) enable the child or young person to establish, maintain, and strengthen their relationship with their family, whānau, hapū, iwi, or family group; and
 - (c) enable the child or young person to connect with their hapū, iwi, or family group through whakapapa; and
 - (d) enable the whānaungatanga responsibilities of the child's or young person's family, whānau, hapū, iwi, or family group to be drawn on to meet the needs of the child or young person; and



- (e) enable the child's or young person's parents, guardians, and any other important members of the child's or young person's family, whānau, hapū, iwi, and family group to participate in important decisions that affect the child or young person.
- (4) The chief executive must ensure that those members of a child's or young person's family, whānau, hapū, iwi, and family group who receive the information in a plan under regulation 24(3) are informed of the progress and development of the child or young person on a regular basis.
- (5) Any financial support provided by the chief executive to enable contact with family, whānau, hapū, iwi, and family group to be maintained may be provided directly to the child or young person, to members of the child's or young person's family or whānau, or to the child's or young person's caregiver, depending on the purposes for which, and circumstances in which, the support is provided.

Culture, belonging, and identity

32 Support for culture, belonging, and identity

- (1) The chief executive must ensure that support is provided to address the cultural and identity needs of a child or young person in care or custody in a manner that promotes mana tamaiti (tamariki).
- (2) In deciding what support is to be provided, the chief executive must consider the following:
 - (a) events of significance to the child or young person and their family (including siblings) (for example, the child's or young person's sibling's birthdays or religious or cultural festivities) and how these can be celebrated or acknowledged for the child or young person:
 - (b) opportunities for the child or young person to gain knowledge of their culture and other matters relevant to their identity:
 - (c) opportunities for the child or young person to travel to, or otherwise connect with, places (whenua) relevant to their culture and identity (such as their marae):
 - (d) opportunities for the child or young person to participate in activities and experiences relevant to their culture and identity, including—
 - (i) reasonable opportunities to maintain or improve proficiency in the language or languages of the culture or cultures that the child or young person identifies with (for example, te reo Māori or sign language):
 - (ii) opportunities to develop a sense of belonging through connection with other children and young people in care.

33 Right to have personal belongings

The chief executive must ensure that a child or young person in care or custody is able to have—

- (a) their own personal belongings, including taonga, clothing, a suitable bag such as a backpack or suitcase, and bedding; and
- (b) somewhere to store their belongings.

Play, recreation, and community

34 Support for play, recreation, and community activities

- (1) The chief executive must ensure that support is provided to address the play, recreational, and community needs of a child or young person in care or custody.
- (2) The support required by subclause (1) includes support—
 - (a) to meet the child's or young person's need for access to a range of age and developmentally appropriate books, toys, and recreational equipment; and
 - (b) to meet the child's or young person's needs with respect to establishing and maintaining peer and community relationships; and
 - (c) for attending and participating in sporting and cultural activities; and
 - (d) for their involvement in community and volunteering activities; and
 - (e) to provide opportunities for play and experiences; and
 - (f) for arrangements for the payment of pocket money to the child or young person at a level appropriate to their age and circumstances.

- (3) The chief executive must ensure that financial support is provided that enables the child or young person to participate in sporting or cultural activities (for example, by paying fees for attending noho marae, or membership fees for participating in kapa haka or sporting clubs, or fees for music lessons).

Health

35 Support to maintain and improve health

- (1) The chief executive must ensure that support is provided to address the health needs of a child or young person in care or custody, including by taking reasonable steps to—
 - (a) ensure that the child or young person is enrolled (in consultation with their parents or guardians) with a primary health organisation from which they can access medical services; and
 - (b) ensure that the child or young person has (or has access to) an annual health check by a health professional; and
 - (c) ensure that the child or young person has access to a health practitioner with the same knowledge and experience of cultural values and practices as required under regulation 13 when the child's or young person's health needs are assessed; and
 - (d) in the case of children and young people over the age of 2 years, ensure that they have (or have access to) an annual dental check; and
 - (e) ensure that health information is provided to the child or young person on relevant health matters (for example, physical development and growth, healthy relationships, and positive attitudes to sexual health, psychological, and emotional health), including how health services can be accessed; and
 - (f) ensure that the child or young person is supported and assisted (in consultation with their parents or guardians) to access publicly funded health services to address their health needs; and
 - (g) ensure that a child or young person is supported to access other health services (for example, private health services or therapeutic services) if existing publicly funded services to address their needs are not available in a timely manner.
- (2) The chief executive must advocate for the well-being and best interests of a child or young person in care or custody to access publicly funded health services under subclause (1)(f).
- (3) The chief executive must ensure that a record of the child's or young person's health history is maintained.

Education

36 Children aged 1 to 4 years

- (1) The chief executive must ensure that, where it is in the best interests of a child aged 1, 2, 3, or 4 years who is in care or custody, they are enrolled in—
 - (a) a licensed early childhood service (as defined in section 10 (1) of the Education and Training Act 2020); or
 - (b) a certificated playgroup.
- (2) The chief executive must also ensure that—
 - (a) the length of time for which a child aged 1, 2, 3, or 4 years is enrolled reflects the needs of the child; and
 - (b) decisions about enrolment are reviewed regularly.
- (3) A decision made under this regulation by the chief executive must be made in consultation with the parents or guardian of the child.

37 Children aged 5 years

- (1) The chief executive must ensure that, in the case of a child aged 5 years who is in care or custody,—
 - (a) a decision is taken about whether it is in the best interests of the child to—
 - (i) be enrolled at a registered school; or
 - (ii) be enrolled in a licensed early childhood service (for example, a kōhanga reo) or a certificated playgroup; and
 - (b) if a decision is made not to enrol the child at a registered school, the decision is regularly reviewed.
- (2) A decision taken under subclause (1)(a) must be made in consultation with the parents or guardian of the child.

38 Children and young persons aged 6 to 15 years

- (1) The chief executive must ensure that a child or young person aged 6 years or over but less than 16 years who is in care or custody is enrolled at a registered school.
- (2) If any dispute arises about the enrolment of a child or young person in a particular school, the chief executive must take steps to resolve the dispute, including, where necessary, bringing legal proceedings.
- (3) This regulation does not apply if the child or young person is exempted from enrolment under sections 21 to 22A of the Education Act 1989.

39 Young persons aged over 16 years

The chief executive must ensure that young persons aged 16 years or over who are in care or custody are assisted—

- (a) to be enrolled at a registered school or tertiary education organisation; or
- (b) to obtain employment.

40 Obligation to support attendance

- (1) If a child or young person in care or custody is enrolled at a registered school, the chief executive must also take reasonable steps to ensure that the child or young person attends that school at the required times.
- (2) Those steps include the following:
 - (a) providing information to caregivers about the importance of attendance, including their role in supporting the child's or young person's attendance:
 - (b) obtaining updates from the school or the caregiver on the regularity of the child's or young person's attendance, at least once a term:
 - (c) putting in place arrangements to address any concerns about attendance:
 - (d) facilitating alternative educational arrangements if the child or young person is excluded from the school:
 - (e) providing representation at any hearing to consider the child's or young person's suspension or exclusion from the school.
- (3) If a child in care or custody is enrolled in a licensed early childhood service or a certificated playgroup, the chief executive must also take reasonable steps to support the child's attendance.

41 Other support obligations

- (1) The chief executive must ensure that assistance is provided to a child or young person in care or custody to support the child's or young person's education and training needs, including any of the following:
 - (a) the provision of equipment and materials required for education that are not funded (for example, a school bag, uniform, and stationery):
 - (b) the payment of education-related costs such as donations or fees (for example, fees for school trips):
 - (c) additional support needed for the child or young person, and in particular a child or young person with disabilities, to succeed in education.
- (2) In this regulation, additional support includes transport, and additional tuition or education programmes (which may be provided through the education system or in other ways).

