

# **POSITION PAPER: ORANGA TAMARIKI AND MĀORI CHILDREN IN STATE CARE**

**THE NEW ZEALAND MĀORI COUNCIL**



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## Background

The number of Māori children in State care has not materially changed in more than fifty years with average numbers ranging between 60-70%. More recently data has been released that shows higher than average numbers of Māori children in the care of the State are being abused and Māori children and young people are the dominant population in youth and juvenile detention centers. The challenges and issues facing children in care and whanau was highlighted by the newsroom documentary on the uplift of a baby in Hawkes Bay which sought to light both the process and the rate through which babies are coming into the care of the State. From a Māori Council perspective we believe that change is important and more to the point there needs to be new ways and means to both reverse the number of children entering care and the support provided to Iwi and Hapu to be able to build the capacity and capability to provide direct front line programs and services. This means a bold and new way of thinking that addresses the systemic failures around the care and protection of children in the care of the State and the preventive programs needed at the whanau level to ensure we reduce the reasons through which children come to the attention of Oranga Tamariki and consequently fall into care. In the case of the latter it requires honest and open conversations about whanau and domestic violence and many of the social and economic elements that create or have the potential to foster a harmful environment not just for children but also whanau. This position paper has been developed for the District Chairs of the Council to briefly outline our proposed position and recommended ways forward. It should be noted that the New Zealand Māori Council is not a frontline service delivery agency nor are we a national commissioning agency. It should also be noted that this paper looks at both a national approach and the things that need to be considered when formulating a District by District response – by that Council means every rohe is different. Each rohe faces challenges and opportunities that require specific local knowledge, experience and response. The specific role of the New Zealand Māori Council is to “drive better outcomes for our tamariki, whanau and Māori wherever they may be...”.

## What the data tells us

According to the latest data more than three quarters of the children harmed over the three months to March (2019) in state care were Māori. Over the three-month period over 100 children in state care, though some were living with their parents, were harmed sexually, physically, or emotionally. The latest quarterly report from Oranga Tamariki found 16 cases of neglect, 19 of sexual harm, 54 children that

suffered "non-accidental" physical injury, and 33 children that suffered emotional harm. More than half of children taken from their whānau by Oranga Tamariki are Māori and the number of Māori children taken by the agency has risen since 2014.

## High Level Position

From a very high-level position the New Zealand Māori Council believes the following is fundamental to changing the dynamic when it comes to the child protection and care system in Aotearoa

1. **The need for a standalone and independent child guardian and, therefore, a standalone Māori Children's Commissioner:** Currently the role of the guardian is a person employed by the Department. We believe that this role should sit outside the agency and have dual carriage to both provide support and an independent voice for both the child and whanau. This includes ease of access to legal advice and support and representation where required. Currently the Children's Commissioner can appoint a Deputy Commissioner, Māori and we advocate this happens as soon as possible ahead of legislative change towards a standalone role.
2. **An independent complaint handling process and review of cases:** currently the Ministry of Social Development is developing the structures for what will be an oversight agency of Orange Tamariki or at least the complaint handling process. Council is in favor of this and we have been involved in providing ideas of what it might look like. This includes the involvement of Iwi and Hapu, Māori organisations and community groups as well as embedding tikanga and kanohi Ki te kanohi principles into the framework.
3. **A full review of the subsequent child policy – including the risk profiling and assessment model undertaken by regions and individual social workers.** If a previous child has been removed into the care of the State, the risk is that a subsequent will be automatically taken depending on the situation with the whanau at the time. Up until the birth of the child a plan by the social worker is put into place with the whanau or parent and if the steps are not met then the likelihood of the child being removed is high. That said, the plan might also rely on the availability of services from anger management and violence related support to addiction services, housing availability or secure and safe accommodation. The challenge is the plan may be set up for failure if those services are not available in the location where the parent resides. The view of Council is the need for greater investment into Iwi and hapu social and health services where a gap has been identified with a plan of how that gap can be filled. If existing and specific services are not available, then what is the plan to build the capability and capacity of Iwi and Hapu to step into the breach. What Council does not want to see is a plan put in place where the likelihood of success is negligible through no fault of the whanau or the parent.
4. **A review of legal practice to ensure timely and available access to assistance and support including a clearer understand and campaign about the rights of whanau in respect of the court system.** Many of our whanau do not necessarily understand their rights when engaging with the system from access to information and case notes right through to the legal process itself. This is why Council believes that more needs to be done to educate our people who are part of the system about their rights but also the workforce to encourage better forms of communication when explaining the rights of the child, whanau and parents going through the legal process – including rights of appeal and review.
5. **A review of the procurement system to both encourage, invest in and support more Māori providers entering the system – this includes a review of the accreditation system.** The system

is not set up to encourage greater Māori participation from an organizational perspective and this includes the process of tendering for work, establishing co-investment models or a deep understanding of outcomes required if providing a service. Therefore, Council believes a review of the procurement needs to be undertaken that better enables and empowers Iwi and Hapu service providers to apply and be successful at taking on a great degree of work. In addition, we want to see more work done when it comes to the accreditation of non-Māori service providers who may be providing a service to Māori people or predominately higher Māori population groups. Council is convinced these organisations are good at writing proposals but un-convinced as to their ability to effectively engage with our people and whanau on the ground.

