Seminar organising team:
* Andrea Jamison
* David Hanna
* Len Cook
* Girol Karacaoglu
* Emily Keddell
* Ian Hyslop
* Kate Prickett
Tania Blyth Williams
Principal family court lawyer, Te Kōpū Legal
THE REVOLUTION HAS BEGUN
“It’s like I’m brown, you’re white, I’m fucked. I’m just gonna sit here, feel ashamed, let you all stare at me and go “you should be ashamed” cos that’s exactly how you feel. That’s exactly how these Child, Youth and Family, lawyers and the judge make you feel. So ashamed.”

“... no idea what the process was ...”

“I heavily relied on my Uncle ... he’s [employed by an] iwi service [provider] himself and he knows the process.”
SUBSEQUENT CHILDREN

SPECIAL GUARDIANSHIP

“V”

Mana Tamariki Whakapapa Whanaungatanga
Māori

→

ORANGA TAMARIKI

→

FAMILY COURT

I

- 27-29 June 2018
- 70 People

II

- November 2018 - August 2019
- 17 venues
- 850 people

COURT INITIATIVES

- Alcohol and Drug Court
- Rangatini Court
- Te Poa-Orange (Youth Panels)

- Alcohol and Drug Court
- Special Circumstances Court
- Family Violence Court
- Matangi Court
- Te Poa Orange (Justice Panels)
Next 6 Months

**Māori**

**Oranga Tamariki**

**Family Court**

- 8 - 2 day trainings
- Care or protection, youth justice and family violence
- November 2019 to May 2020

Commitment to Te Tiriti o Waitangi

INDEPENDENT MONITORING AGENCY (monitoring compliance of CE)

Hui - Māori and PFCJ
David Hanna
Director, Wesley Community Action
Provider? Perspective

Contributing to an effective Oranga Tamariki System
Mums / tamariki voice

“if I had all this support then you wouldn’t of needed to remove my daughter” mother on seeing all the support provided in our group home.
First things first …

• If this is our second major attempt post Puao-te-ata-tu … then we haven’t started well. Intentional language is not enough.

• The recent public outcry is a vital expression of our communities collective conscience. They rightly express anger and hurt at how our racist legacy manifests itself today.
Our role ....

- We ‘agencies’ (NGOs, courts, govt depts. ..) in the system have a responsibility to use the positives in the current context (new leg - Treaty of Waitangi, UN conventions rights of Child, Maori approaches, new investment) to collectively do better

Way better!
To reflect ....

• This seminar series was triggered by a baby being removed from her mum 2 hours after being born (before the public outcry)

• We know the reality of increasing removal of Māori tamariki. This trend signals fundamental concerns with the legislation (and Expert Panel) and highlights deeper and insidious issues in wider society regarding status of tamariki, role mothering and inequality.
A ‘provider’ perspective?

- ‘Providers’ describes how Government view us.
- We see ourselves as much more – civil society, Māori and Tauwiwi, one of many partners who help weave a healthy social fabric.
- NGO’s hold a significant body of experience that needs to inform a sound system.
- Sadly - we don’t feel our collective insights are acknowledged or that we are working as respected partners.
Dangerous assumptions .... by Government?

- ‘Wellington’ has the solution
- The more expensive the consultant is the better their advice, the more broken the system the more consultants are needed
- Child Youth and Family was beyond repair
- NGO’s don’t understand the complexity and challenges of ‘our’ work
- Programmes (agency, worker) fix people
Dangerous Assumptions – Govt (cont)

• Data on people in the system is best controlled and made sense of, by the centre
• Removing a baby fixes ‘the problem’
• Tamariki exist outside of whānau
• Only families are traumatised (not staff in organisations)
Dangerous assumptions – NGO’s

• We have the answers – give us the money
• Government agencies always do a poor job
• We need to outwardly agree with OT (to keep our funding) - even if we think they are wrong
• We (our agency and staff) fix people
• We are the ‘community’ we speak for whānau
Beyond the assumptions – towards a positive pathway

• Tikanga Māori has maintained (despite waves of oppression) appreciation of our relational existence. A system based on Te Ao Māori will better benefit Māori and everyone - is this a Te Tiriti approach?

• Blame is of limited value – robust collaborative relationships are needed

• We will all get it wrong – sometimes. Robust independent monitoring is critical
Beyond the assumptions – towards a positive pathway

• No-one group / person has ‘the solution’. An open collective response is safest way for everyone.

• CYF was as ‘broken’ as OT is now – nothing has really changed. The cause of the stress on the care system are mostly outside of the care system (racism, poverty, punitive policy, inequality ....). System needs to be informed by complexity thinking.
What we are learning ....

• Being whanau / child led is very challenging to put into practice. But extremely effective when done well.
• Child birth is a positive opportunity. Let’s relish mothers - providing rich support from pregnant mums, babies, whanau.
• Learning is essential – it requires courage
• Complexity demands agile and rapid responses. These can not be delivered in a template driven, overly bureaucratic system
What we are learning ... cont.

• Intensive and early intervention alone make little sense. A poverty, whole system approach means engaging with the whole ‘whānau system’ and creating opportunities for them to lead a restorative process.

• Greatest potential for change is in the local community. Investing in building trust, mutual accountability and understanding between local agencies is invaluable.
What we are learning ... cont.

- We need to deepen our understanding and application of child rights. Applying them can help liberate our system.