42 Monitoring educational progress

- (1) The chief executive must, in relation to a child or young person in care or custody,—
 - (a) ensure that the child's or young person's educational progress is monitored and that regular contact, by or on behalf of the chief executive, with the education provider is maintained; and
 - (b) support, in co-ordination with other relevant agencies, educational achievement by the child or young person.
- (2) The duties of the chief executive under subclause (1) must be carried out by—
 - (a) ensuring that the education provider has sufficient appropriate information, and all

- necessary information, about the child or young person and their circumstances to enable the education provider to support the child's or young person's educational progress; and
- (b) engaging, at least once a term, with the child's or young person's education provider to discuss the child's or young person's progress and situation, unless the chief executive considers this to be inappropriate; and
- (c) taking all reasonable steps to obtain, at least once a term, a written update from the child's or young person's education provider about the child's or young person's educational progress, which may be either—
 - (i) a copy of the education provider's own report to parents; or
 - (ii) if that is not provided, information in a form requested by the chief executive; and
- (d) if the update identifies any concerns with the child's or young person's progress, or if the information provided suggests that the educational goals for the child or young person may not be achieved, taking any practical steps available to address those risks.
- (3) To avoid doubt, in this regulation, education provider includes—
 - (a) a licensed early childhood service; and
 - (b) a certificated playgroup; and
 - (c) a registered school; and
 - (d) a tertiary education organisation; and
 - (e) a person who provides home schooling under an exemption from enrolment under section 38 of the Education and Training Act 2020.

Support for complaints, feedback, and raising issues of concern

43 Support for making a complaint, providing feedback, or raising issues of concern

- (1) The chief executive must ensure that a child or young person in care or custody who wishes to make a complaint or provide feedback or raise issues of concern receives sufficient support, if required, to enable them to do so.
- (2) The support required by subclause (1), in relation to a child or young person who is considering making a complaint, includes helping them to—
 - (a) understand the complaint process; and
 - (b) make a complaint; and
 - (c) understand the possible outcomes of making a complaint.
- (3) The chief executive must ensure that if a child or young person makes a complaint, the outcome of the chief executive's assessment of the complaint and the actions that are taken as a result of that assessment are explained to the child or young person.



Part Three

Assessments, plans and support for caregivers.

Under Part Three, every caregiver is entitled to an assessment and support plan to help them meet the needs of children and young people in their care. The plan needs to cover things like information about the child coming into their care; training, resources and financial support; keeping young people connected to their whānau and culture; and supporting children and young people to stay healthy and do well at school. Part Three also covers caregiver approval processes.

What will this mean for children and young people?

- “My caregiver understands what’s important to me and knows how to get me the help and support I need. This makes me feel safe and looked after.”
- “I know some things about my caregiver before I go and stay with them.”

What will this mean for caregivers?

- “The application, assessment and approval process for becoming a caregiver was straight forward and responsive to my needs.”
- “I was given comprehensive information about the child or young person before they came into my care.”
- “I have a support plan in place that meets my needs and the needs of the child or young person in my care.”
- “I feel well supported and have access to the training and services I need.”

What will this mean for caregiver social workers?

- “I have the tools, skills and knowledge required to complete a holistic needs assessment of caregivers and to ensure their needs are met with a tailored support plan.”
- “I know how to connect caregivers with the services and support they need to provide a safe, stable, loving home for children and young people in their care.”

What will this mean for social workers?

- “I will share and discuss the child's plan with their caregiver's social worker. This will help to ensure the caregiver's plan is informed by the child's plan, which is really important for making sure the child's needs are met.”

Part Three

Caregiver and care placement assessment and support

Subpart 1—Assessment of caregivers

Prospective caregivers

44 Information to be provided to prospective caregivers

- (1) The chief executive must ensure that information is provided to a prospective caregiver to enable them and their household to understand the role of a caregiver and what will be expected of them.
- (2) The information provided under subclause (1) must include information about the following:
 - (a) the assessment and approval process for caregivers, including the criteria to be applied in determining whether to approve an application to be a caregiver:
 - (b) the level of care expected from the caregiver, and what will happen if that is not provided:
 - (c) the impact that caregiving may have on the caregiver's household (including the caregiver's children) and the caregiver's life:
 - (d) the support, training, and resources that will be available to the caregiver to support the caregiver to provide care (including information about what financial support and respite care is available):
 - (e) the importance of the caregiver informing the chief executive whenever there is a significant change in the circumstances or membership of the caregiver's household:
 - (f) the effects of trauma on a child's or young person's behaviour and development, and available services or other steps to support recovery and prevent further trauma:
 - (g) the appropriate behaviour management to be provided by the caregiver:
 - (h) the primacy of the child's or young person's best interests in decision making that affects them, and the importance of their views and their participation in those decisions:
 - (i) the decisions a caregiver can and cannot make, and the decisions a child or young person can and cannot make, about day-to-day care arrangements:
 - (j) a child's or young person's right to keep a reasonable number and a reasonable type of personal belongings under regulation 33:
 - (k) the need for connection between the child or young person and their family, whānau, hapū, iwi, and family group and how this will be facilitated:
 - (l) the rights of legal guardians and how these are preserved:
 - (m) how a child or young person can make a complaint, and how the caregiver can support a child or young person to make a complaint, and what support is available to the caregiver if a complaint is made against them by a child or young person:
 - (n) how a caregiver can make a complaint.

Assessment and approval process

45 Assessment of prospective caregivers and their households

- (1) The assessment of a prospective caregiver includes an assessment of their household and certain persons (described in regulation 48(2)(c)) who have connections with the caregiver or their household.
- (2) A prospective caregiver and their household may be assessed—
 - (a) in relation to their suitability to care for a particular child or young person; or
 - (b) in relation to their suitability in general to care for children and young persons.
- (3) If a prospective caregiver and their household are assessed in the general way referred to in subclause (2)(b), every reference to a particular child or young person in regulations 46 to 56 must be read as if the reference were to children or young persons in general.

46 Purpose of assessment of prospective caregiver and their household

The purpose of assessing a prospective caregiver and their household before a child or young person is placed with that caregiver is to enable the chief executive to determine the extent to which the prospective caregiver—

- (a) is likely to be a suitable caregiver who is able to provide an appropriate standard of care for the child or young person; and
- (b) is able to provide a safe, stable, and loving home for the child or young person; and
- (c) is able to meet the needs of the child or young person; and
- (d) is able to promote mana tamaiti (tamariki) and acknowledge the whakapapa and support the practice of whānaungatanga in relation to the child or young person.

47 When assessment must be completed

The chief executive must ensure that an assessment of a prospective caregiver and their household is undertaken—

- (a) before a child or young person is placed with the caregiver; or
- (b) in the case of an urgent placement, in accordance with regulation 51(1), (3), and (4).

Requirements of assessment

48 Nature of assessment

- (1) The assessment required by regulation 47 must include suitability checks of a relevant individual, including—
 - (a) confirmation of the person's identity under regulation 52; and
 - (b) a Police vet carried out under regulation 53; and
 - (c) the consideration of other information provided under regulation 54; and
 - (d) a risk assessment under regulation 55.
- (2) In this regulation, relevant individual means a person who—
 - (a) is a caregiver or is proposed to be a caregiver (a prospective caregiver); or
 - (b) is a member of that prospective caregiver's household who is aged 18 years or older and has consented to a Police vet; or
 - (c) is a person aged 18 years or older who has connections to the prospective caregiver or their household and who—
 - (i) is likely to have regular unsupervised or overnight contact with a child or young person in custody or care; and
 - (ii) is a person who the chief executive considers should undergo suitability checking; and
 - (iii) has consented to a Police vet.
- (3) The chief executive must also carry out an assessment of the suitability of the caregiving household as a whole, using the process set out in regulation 56.