6. **A new workforce development that seeks to build a three tier system of support – community development officers and care support workers within Iwi health / hauora and social services providers;** increase in the number of Māori transitioning from the community care polytechnic certificates into social work degrees / and a review of the structure of social work degrees to lessen the time it can be obtained by also including significantly more of prior learning and lived experience

## Our national position as Māori Council

At the national level the Council is proposing, in addition to the points made above, the following:

1. **A national mentoring network to guide and support our tamariki who have been inside or have experience of the youth and juvenile justice system** – this is to break the cycle of our young people moving into the adult prison system
2. **The instigation of a national program and establishment of whakapapa navigators** – this is to assist our tamariki and whanau no where they come from when it comes to their ancestry and tīpuna, their marae and rohe, their waka and their extended whanau. This connection and service would ensure that more of our children, if needing to be placed, are placed into the care of whanau and extended whanau as opposed to non-Māori
3. **Improved communications and campaigns to reduce the number the instances of whanau and domestic violence, encourage help seeking when it comes to addictions and so on.** This is in addition to a national campaign to better educate our people when it comes to their rights when engaging with the system.
4. **The New Zealand Māori Wardens:** looking at whether the New Zealand Māori Wardens can play a role when it comes to filling the workforce gap currently faced by Oranga Tamariki and whether the powers they have under the Māori Community Development Act (1962) might be applied. This is in recognition that our Wardens already play a significant role in the community with many already engaged in the court and whanau space.
5. **Providing direct advice and insights into Oranga Tamariki policy development and engagement:** this would see Council be able to gather its Districts together and form a better understanding of what is happening locally, identify common threads and trends all in order to develop better practice when it comes to Oranga Tamariki. Council would therefore be constituting a specific national taskforce around whanau and children that would also give it scope around whanau ora.

## Our position in terms of Districts and local rohe

Council recognises that each District of the Council is different and there is nothing stopping our Districts from developing their own programs of work that could be supported by Council. However, our primary focus needs to be on the following:

1. Supporting Iwi and Hapu when it comes to better and more effective engagement with the Agency and the body politic
2. Supporting Iwi and Hapu social, welfare and health services when it comes to building their own capacity and capability to provide more services to whanau, parents and tamariki
3. Advocate, where possible, on behalf of these organisations for better outcomes and a greater degree of investment in capability and capacity building
4. Support Iwi and Hapu when it comes to workforce development and building both a regulated and unregulated workforce
5. Support Iwi and Hapu when it comes to breaking down barriers between government agencies and service providers

## How do we intend to do this?

Council has enacted 7aa of Oranga Tamariki's legislation to look at a strategic partnership with the Agency. This will take the form of an MoU between Oranga Tamariki and the New Zealand Māori Council under the direction of "driving better outcomes for our tamariki, whanau and Māori wherever they may be...". Once the MoU has been signed a working group will be established to then develop up the work program focused on the five following points as a starter:

1. A national mentoring network to guide and support our tamariki who have been inside or have experience of the youth and juvenile justice system
2. The instigation of a national program and establishment of whakapapa navigators
3. Improved communications and campaigns to reduce the number the instances of whanau and domestic violence, encourage help seeking when it comes to addictions and so on.
4. The New Zealand Māori Wardens – their role and potential
5. Providing direct advice and insights into Oranga Tamariki policy development and engagement

## Additional policy statement: financial support for whanau

### Vulnerable whanau tax exemption and supplementary support

Māori Council calls for a vulnerable whanau and families support package – it's time to recognise the contribution of our elders in the care and protection of our children. When it comes to the care and protection of our children the harsh reality is that our elders are the ones providing care. We need to recognise the contribution they make, and we need to do something about it. It is the intention of Council to continue to push for additional support specific to whanau.

The New Zealand Māori Council estimates that there are more than 50,000 such carers across the nation who, unpaid, provide a system of care that is not monetarily valued by the State but is often accessed and used as part of the childcare and protection system. If you were to take a standard working week for a carer and calculate it at 38.5 hours work at \$20 per hour the net annual cost of providing that care would amount to \$40,040.00 per annum. We estimate more than \$2 billion in voluntary forms of care is

provided by elderly New Zealanders each year proving a significant cost saving to the taxpayer and Agencies. Yet, little of this service is recognised - instead we continue to turn to these people for additional care in some of the most complex and complicated of situations.

And by carers we mean not just Māori but non-Māori as well. When we look at the childcare and protection system in New Zealand the standout figure has to be the number of children who are in the care of extended whanau and, in particular, our elders. Increasingly more of our elders are taking on the task of caring and looking after their grandchildren as their own children face challenges from mental health issues, incarceration and high levels of addiction to drugs and alcohol. Many of these elders are meant to be enjoying their later years of retirement but instead a thrust into bringing up children all over again – and this time with the added pressure and stress of finances and cashflow. Even for those who are still working the challenge of putting kai on the table, providing clothing, the basic tools to attend school such as uniforms and stationery can be a burden. And while many press ahead they do so by using what little resources they have and with very little in the way of additional support. Even for those who are caring for mokopuna who are not currently able to access support because of their specific circumstances the financial stress and pressure can be too much.

That is why the New Zealand Māori Council believes that one of the circuit breakers we need to look at as a Government is about providing additional taxation relief and exemptions to our carers over the age of 55. We have called it the vulnerable whanau and family tax exemption and support package that would be applicable to all New Zealanders both Māori and non-Māori. This includes additional tax exemptions for working grandparents per school aged child (Per annum) of \$200 for school uniforms and stationery (or related supplementary allowance), a further energy supplement of \$150 per household per annum and a supplementary allowance of \$500 per annum to assist with kai. The total package would cost on average \$850 per annum and could be administered by the Ministry of Social Development as a series of additional supplementary allowances or additional deductions at tax time across those categories. In addition, we feel that there needs to be a review of carer allowances for those in retirement to supplement national superannuation to bring it in line with the relative cost of living.

The estimated cost of the amounts described would average \$34 million per annum but the return on investment could potentially be measured around the reduction of children re-entering State care and therefore the cost savings that could be achieved. Other return on investment models could also be applied. Of course, the exemption could apply to those under the age of 55 as well with additional modelling to be done.

## **Contacts and version control**

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