



Consultation on options to strengthen independent oversight (children's issues and Oranga Tamariki system)

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For: Hon Chris Hipkins, Minister of State Services

Report No: SSC2018/273

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Purpose SWC

Date of meeting 28 March 2018

Minister Minister Sepuloni, Minister for Social Development

Proposal Proceed to targeted consultation on several possible options for organising different independent oversight functions (complaints review, investigation, monitoring and advocacy).

We recommend that you support the proposal.

Key issues The Expert Advisory Panel report that led to the establishment of Oranga Tamariki highlighted that creating a new department with a wider role would have implications for other parts of the system, particularly the scope and resourcing of the statutory role played by the Children's Commissioner. The purpose of this MSD-led Review is to identify:

- the overlaps and gaps in the current and planned mechanisms for monitoring, complaints, investigations and advocacy in services for vulnerable children and young people, in light of the changes to the vulnerable children's system and the Children's Commissioner's wider function of advocating for all children (UNCROC)
- a range of potential reform options (including preferred options) to support the new system for vulnerable children and young people, including what functions, powers and form the Children's Commissioner might have.

The review is being conducted by MSD (the monitoring department for the Office of the Children's Commissioner), supported by SSC. The review is considering the role of other oversight functions including the Chief Executive's

Panel within Oranga Tamariki, the Ombudsmen and the Vulnerable Children's Board.

Work to date has confirmed the original broad thinking on options:

- status quo with enhancements
- a "dual purpose" Office of the Children's Commissioner with more weight given to each of the independent oversight of vulnerable children and wider advocacy for children in general
- dividing these two functions, housing the wider advocacy role in a different organisation to the vulnerable children oversight role.

Our advice

SSC has been involved throughout the process and our analytical tools have been used to develop the options.

Removing a child or young person from their family to place them into care (whether in institutional or foster home settings) involves exercising coercive powers of the State. Adults subject to comparable powers (e.g. prisoners and compulsory mental health patients) have strong legal protections including dedicated independent inspection functions. We see a need for genuinely independent and adequately resourced oversight of the system for children and young people in care.

The status quo - a dual role for a sole Children's Commissioner - creates an ongoing risk of a lack of independent oversight of conditions for children in care. This risk can be mitigated in any of the change options presented, whether the eventual decision keeps all functions in one entity or divides them between two.

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