49 Approval of prospective caregivers

After an assessment of a prospective caregiver under regulation 47 is completed, the chief executive must—

- (a) approve the person assessed as a caregiver; or
- (b) decide not to approve the person assessed as a caregiver.

50 Periodic review of approvals

- (1) Once a person is approved as a caregiver, that approval must be reviewed every 2 years.
- (2) The chief executive may at any time decide to review an approval if—
 - (a) there is a significant change in the circumstances of the caregiver or the household of the caregiver; or
 - (b) the chief executive decides that a review of an approval is warranted.
- (3) The process set out in regulations 47, 48, and 49 must be undertaken at each review of an approval.
- (4) The chief executive must ensure that a person in respect of whom a Police vet is being undertaken under regulation 53 confirms whether, since they were last subject to Police vetting, their name has changed to a name that is different from the name on any document they produced under regulation 52(1)(b).
- (5) If, under subclause (4), a person confirms that there has been a change in their name, the chief executive must require the person to confirm their identity by producing a supporting name-change document as evidence of their name change.

51 Provisional approvals for urgent placements

- (1) This regulation applies if a placement of a child or young person needs to be made under section

362 of the Act in an urgent situation and it is not possible, within the available time, to carry out the assessment of the prospective caregiver required by regulation 47, in accordance with regulation 48.

- (2) If this regulation applies, the chief executive may decide to grant the prospective caregiver provisional approval to care for a child or young person placed under section 362 of the Act.
- (3) Before granting provisional approval under subclause (2), the chief executive must ensure that a provisional assessment of the person's suitability to be a caregiver is carried out.
- (4) The provisional assessment must include the following:
 - (a) the checks set out in regulations 52 and 53 and the risk assessment described in regulation 55;
 - (b) an interview (which may be in person, by phone, or by audiovisual link) with the prospective caregiver;
 - (c) a visit to the caregiver's home, unless this is not reasonably practicable in the circumstances;
 - (d) any other actions considered necessary in order to be satisfied that the prospective caregiver can provide the required level of safety for the child or young person in question.
- (5) If a person is provisionally approved as a caregiver, a full assessment must be carried out under regulation 47 as soon as practicable.
- (6) Until a full assessment has been completed, the chief executive must ensure that the placement of the child or young person with the person who holds provisional approval is closely monitored.

Matters to be considered in determining suitability for approval

52 Identity confirmation

- (1) The chief executive must ensure that a person in respect of whom a suitability check is being undertaken under this subpart is able to confirm their identity by—
 - (a) using an electronic identity credential within the meaning of section 8 of the Electronic Identity Verification Act 2012; or
 - (b) producing the original of—
 - (i) a primary identity document; and
 - (ii) a secondary identity document.
- (2) If neither of the documents produced by a person under subclause (1)(b) contains a photograph of the person, the chief executive must ensure that the person—
 - (a) produces, together with those documents,—
 - (i) a photograph of themselves authenticated by an identity referee; or
 - (ii) a verification statement signed and dated by an identity referee that verifies that the primary identity document produced by the person relates to that person; and
 - (b) provides the name and contact details of the identity referee.
- (3) If a person's name is different from the person's name on a document produced under subclause (1)(b)(i) or (ii), the chief executive must require the person to produce, together with that document, a supporting name-change document as evidence of the person's name change.

53 Police vet

- (1) The chief executive must ensure that a Police vet of a person in respect of whom a suitability check is being undertaken under regulation 47 is obtained from the New Zealand Police Vetting Service.
- (2) The chief executive may require a Police vet more frequently than required by subclause (1) if the chief executive considers it appropriate to do so in the circumstances.

54 Other information

- (1) The chief executive must, for any person in respect of whom a suitability check is being undertaken under this subpart,—
 - (a) require the person to provide the following information (either in an interview or by providing documents):
 - (i) a list of their residential addresses for the preceding 5 years; and
 - (ii) the name of at least 1 referee who is not related to the person and not part of the person's extended family, and the name of at least 1 referee who is a member

- of the person's extended family; and
 - (iii) in the case of a prospective caregiver only (and not members of their household), their immigration status; and
 - (iv) any other information that the chief executive considers relevant to an assessment of the person under regulation 47; and
 - (b) interview the person for the purpose of obtaining information relevant to an assessment of the person under regulation 47; and
 - (c) ensure that a search is undertaken of the relevant records held by Oranga Tamariki—Ministry for Children for information about the person.
- (2) The chief executive must contact at least 2 referees named by the person under subclause (1)(a)(ii) to request any information held by, or known to, the referee that is or may be relevant to an assessment of the person under regulation 47.

55 Risk assessment

- (1) The chief executive must ensure that the information provided under regulation 48 is taken into account in assessing—
- (a) the suitability of a prospective caregiver to be approved as a caregiver; and
 - (b) whether any member of a prospective caregiver's household described in regulation 48(2)(b) or a person described in regulation 48(2)(c) poses an undue risk.
- (2) The chief executive must assess a person in respect of whom information under regulation 48 is collected, or is being collected to determine—
- (a) whether the person poses, or would pose, any risk to the safety of children or young persons as a prospective caregiver or as a member of a caregiver's household, or as a person connected to the prospective caregiver or their household; and
 - (b) if the person does, or would, pose such a risk, the extent of that risk, having regard to whether the person is a prospective caregiver or caregiver, or a member of a caregiver's household or a person connected to the prospective caregiver or their household.

56 Assessment of other matters

The chief executive must ensure that there is an assessment of—

- (a) other relevant matters, including the following:
 - (i) the prospective caregiver's experience, skills (including cultural competency), and attitudes that are relevant to their ability to provide care for a child or young person;
 - (ii) the safety, adequacy, and appropriateness of the physical caregiving environment;
 - (iii) the needs, strengths, and circumstances of the prospective caregiver and their household;
 - (iv) the needs for support for, and building the capability of, the prospective caregiver and their household;
 - (v) the identity of the persons who are in the prospective caregiver's household and the identity of persons aged over 18 years who have connections with the caregiver or the caregiver's household and have regular unsupervised or overnight contact with the child or young person; and
- (b) the likely effects of a placement of a child or young person with a particular household on—
 - (i) the child or young person; and
 - (ii) the household.

Subpart 2—Support

Information to be provided to caregiver when child is placed

57 Information to be provided to caregiver

- (1) The chief executive must ensure that a caregiver is provided with information to assist them to understand their role and responsibilities in meeting the needs of the child or young person in their care.
- (2) The information that is available before the child or young person is placed with the caregiver must be provided to the caregiver before the placement takes place and the remaining information must be provided to the caregiver as soon as practicable after it is obtained.
- (3) The information must be comprehensive and be in a form that the caregiver can easily understand, and must include the following:
- (a) a copy of any current plan for the child or young person (in accordance with regulation 24):

- (b) information about why the child or young person has come into care:
- (c) information about the child's or young person's needs, and in particular any critical information relevant to the child's or young person's immediate needs (for example, details of allergies, medications being taken by the child or young person, and any disability needs):
- (d) information about access to assistance:
- (e) information about the child's or young person's wishes, strengths, preferences, and behaviour:
- (f) information about the child's family, whānau, hapū, iwi, family group, and cultural background:
- (g) information about how often the child will be visited by a visitor:
- (h) information about the child's or young person's ongoing planned contact with their family, whānau, hapū, iwi, and family group and the persons identified as important to or for the child or young person under regulation 12(1)(c) or (d):
- (i) any other information the caregiver and caregiving household members need to know to keep them and the child or young person safe:
- (j) information about support available that is relevant to providing care for the particular child or young person (for example, if caring for a child with a disability or with particular cultural needs).

Caregiver support plans

58 Purpose of caregiver support plan

The purpose of a caregiver support plan is to—

- (a) ensure that the placement with the caregiver meets the needs of the child or young person in the caregiver's care; and
- (b) identify any additional support or training that is required by the caregiver.