- Community / whanau-led responses, done well, trigger the most lasting positive change (whanau ora aligned). The space beyond rigid services is gold. Not many Govt agencies and NGO’s understand how to work alongside community in a way that strengthens it.
Final word

• It is only about relationships

• The most critical relationship in the system is that between the whanau and ‘agency’ there to help

• All policies, legislation, procedures, tools, systems, organisational culture across the system should only exist to strengthen this primary relationship
Solutions – to recap

- Deconstruct corporate Wellington-driven machinery
- Privilege the voice of tamariki and whanau
- Shift the foci point to respectful relationships in local communities between all parts of the system
- Leadership from the top - Parliament needs to evolve – oppositional mode is dangerous to creating consensus required for stable policy and practice
Erin Judge
Chief legal officer, Oranga Tamariki
ORANGA TAMARIKI

Children, Families and the State Seminar 2

Erin Judge - Chief Legal Officer
There is a need to address the over-representation of Maori children in the system. Maori children and young people are twice as likely to be notified to CYF compare to the total population. Potential causes of this over-representation include higher levels of deprivation in Maori families, conscious and unconscious bias in the system, and a lack of strong, culturally appropriate models for strengthening families and child development.

- Modernising Child, Youth and Family Expert Panel report: December 2015
CURRENT STATE: CARE AND PROTECTION SYSTEM

Reports of concern ("Roc") – person who believes child harmed or concerned about their well-being may report that to Oranga Tamariki or Police – s 15 OT Act 91,950 last year
CURRENT STATE: CARE AND PROTECTION SYSTEM

Investigation – when RoC received, the agency must commence an investigation if it appears an investigation is necessary or desirable – s 17(1) – 41,550 last year

Care and protection resource panels
From occupations/organisations (incl. voluntary groups, cultural groups, community groups, agencies concerned with care and protection of tamariki) – s 428 Oranga Tamariki Act

Referral – if after investigation it is reasonably believed that the child is in need of care or protection, the agency must notify a care and protection co-ordinator – s17(2)

Family Group Conference (“FGC”) – co-ordinator must convene an FGC s18 – 8,350 last year (includes follow up FGCs)

Following FGC, some tamariki come into care, most don’t. Final care and protection orders can only be made by the Family Court after an FGC has been held and after parties have been able to provide their views to the Court.
“IN CARE”

Most children removed from the custody of their parents are placed with family. 78 per cent of tamariki Māori are placed in the care of whānau.


*These set out the standard of care all tamariki and rangatahi in care or custody can expect. The Care Standards will also improve the assessment and support of caregivers to help them meet the needs of children and young people in their care.*
Our Journey.

New Zealander’s want change. We all want children and young people to have the opportunity to grow up in a safe and loving environment where they can realise their dreams. This is our chance to do better for children their families and communities. The new legislation will be the biggest shakeup to the sector in 30 years.

Foundation

This is a four to five year journey as the Ministry grows and builds new ways of working to ensure children and young people are receiving the best possible support and care.

1988 Pueo Te atu Tū
“The re-strengthening of hapū bonds and responsibilities, and the funding of group initiatives to facilitate the Māori goal of caring for their own children, offers... the best hope for improving Māori performance”

1989 Children, Young persons and their Families Act
Wherever possible, a child’s or young person’s family, whānau, hapū, iwi, and family group should participate in the making of decisions and... wherever possible, regard should be had to the views of that family, whānau, hapū, iwi, and family group.

1997 Oranga Tamariki Act
“Duties on the chief executive in relation to the Treaty of Waitangi (Te Tiriti o Waitangi)"

2015 Expert Advisory Panel
“An unrelenting approach to reducing numbers of Māori children... coming into contact with the system is needed”
“Focused reporting... on the quality of outcomes for Māori children... progress in reducing the over-representation of Māori young people in the system”

2017 Oranga Tamariki Act
2019 Increasing the quality of care
We’re implementing the new Care Standards; clearly setting out the rights of children in our care and our obligations to meet a broader range of their needs to ensure they can flourish.

2020 Keeping Families Together
After a period of co-design, our new intensive intervention service will start to roll out in earnest; helping those families who need it most to stay together and avoid needing state care.

Future

2021 Intervention Earlier
We’ll begin working with communities on more effective early interventions; making sure that there’s support available for children with wellbeing concerns and their families.

2022 Breaking the Offending Cycle
Our new community placements for young people who have offended will be in place; ensuring we can keep them with their communities and best support them to cease offending behaviour.

Onwards: Better Outcomes for New Zealand
We’re on a journey to help ensure all New Zealand’s children are safe and flourishing at home; and we’ll continue to work with families, communities, iwi and Māori organisations to get better outcomes for our next generation.
DUTIES OF CE IN RELATION TO TE TIRITI

Reducing disparities – s 7AA(2)(a)
The chief executive must ensure that—the policies and practices of the department that impact on the well-being of children and young persons have the objective of reducing disparities by setting measurable outcomes for Māori children and young persons who come to the attention of the department.

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

Strategic partnerships – s 7AA(2)(c)
The chief executive must ensure that—The department seeks to develop strategic partnerships with iwi and Māori organisations, including iwi authorities, in order to—

(i) provide opportunities to, and invite innovative proposals from, those organisations to improve outcomes for Māori children, young persons, and their whānau who come to the attention of the department:
(ii) set expectations and targets to improve outcomes for Māori children and young persons who come to the attention of the department:
(iii) enable the robust, regular, and genuine exchange of information between the department and those organisations:
(iv) provide opportunities for the chief executive to delegate functions under this Act or regulations made under this Act to appropriately qualified people within those organisations:
(v) provide, and regularly review, guidance to persons discharging functions under this Act to support cultural competency as a best-practice feature of the department’s workforce:
(vi) agree on any action both or all parties consider is appropriate.
Pātaı?
Seminar 3:  
Gaining foresight: 
What does a just and supportive system look like?

TBD: November