59 When caregiver support plan must be completed

The chief executive must ensure that a plan is developed to support a caregiver—

- (a) as soon as practicable after a decision to place a child or young person with that caregiver is made; and
- (b) if possible, before the child or young person is placed with the caregiver.

60 Content of caregiver support plan

- (1) The caregiver support plan must be based on the caregiver's suitability assessment under regulation 47 or 51(3) and (4) and take account of any training already attended.
- (2) The caregiver support plan must include a description of—
 - (a) the support that will be provided to assist the caregiver and the caregiving household to meet the needs of the child or young person who is placed with the caregiver; and
 - (b) the training that will be provided to the caregiver to maintain or develop their capability as a caregiver to meet the needs of the child or young person who is placed with the caregiver; and
 - (c) how often the caregiver will be visited by a visitor (and the reasons for that chosen frequency); and
 - (d) the frequency (and the reasons for that frequency) of reviews to be undertaken by or on behalf of the chief executive of the caregiver's—
 - (i) approval to act as a caregiver; and
 - (ii) support plan.
- (3) The frequency of visits by a visitor to a caregiver and reviews of the caregiver support plans must reflect the needs of the caregiving household.

61 Review of caregiver support plan

- (1) The chief executive must ensure that each caregiver's support plan is—
 - (a) regularly reviewed to—
 - (i) ensure that the placement with the caregiver is able to meet the needs of the child or young person in their care; and
 - (ii) identify any additional support or training that is required by the caregiver; and
 - (b) reviewed if, as a result of a visit by a visitor, it is identified that the caregiver's needs have changed.
- (2) The chief executive must also ensure that a caregiver's support plan is reviewed if there is an allegation that a child or young person in the caregiver's care has suffered abuse or neglect.



Caregiver support and capability building

62 Provision of support to caregivers

- (1) The chief executive must ensure that caregivers receive support to assist them to—
 - (a) meet the needs of the child or young person in their care; and
 - (b) promote the child's or young person's mana tamaiti (tamariki) and their knowledge of their whakapapa, and to support the practice of whānaungatanga.
- (2) The support to be provided may include the following:
 - (a) access to training to maintain or develop the caregiver's capability in caregiving;
 - (b) financial assistance;
 - (c) access to respite care;
 - (d) access to advice and assistance;
 - (e) access to a support person (including access to an alternative support person when the primary support person is unavailable).
- (3) A caregiver may request the chief executive to provide support to assist them to carry out their caregiving duties.
- (4) Support must be provided under this regulation or any of regulations 63 to 65—
 - (a) to a caregiver, and to a level that the chief executive considers reasonable and practicable in the circumstances; and
 - (b) to whānau caregivers as well as other caregivers.
- (5) A support person who is provided for a caregiver under this regulation—
 - (a) must be able to help the caregiver understand their role as a caregiver and what is expected of them; and
 - (b) wherever possible, should be able to provide practical, emotional, and advocacy support to the caregiver.

63 Support for maintaining whānau connections

The chief executive must provide any support required to enable a caregiver to—

- (a) understand the importance for the child or young person in establishing, maintaining, and strengthening relationships with their family, whānau, hapū, iwi, and family group; and
- (b) understand the arrangements for establishing, maintaining, and strengthening connections with family, whānau, hapū, iwi, and family group, as set out in the plan for the child or young person, including how the caregiver can support the child or young person to establish, maintain, and strengthen those connections; and
- (c) facilitate the child's or young person's participation in contact arrangements with their family, whānau, hapū, iwi, and family group (as set out in the plan for the child or young person).

64 Support for education

The chief executive must provide any support required to enable a caregiver to—

- (a) understand the things they should do to encourage and support the child's or young person's educational activities and progress (including by making available quiet time and space for any homework); and
- (b) support the child's or young person's learning through the home environment and other informal learning by providing additional resources.

65 Support for culture and identity

The chief executive must provide any support required to enable the caregiver to—

- (a) promote the identity and culture of the child or young person in their care (for example through access to the marae of the child or young person, te reo Māori, cultural competence training, and tikanga training); and
- (b) understand and respect the personal choices of the child or young person with respect to their identity and culture, including—
 - (i) what name they wish to be addressed by; and
 - (ii) the appearance of, and clothing worn by, the child or young person (to the extent that freedom of choice is consistent with the child's or young person's best interests); and
- (c) enable the child or young person to attend or participate in cultural events relevant to their culture and identity.



Part Four

Supporting children and young people to express their views and contribute to their care experience.

Under Part Four, every child and young person in care needs to receive child-friendly information about what they're entitled to under the regulations, and be supported to speak up if they're not getting the care they are entitled to. We need to provide a way for them to capture the important things happening in their lives, and make sure they have the opportunity to find out about their potential caregiver before they go and stay with them.

What will this mean for children and young people?

- "I know what I can expect when I'm in care and what my rights are."
- "I know that if people are worried about my safety they'll do something about it."
- "I have a story book that records things in my life. I can take it with me wherever I go."
- "I can visit a caregiver and have information about them before I go stay with them."
- "I'm listened to and I know what to do if things aren't going well."

What will this mean for caregivers?

- "I have read the National Care Standards and understand what they mean for children and young people in my care."
- "I have a method for collecting and recording important things about their life."
- "My support plan will be reviewed if there is an allegation of abuse."

What will this mean for social workers?

- "I know how to provide information to children and young people about their rights in a way that is appropriate for them (e.g. considerate of age, disability, cultural needs)."
- "I know how to help a young person raise an issue or make a complaint."
- "I know how to act on concerns about abuse and neglect."
- "I've given the child or young person information about where they are being placed, and given them the opportunity to visit beforehand."

What will this mean for caregiver social workers?

- "I know how to support caregivers so that they understand the rights of the children and young people in their care."
- "I know how to support caregivers to keep and maintain a record of important things that happen in a young person's life while they're in care."

Part Four

Supporting children and young persons to express their views and contribute to their care experience

66 Matters to be explained to children and young persons

The chief executive must ensure that the following information is provided, and explained, to a child or young person who enters care or custody, in a way that is appropriate to their age, development, language, and any disability:

- (a) the reasons specific to the circumstances of the child or young person that have led to them being brought into care or custody:
- (b) what the child or young person can expect when they are in care or custody, including the following:
 - (i) the information set out in the statement of rights in Schedule 2, which must either be provided in that form or in a form appropriate to the age, development, language, and any disability of the child or young person:
 - (ii) the timing of the assessment of their needs and making a plan to meet their needs:
 - (iii) how often they will be visited (as specified in their plan):
 - (iv) who they can contact if they have concerns:
- (c) how their family, whānau, hapū, iwi, and family group will be involved in decisions being made about them, and the reasons for the level of involvement of those persons:
- (d) how the child or young person can participate in decisions to be made and processes that are to be undertaken in relation to their care or custody, and how their views will be used to inform decisions made about them:
- (e) information about independent services that are available to the child or young person, including—
 - (i) advocacy services and how they can access them; and
 - (ii) Māori, iwi, or kaupapa Māori services that are available to them, and how they can access them:
- (f) the child's or young person's right to confidentiality and privacy, including—
 - (i) information about the purposes for which information about them will be collected; and
 - (ii) how and when information about them may be recorded, used, collected, and disclosed:
- (g) information about the record of important life events that the chief executive is required to keep about the child or young person, and how they can access it:
- (h) information about how the child or young person can provide feedback or make a complaint, including information about—
 - (i) what constitutes feedback and what constitutes a complaint; and
 - (ii) who they can contact if they want to provide feedback or make a complaint; and
 - (iii) what they can expect if they provide feedback or make a complaint, including—
 - (A) expected time frames for responses; and
 - (B) what is recorded; and
 - (C) how they will be kept informed about the outcome of their feedback or complaint; and
 - (iv) where they can go, both within the Ministry and outside the Ministry, to make a complaint; and
 - (v) how they will be supported if they make a complaint; and
 - (vi) what processes or mechanisms are available to them, if they are not satisfied with the Ministry's response to their complaint:
- (i) information about support available to them (including independent advocacy or other support services) if they require assistance to express their views.

67 Other steps that must be taken when child or young person enters care

- (1) The chief executive must ensure that, whenever a child or young person enters care or custody,—
 - (a) information is provided to the child or young person about the prospective placement in



- advance of the placement date, including information about the new care environment and the caregiving household or the residence, as the case may be (for example, the expectations and rules of the household or the residence); and
 - (b) the child or young person is provided with the opportunity, before the placement date, to visit the new care environment and meet their prospective caregiver or the manager of the residence to which they are moving (as the case requires) and—
 - (i) to meet the members of the caregiving household or the people who live in the residence (as the case requires); but
 - (ii) if that is not possible, is provided with information about the physical environment of the caregiving household or the residence (as the case requires); and
 - (c) the child or young person is able to take personal belongings of importance to them with them to the new care environment.
- (2) Despite subclause (1), if a care placement has to be carried out urgently, the chief executive must ensure that—
- (a) the requirements of subclause (1) are carried out to the extent that they practicably can be before the placement occurs; and
 - (b) to the extent that subclause (1) cannot practicably be complied with, that it is complied with as soon as possible after the care transition takes place.

68 Method of providing information and explanation

- (1) The information and explanation given to a child or young person must be provided in a manner and in language that is appropriate for the age, development, language, and any disability of the child or young person, to best assist them to understand it.
- (2) Whenever the child's or young person's plan is reviewed, the chief executive must ensure that relevant information is provided and explained to the child or young person to ensure that they have the opportunity to gain greater understanding of the matters in regulation 66 as they grow and develop.
- (3) If the child or young person who is required to be given information or an explanation under regulation 66 or 67 does not have the capacity to understand the information or explanation (for example, because of their age, language development, or a disability), this information must be provided to an appropriate person (for example, the child's or young person's caregiver or an advocate).

69 Duties in relation to allegations of abuse or neglect

- (1) The chief executive must ensure that any information disclosed passing on concerns in relation to a risk of harm caused by abuse or neglect of a child or young person in care or custody is responded to.
- (2) In carrying out the process for responding to the information, the chief executive must ensure that—
 - (a) the response is prompt; and
 - (b) the information is recorded and reported in a consistent manner; and
 - (c) where appropriate, the child or young person is informed of the outcome; and
 - (d) appropriate steps are taken with the parties to the allegation, including a review of the caregiver's plan.

70 Duty to maintain record of important life events

- (1) The chief executive must, in relation to a child or young person in care or custody, ensure that a record of important events, achievements, relationships, and other matters in the child's or young person's life (for example, photos, art work, and school reports) is collected, recorded, and maintained.
- (2) The chief executive must ensure that the arrangements for collecting that record are made—
 - (a) having regard to the child's or young person's culture and circumstances (for example, a disability); and
 - (b) in consultation with the child or young person, where that is appropriate given their age and development.



Part Five

Supporting children and young people during care transitions.

Under Part Five, we have to make sure children and young people are well supported during care transitions. This includes when they're moving between different care arrangements, when they're returning home after being in care, and when they leave care and transition into adulthood.

What will this mean for children and young people?

- “Me and the important adults in my life know what's happening when I'm being moved around and have the help we need to make it easier for all of us.”
- “I can easily take my life stories, belongings and taonga with me.”
- “When I'm ready to become independent I'll be given information about the support and services I can access.”

What will this mean for caregivers?

- “I'm informed about and included in transition processes that affect children and young people in my care.”
- “I'm equipped and supported to help children and young people in my care through care transitions and as they transition into independence.”

What will this mean for social workers?

- “I have the information, tools and resources I need to effectively support children and young people through care transitions and to connect them to the support services they need.”
- “I understand who we're partnering with to support transitions and how to work with them to get the best outcomes for young people and their caregivers.”

What will this mean for caregiver social workers?

- “I understand how to support caregivers through care transitions and can connect them to the services and support they need.”

Part Five

Supporting children and young persons during care transitions

Subpart 1—Care transitions

71 Application

- (1) This subpart applies—
 - (a) if a child or young person is in care or custody but is about to—
 - (i) be placed with another caregiver; or
 - (ii) be transferred from a caregiver to a residence; or
 - (iii) be transferred from a residence to a caregiver; or
 - (iiia) be transferred from one residence to another residence; or
 - (iv) be returned to their parents or guardians or other family members; or
 - (v) cease to be in care or custody for any other reason (except because they are about to have their 18th birthday); and
 - (b) during the period beginning at the time specified in subsection (1) and ending when the new placement is stable.
- (2) The process referred to in subclause (1) is described in this Part as care transition.

Assessment, planning, and monitoring during care transition

72 Assessment and support plans for care transition

As soon as practicable after the chief executive decides, or is notified, that a child or young person is to have a care transition, the chief executive must ensure that—

- (a) an assessment of the necessary steps for the child or young person to experience a positive care transition is undertaken; and
- (b) a plan is developed for that purpose.

73 Process and contents of care transition plan

- (1) The chief executive must ensure that a care transition plan for a child or young person who is to undergo care transition is developed in consultation—
 - (a) with the child or young person concerned; and
 - (b) with the current caregiver (if any) and any prospective caregiver; and
 - (c) if the child is in (or is about to move into or out of) a residence, with the manager of that residence; and
 - (d) with the child's or young person's family and whānau, and the members of their hapū, iwi, and family group who are important to or for the child or young person.
- (2) The plan must include details of—
 - (a) the steps that any current caregiver and any prospective caregiver (or if relevant, the manager of the residence) are expected to take to meet the child's or young person's care transition needs; and
 - (b) the support that will be provided by or on behalf of the chief executive to meet the care transition needs of the child or young person.

74 Monitoring and support during care transition phase

- (1) The chief executive must ensure that sufficient monitoring and support are provided to a child or young person during their care transition to promote a positive care transition experience.
- (2) The support and monitoring provided under subclause (1) must—
 - (a) be based on the needs of the child or young person; and
 - (b) be carried out in a way that is culturally appropriate; and
 - (c) ensure that an explanation is given to the child or young person about why the care transition is happening; and
 - (d) ensure that information is provided to the child or young person about the prospective placement in advance of the transition date, including information about the new care environment and the new caregiving household or the residence, as the case may be (for example, the expectations and rules of the household or the residence); and
 - (e) ensure that the child or young person is provided with the opportunity, before the transition date, to visit the new care environment and meet their prospective caregiver or the manager of the residence to which they are moving (as the case requires) and—

- (i) to meet the members of the caregiving household or the people who live in the residence (as the case requires); but
 - (ii) if that is not possible, is provided with information about the physical environment of the caregiving household or the residence (as the case requires); and
 - (f) ensure that information is provided to any current and prospective caregiver, and, if necessary, to their caregiving household, about the steps they can take to facilitate a positive care transition for the child or young person; and
 - (g) ensure that the child or young person is able to take personal belongings of importance to them with them to the new care environment; and
 - (h) consider whether it is in the child's or young person's best interests to maintain or re-establish an ongoing relationship with the child or young person's current caregiver and, if so, arrange support, to the appropriate extent, to maintain or re-establish the relationship.
- (3) Despite subclause (1), if a care transition has to be carried out urgently, the chief executive must ensure that—
- (a) the requirements of subclause (1) are carried out to the extent that they practically can be before the care transition occurs; and
 - (b) to the extent that subclause (1) cannot practicably be complied with, that it is complied with, as soon as possible after the care transition takes place.

Subpart 2—Moving to independence

Assessment and support for children and young persons moving to independence

75 Assessment of life skills

- (1) The chief executive must ensure that an assessment of the life skills of any person aged under 18 years to whom section 386A of the Act applies—
- (a) is undertaken at the same time that an assessment is made under section 386A(2)(a) of the advice and assistance that the person will need to become and remain independent; and
 - (b) is attached to the assessment made under section 386A(2)(a) of the Act.
- (2) The assessment must take into account the young person's development or any disabilities they may have.
- (3) In subclause (1), life skills includes the following:
- (a) knowledge and experience of any of the following:
 - (i) personal and health care:
 - (ii) managing money:
 - (iii) shopping:
 - (iv) cooking:
 - (v) driving:
 - (b) knowledge of any of the following:
 - (i) sexual and reproductive health care:
 - (ii) managing any matters relating to sexual or gender identity:
 - (iii) safe and positive relationships:
 - (iv) culture and identity.

76 Advice and assistance under section 386B(1)(a) of Act

The chief executive must ensure that the advice and assistance to be provided under section 386B(1)(a) of the Act to a person aged under 18 years for the purposes of section 386A(2)(b) of the Act includes—

- (a) a copy of the record relating to important events and achievements in their life when they leave care, and information about where they can access that record in the future; and
- (b) assistance to develop any life skills that the person may need to help them become independent; and
- (c) assistance to obtain official documentation before they reach the age of 18 years, including—
 - (i) photo identification (for example, a passport or a driver's licence); and
 - (ii) a certified copy of their birth certificate; and
 - (iii) an IRD number; and
 - (iv) a bank account; and
 - (v) verifying their identity online to enable them to access key government services; and
- (d) information to ensure that the young person is aware of the legal requirement to enrol on the electoral roll once they reach the age of 18 years; and
- (e) information and assistance before the age of 18 years to understand how to access health, education, housing, employment, financial, and legal services independently after they leave care or custody.



Part Six

Monitoring and reporting on compliance with the National Care Standards.

Part Six establishes an Independent Monitor to monitor and report to the Minister for Children on compliance with the Care Standards Regulations.

Part Six also requires Oranga Tamariki and organisations that have legal custody of children and young people under section 396 of the Oranga Tamariki Act 1989 to self-monitor and report on compliance with the regulations. This will include reporting to the Minister for Children and the Independent Monitor.

What will this mean for children and young people?

- “I know someone independent is responsible for checking whether children and young people in care are getting what they're entitled to under the National Care Standards.”

What will this mean for caregivers?

- “I know someone independent is responsible for checking whether caregivers like me are getting what we're entitled to under the National Care Standards.”

Part Six

Monitoring and reporting on compliance with these regulations

Monitoring and reporting by independent monitor

77 Independent monitor must establish assessment framework

- (1) The independent monitor appointed under section 447A of the Act must establish an assessment framework (to use in its monitoring and reporting on compliance by relevant persons or bodies with the regulations).
- (2) The assessment framework must be established no later than 31 December 2020.

78 What assessment framework must contain

- (1) The framework must—
 - (a) explain how compliance with the regulations will be assessed; and
 - (b) explain how the quality of care will be assessed; and
 - (c) include the sources of information and key indicators of performance that will be used to assess compliance with the regulations.
- (2) The framework must be developed—
 - (a) in consultation with the chief executive and any approved organisation with children or young persons in their care or custody; and
 - (b) having regard to the consistency of the framework with—
 - (i) the systems for continuous improvement developed under regulation 86(1)(a); and
 - (ii) the systems of self-monitoring developed under regulation 86(1)(b).
- (3) The assessment framework may identify particular priorities based on areas of focus for performance improvement, which may be—
 - (a) subject specific; or
 - (b) area or locality specific; or
 - (c) particular to specified groups of children and young persons.

79 Sources of information to assess compliance with these regulations

The independent monitor must use multiple information sources to assess compliance with these regulations, including—

- (a) information obtained directly from children and young people in respect of whom these regulations apply; and
- (b) other information sources, such as the following:
 - (i) chief executives' and service providers' practice guidance, policies, documents, reports, and service feedback;
 - (ii) needs assessments and plans;
 - (iii) site assessments;
 - (iv) feedback, interviews, and participation from children, young persons, their families, whānau, hapū, iwi, and family group, the chief executive, any approved organisation, and caregivers;
 - (v) stakeholder feedback, including from advocacy services;
 - (vi) chief executives' and service providers' self-assessments;
 - (vii) data collected by service providers or through other mechanisms;
 - (viii) information from complaints and reviews.

80 Method of assessing compliance with these regulations

An assessment of compliance with these regulations prepared by the independent monitor, must—

- (a) address the purposes of the Act (and, in particular, section 4(1)(a)(ii) and (e) and must include—
 - (i) an analysis of the nature and degree of compliance found; and
 - (ii) the associated effect of that nature and degree of compliance on the fulfilment of those purposes; and
- (b) have regard to other measures and indicators of performance developed to assess the performance of the care system; and

- (c) encourage the chief executive and any approved organisation with children or young persons in care or custody to work towards continuous service improvement by identifying areas of high performance and areas for improvement.

81 Reporting requirements for independent monitoring body

- (1) The independent monitor must provide a report to the Minister every 3 years that makes an overall assessment of the state of care provided under the Act and these regulations.
- (2) The report must include the following:
 - (a) the number of children and young people in care or custody, the length of the time spent in care or custody, and a summary of the reasons why they are in care or custody;
 - (b) a profile of the characteristics of children and young people in care or custody, including ethnicity, age, disability, and health needs;
 - (c) information on the number of times children and young persons in care have had a change of placement;
 - (d) information on the numbers of complaints and identified incidents of abuse and neglect found to have occurred in care or custody, and the procedures followed to resolve these matters;
 - (e) identification of areas of good practice as well as areas recommended as a focus for improvement;
 - (f) separate information or results for Māori children and young people, in terms of the level and degree of compliance with these regulations;
 - (g) separate information or results for children and young persons with disabilities, in terms of the level and degree of compliance with these regulations;
 - (h) the state of the systems of self-monitoring and continuous improvement operated by the chief executive and approved organisations with children and young persons in care or custody.

82 Independent monitor may provide supplementary reports

- (1) The independent monitor may provide supplementary reports on any relevant topic to the Minister—
 - (a) on its own initiative; or
 - (b) at the Minister's request.
- (2) The Minister may require the chief executive or an approved organisation with children or young persons in care or custody to report to the Minister promptly on the matters raised in a supplementary report.

83 Urgent reports of non-compliance where child or young person is at risk

- (1) If, in the course of performing its functions as an independent monitor, the independent monitor becomes aware of any non-compliance with the regulations that places a child or young person in care or custody at immediate risk of suffering, or being likely to suffer, serious harm, the independent monitor must report the non-compliance to the chief executive or an approved organisation as a matter of urgency.
- (2) The chief executive or approved organisation must report promptly to the Minister and the independent monitor on the outcome of actions taken by the chief executive or approved organisation in response to a report under subclause (1).
- (3) For the purposes of this regulation,
 - (a) a child or young person suffers, or is likely to suffer, serious harm
 - (i) in the circumstances described in section 14AA (1) of the Act; or
 - (ii) having regard to the circumstances in section 14AA (2) of the Act; and
 - (b) section 14AA of the Act applies with all necessary modifications.

84 Independent monitor may request information

- (1) The chief executive and any approved organisation with children or young persons in care or custody must provide any information requested by the independent monitor that is reasonably required for the purpose of—
 - (a) reporting on the matters set out in regulation 81(2); or
 - (b) assessing compliance by the chief executive or approved organisation with these regulations.

- (2) This regulation does not require any person to provide information if that person could refuse to provide that information in proceedings on the grounds of privilege available in a court of law.

85 Provision of information to independent monitor

The chief executive must ensure that information is provided to the independent monitor on—

- (a) reports of abuse or neglect that the chief executive has received under regulation 69; and
- (b) how those reports were responded to.

Requirements for self-monitoring and self-improvement

86 Self-monitoring

- (1) The chief executive and an approved organisation with a child or young person in care or custody must monitor their own compliance with these regulations (self-monitoring) by—
- (a) having systems in place for continuous improvement that identify and address areas of practice that require improvement; and
 - (b) using a system for self-monitoring designed to ensure the collection of information that will support the independent monitor to fulfil its monitoring role.
- (2) The Minister may at any time require the chief executive or any approved organisation with a child or young person in care or custody to report on the matters referred to in subclause (1).

87 Reporting to the Minister and independent monitor on results of self-monitoring

- (1) The chief executive and an approved organisation with a child or young person in care or custody must report to the Minister and the independent monitor on their own self-monitoring, including—
- (a) their response to any findings of non-compliance with these regulations; and
 - (b) the identification of areas for improvement and reporting on progress in service improvement; and
 - (c) providing a plan setting out the actions to be taken.
- (2) A report under subclause (1) must be made every 3 years following a report of the independent monitor under regulation 80, concerning the chief executive's or approved organisation's compliance with these regulations.

Schedules



Schedule One

Transitional, savings, and related matters

Part 1

Provisions relating to these regulations as made

1 Needs assessments

- (1) A needs assessment undertaken before the commencement of this clause in relation to a child or young person who, immediately before the commencement of this clause, is still in care or custody is deemed to have been undertaken in accordance with regulations 7 to 14.
- (2) However, any reassessment of needs carried out under regulation 15 in circumstances where subclause (1) applies—
 - (a) may, on the first occasion it is carried out after the commencement of this clause, and despite regulation 22, be carried out within 12 months of that commencement; and
 - (b) must ensure that the needs assessment meets the requirements of regulations 7 to 14.
- (3) If a child or young person in care or custody before the commencement of this clause has not had their needs assessed before the commencement of this clause that needs assessment must be undertaken, in accordance with these regulations, within 12 months of the commencement of this clause.

2 Plans

- (1) A plan prepared before the commencement of this clause in relation to a child or young person who, immediately before the commencement of this clause, is still in care or custody is deemed to have been prepared in accordance with regulations 16 to 20.
- (2) However, any review of a plan carried out under regulations 21 to 25—
 - (a) may, on the first occasion it is carried out after the commencement of this clause, and despite regulation 22, be carried out within 12 months of that commencement; and
 - (b) must ensure that the plan complies with regulations 16 to 20.
- (3) If a child or young person in care or custody before the commencement of this clause has not had a plan prepared on the commencement of this clause, that plan must be prepared, in accordance with these regulations, within 12 months of the commencement of this clause.

3 Support plans for caregivers

- (1) A support plan prepared before the commencement of these regulations in relation to a caregiver is, on the commencement of this clause, deemed to have been prepared in accordance with regulations 58 to 60.
- (2) However, any review of a caregiver support plan carried out under regulation 61 must ensure that the caregiver support plan complies with regulations 58 to 60.
- (3) If, on the commencement of this clause, no support plan has been prepared for a caregiver, a caregiver support plan must be prepared in accordance with regulations 58 to 60 before a periodic review of an approval is carried out under regulation 50.

4 Assessment as to suitability of caregiver

- (1) An assessment as to the suitability of a caregiver that is in effect immediately before the commencement of this clause, is, on the commencement of this clause, deemed to have been made in accordance with subpart 1 of Part 3.
- (2) However, any review of an approval under regulation 50 must ensure that the new assessment of suitability complies with subpart 1 of Part 3.

5 What happens if needs assessment or plans are not completed

If, on the commencement of this clause, there is no needs assessment or plan for a child or young person in care or custody or no caregiver support plan for a caregiver,—

- (a) the needs assessment or relevant plan must be completed as soon as is reasonably practicable; and
- (b) in the meantime, support must be provided to the child or young person or caregiver (as the case requires) under these regulations, to the extent that it reasonably can in the absence of a needs assessment or the relevant plan.

6 Care transitions

If, on the commencement of this clause, arrangements for managing care transitions under regulations 71 to 74 are incomplete,—

- (a) those regulations must be complied with to the extent that the Ministry's arrangements enable them to be complied with; and
- (b) those arrangements for managing care transitions must be completed as soon as is reasonably practicable, to enable regulations 71 to 74 to be fully complied with.

Part 2

Provisions relating to Oranga Tamariki (National Care Standards and Related Matters) Amendment Regulations 2020

7 Assessment as to suitability of caregiver

- (1) In this clause, commencement date means 13 August 2020.
- (2) An assessment as to the suitability of a caregiver that is in effect immediately before the commencement date is, on the commencement date, deemed to have been made in accordance with subpart 1 of Part 3, as amended by the Oranga Tamariki (National Care Standards and Related Matters) Amendment Regulations 2020.
- (3) However, any review of an approval under regulation 50 must ensure that the assessment of suitability complies with subpart 1 of Part 3, as amended.

8 Care transitions from one residence to another residence

If, on the commencement of regulation 71(1)(a)(iiiia), as inserted by the Oranga Tamariki (National Care Standards and Related Matters) Amendment Regulations 2020, arrangements for managing care transitions from one residence to another residence are incomplete,—

- (a) regulations 71 to 74 must be complied with in relation to those care transitions to the extent that the Ministry's arrangements enable them to be complied with; and
- (b) those arrangements for managing those care transitions must be completed as soon as is reasonably practicable to enable regulations 71 to 74, in relation to care transitions from one residence to another residence, to be fully complied with.

Schedule Two

Statement of rights

(This statement is for children and young persons in care to read in order to understand their rights to care and support under these regulations.)

To help you understand this statement, here are some things to remember:

When we say **OTA**, it means the Oranga Tamariki Act 1989. That is the name of the law that looks after children and young people who need to be brought into care. The OTA says who can do what and what needs to be done when.

When we say **the chief executive**, we mean the person who the OTA says is in charge. There are people who help the chief executive get things done, including social workers and other organisations. The chief executive has to make sure the things they are in charge of actually happen.

When we say **in care**, it means that the chief executive is in charge of looking after you. There will be an order or agreement made about this under the OTA.

When we say **caregiver**, it means the person who the chief executive decides you will live with. This is one of the important decisions that the OTA says the chief executive has to make.

When we say **your support worker**, it means the person who the chief executive has said is in charge of doing the things that need to be done for you. This will usually be a social worker.

When we say **family and whānau**, it means all the people in your family. This includes your siblings, your whānau, hapū, and iwi, and anyone else who is related to you or is like family to you.

Statement of rights

When you come into care

If you are in care because you can't live at home at the moment, your support worker's job is to do the things that will be best for you.

Where you can find this: Section 4A, OTA

If you are in care because you may have broken the law, your support worker's job is to think about what is best for you. They also need to think about other people's safety and about anyone who may have been hurt. If you broke the law, your support worker will work with you to help you put things right.

When important decisions are being made about you, your support worker must—

- make sure you have a chance to say what you want to say:
- listen to what you have to say:
- help you if you find it hard to tell people how you feel or what you are thinking:
- let you know what decisions have been made about you and why.

Where you can find this: Sections 5, 11, OTA

When you come into care, your support worker will talk to you about why you are in care. They will also tell you—

- the way things should happen while you are in care:
 - how you should be treated by your caregiver:
 - how often your support worker will come and see you:
- who you can talk to if you have any questions or are worried about anything.

Where you can find this: Regulations 66, 67, and 68

Your support worker will also give you lots of helpful information about other things. This will include things like when you can talk to and see your family and whānau, and when and how important decisions about you will be made.

They will give you the information in the best way to help you understand it.

To work out what you need, you and your support worker will work together to understand—

- what you think and how you feel about things:
- how you would like your life to be:
- what you are good at and what you need to do better at:
- what you need to—
 - feel happy and do well:
 - feel good about the things that are going on in your life:
 - stay close to family (including your siblings) and whānau:
 - know who you are and feel proud of who you are and where you come from.

You and your support worker will also work together to understand what will help you—

- have fun and get to spend time with people you already know:
- feel safe:
- be healthy:
- learn.

Where you can find this: Section 5, OTA Regulations 7 to 14

Your support worker will make notes, which means they will write down some of the things you talk to them about. They will also share what they write down with you.

Your support worker will work with you and other important people in your life to make a plan to help you. The plan will be written down and your support worker will share it with you.

Where you can find this: Regulations 16 to 20 and 24

If you go to live with a caregiver, there will be a check of the caregiver and their family and their house. This is to make sure that you will be safe with them and well looked after by them.

Where you can find this: Regulations 45 to 56

While you are in care

Your support worker has to visit you often, so that they can see how you are doing. Your plan will tell you how often your support worker will visit you.

Where you can find this: Regulations 26 to 28

Your support worker will try and talk to you on your own, just you and them. This is so that you feel comfortable and you can talk about anything you may be worried about.

To find out how you are doing, your support worker will also talk to other people who matter. This might include your caregiver, teachers, family, and whānau.

Where you can find this: Regulation 29

If your support worker finds out that you aren't doing well or if things have changed a lot for you, they have to talk to you about it and look at how to make things better. If anything important changes, this will be put into your plan.

Your support worker has to make sure you have what you need.

Here are some of the things you might need and how your support worker will help with them.

Where you can find this: Regulations 30 to 42



Staying connected to family and whānau

- Your support worker will help you, your family (including your siblings), whānau, and people that are important to you to stay close and connected.
- Your support worker will let your family or whānau know how you are doing. The support worker will talk to them about your plan, and ask them what they think.

Knowing who you are and where you come from

- Your support worker will help you to know about and participate in your culture, language, and religion so you know about yourself and where you come from.

Being able to have things of your own

- Your support worker will help make sure you have your own things like clothes and a backpack and somewhere safe to put them.

Getting the chance to experience good things

- Your support worker will help make sure that you can try new things like sport, drawing, and singing.
- Your support worker will help make sure you can do fun things in your community and with your friends.

Being healthy

- Your support worker will help you to stay healthy. This might include making sure you have check-ups with a doctor, finding someone for you to talk to if you are feeling stressed out, and helping you to take care of yourself.

Learning

- If you are preschool age, your support worker will help you to go to a preschool or playgroup if that would be good for you.
- If you are school age, your support worker will help you to stay at school. They will make sure that you have what you need for school (like stationery and a uniform). They will help you to join in with school activities, and give you extra help to do well in school if you need it.
- If you are old enough to leave school, your support worker will help you to keep going to school if that is best for you. If school isn't best for you, they will help you into training or to find work.
- Your support worker will keep in touch with your teachers so that we can understand what you need to help you to do well.

An important part of your support worker's job is to share information about you and what you need with your caregiver. This helps your caregiver to know the best way to take care of you. **Where you can find this: Regulation 57**

We will help your caregiver learn about your culture, whakapapa, whānau, and other things they need to know and do. This is so they can take good care of you.

Where you can find this: Regulation 58 to 63

If your support worker hears about something from anyone, including you, that makes them think you might not be safe or are not being well cared for, they will help you. They will see if something needs to be done about it and will make sure the information goes to the right people. Remember, your support worker will always be thinking about what is best for you. **Where you can find this: Regulation 69**

If you want to tell someone that something bad or wrong has happened that needs to be made right, you can. Tell your support worker, or another support worker if it is your normal support worker who has done something wrong. They will help you understand what to do, how to do it, and what will happen afterwards.

Where you can find this: Regulation 69

Your support worker will make sure you have a record of important events and achievements in your life that you can keep. This will include things like photos of your birthdays and of people that are important to you, your art work, and your school reports.

Where you can find this: Regulation 70

If you have to move while you are in care or if you are leaving care soon

Your support worker has to take extra care of you if you need to live somewhere else, need to move home, or are leaving care. To do this, they will—

- tell you what will happen and why:
- make a plan and support you while things are changing:
- give you as much information about the move as they can, like what the new place will be like and what the people there are like:
- help you meet the people before you move, if that is possible:
- make sure the caregiver or person you are leaving gets the information they need to help you feel good about moving:
- make sure the caregiver or person you are going to live with gets the information they need to help you settle in and feel good about moving:
- make sure you can take your things with you, like your toys and photos:
- help you keep in contact with the caregiver you are leaving if that is best for you.

Where you can find this: Regulations 71 to 74

If you are leaving care soon because you are almost 18, your support worker will help you. They will work with you to understand how ready you are to leave care and what you need to know or learn before you leave.

Where you can find this: Regulation 75 Regulation 76 Sections 386A, 386B, OTA

Your support worker will provide you with advice and assistance before you leave care. To do this, they will—

- help you get a copy of your records of important events and achievements:
- help you learn things that you need to know how to do for yourself, like how to manage money and get health care when you need it:
- help you get official documents you might need, like photo identification and your birth certificate.

If you are leaving care because you are over 18 but you would rather stay with a caregiver after you turn 18, you have the right to live with a caregiver until you turn 21.

Where you can find this: Sections 5, 386A, 386AAC, 386AAD, 386B, 386C, OTA

Whether you stay with a caregiver or not, your support worker will stay in contact with you until you are 21. Your support worker can also provide you with advice and assistance until you turn 25, if you want it.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations come into force on 1 July 2019. They set out national care standards for children and young persons in the care or custody of the Chief Executive of Oranga Tamariki—Ministry for Children and other organisations approved under section 396 of the Oranga Tamariki Act 1989 with the care or custody of children or young persons.

Some requirements of particular importance to children and young persons and their caregivers include the following:

- a requirement for an immediate and long-term needs assessment when a child or young person enters care or custody (*see regulations 7 to 15*):
- a requirement to develop, implement, and regularly review a plan for each child or young person who enters care or custody that responds to those needs (*see regulations 16 to 25*):
- a requirement that a child or young person in care or custody is regularly visited for a number of purposes, including to monitor their safety and well-being (*see regulations 26 to 28*):
- a requirement for the Chief Executive of Oranga Tamariki—Ministry for Children or an approved organisation with care or custody of a child or young person is to provide support for the child’s or young person’s assessed needs (*see regulations 31 to 42*), and in particular to meet the following:
 - the need to establish, maintain, and improve whānau connections:
 - the cultural and identity needs of the child or young person:
 - the need of the child or young person to engage in play, recreation, and community activities:
 - the health needs of the child or young person:
 - the education needs of the child or young person:
- a requirement to provide children and young persons with sufficient support to make a complaint, provide feedback, or raise issues of concern (*see regulation 43*):
- a requirement to assess caregivers (including suitability checking) before placing a child or young person with them and to provide caregivers with support and a support plan (*see regulations 44 to 65*):
- requirements for children and young persons to be supported to express their views and contribute to their care experience (*see regulations 66 to 70*):
- requirements relating to the support of children and young persons in care or custody when their placement changes (care transition) (*see regulations 71 to 74*):
- requirements to support children and young persons moving, or preparing to move, to independence (*see regulations 75 and 76*):
- requirements for the monitoring of, and reporting to an independent monitor on, compliance with these regulations (*see regulations 77 to 87*):
- a statement of rights, which must be given to each child or young person in care or custody in the form set out in Schedule 2 or in a form that is appropriate for that child or young person (*see regulation 66 and Schedule 2*).

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Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 13 August 2020, amend the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 to:

- refer to the child's or young person's marae in the regulation about identifying, planning, and supporting connections to culture and identity: *(see regulation 80)*.
- make the responsibilities of the chief executive for ensuring children and young people are enrolled in school consistent with the Education Act 1989: *(see regulation 80)*.
- confine the permitted search of Oranga Tamariki records for information about a prospective caregiver to relevant records: *(see regulation 80)*.

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Notes





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