

Statement of Intent

2017 - 2021



Statement of Intent for the Office of the Children's Commissioner

1 July 2017 – 30 June 2021

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Foreword from the Children's Commissioner

As I write this, there are approximately 1.12 million children and young people in New Zealand under the age of 18. Each and every one of them deserves the chance to thrive.



When one in four of our people is a child, we all have a responsibility to take care of them, to listen to them, to advocate for them and to ensure their best interests are at the centre of all we do.

By 2021, I'm hopeful that we will have made significant improvements in policies and investments in children's futures to support that happening.

My role has a broad statutory function to advocate for the interests, rights and

wellbeing of children and young people and to monitor the services provided under the Children, Young Persons, and Their Families Act. Those functions guide the work of the Office of the Children's Commissioner.

We will continue our work to encourage Government, Ministers, NGOs and community groups to be child-centred and to ensure that children have a voice in the decisions that affect them.

Now is a time of real change both for children and young people and for the government organisations supporting them. Oranga Tamariki has just launched. Over the next four years the Office of the Children's Commissioner will continue to provide independent advice to help build a world-leading care and protection and youth justice system. We will continue to closely monitor its work with much greater spread.

As Children's Commissioner, I have a two-year term until 30 June 2018 and will be ensuring in that time that my small team of approximately 22 full-time equivalent staff focuses on the issues most critical to New Zealand children and is well-placed to deliver on that through until 2021.

New Zealand is signed up to the United Nations Sustainable Development Goal of reducing poverty in all its forms – including child poverty – by half by 2030. There is a real challenge to make progress over the next three years if we are to reach that target.

The truth is that for children, when analysing their wellbeing, New Zealand is a mix of *"the good, the bad, and the ugly"*. Most children and young people thrive – up to 70%. About 20% do very badly indeed and have very poor life prospects. And a significant proportion, about 10%, is as disadvantaged as any comparable cohort in the western world. New Zealand must prioritise improving outcomes for children and young people and my Office's work will reflect that challenge in its own work.

"Ki te kore ngā pūtake e mākūkūngia, e kore te rākau e tupu –
if the roots of a tree are not watered, the tree will never grow."

Judge Andrew Becroft

Children's Commissioner | Te Kaikōmihana mō ngā Tamariki o Aotearoa

He aha te mea nui o
te ao?

Māku e kī atu, he
tamariki, he taiohi, he
rangatahi.

What matters most
on this earth?

I proclaim, it is the
child, the juvenile, it is
the youth.

Who we are

The Children's Commissioner is an Independent Crown entity established under the Children's Commissioner Act 2003. The Act provides the Commissioner with a primary role to advocate for New Zealand children and young people aged under 18 years.

OUR VISION

Our vision is to ensure that *"New Zealand is a place where all children and young people thrive"*.

WHAT WE DO

Our main functions include:

- monitoring and assessing the actions of Oranga Tamariki and other agencies providing care services under the provisions of the Children, Young Persons and their Families Act 1989 (CYP&F Act)
- monitoring Oranga Tamariki residences as a National Preventive Mechanism in respect of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)
- systemic advocacy and investigation of issues compromising the interests, rights and wellbeing of children and young people
- raising awareness and understanding of the United Nations Convention on the Rights of the Child (UNCROC) and advancing and monitoring the application of UNCROC by the State.

The Office has a range of core services and activities that fulfill our statutory requirements. These core services provide a foundation for our strategic work aimed at improving the wellbeing of children and young people. They include:

- ensuring the voices of children and young people are included in our work and informs the advice we provide
- providing child-centred advice to Select Committees, Ministers, government and non-government organisations
- maintaining a 'Child Rights and Advice' telephone line
- raising awareness of children's interests among New Zealanders generally.

The Treaty of Waitangi continues to be central to the work of the Office and is demonstrated through our tikanga values which set out how we do our work.

Children are sacred beings, they are our Taonga. They are born perfect and innocent. They are shaped by those who care for them. We always act with compassion and empathy, adapting readily to respond to their needs.

We are always about the best possible results for children. We empower others to bring about the best for them. We're independent and always speak out for their interests. We consider the range of needs we have to meet, and make every attempt to get it right.

aroha tika

matau
ranga

pono

Children are our reason for being. They are involved, participate and have input into things we do. We act from a place of knowledge. We work from evidence and advise others based on the things we learn.

We believe honesty and integrity are key to doing our job well. We always report things as we see them and never as how others want them to be seen. We stay true to one important thing: we do as we say we will.

Working in a period of change and uncertainty

A number of factors have come together to place this Statement of Intent for the next four years squarely in the middle of significant change. While we can't predict all the outcomes, it's important to acknowledge the change factors in this report.

First, this is the first Statement of Intent by the current Commissioner, and his term is set to end within this four-year period at 30 June 2018.

The second factor relates to our statutory responsibility to monitor the policies and services under the CYP&F Act. Oranga Tamariki, the new agency delivering care and protection and youth justice services, is still developing and being built. Decisions are still being taken that will affect what is needed from our monitoring. We have been tailoring our monitoring to ensure it is aligned to, and providing valuable input into, the new service design.

Finally, as part of the changes surrounding Oranga Tamariki, a review of the Children's Commissioner has been foreshadowed for 2017/18. It is appropriate to review the functions and operations of the Office, given the changes in the sector that we monitor. We welcome the review and the opportunity to provide some insights and possible improvements to the mandate,

roles and functions of the Children's Commissioner.

Within this environment, we are committed to providing the best possible support for the children and young people of New Zealand.

We have framed our overall intent in this report to continue to

monitor the actions of Oranga Tamariki, and look to improve and align our assessments to the areas that can have greatest impact for Oranga Tamariki in its early stages. We will

also continue to deliver on our other important statutory functions, outlined on the previous page. We will do this while remaining flexible and adaptable so that we are well placed to respond to any changes as a result of our reviews.

We need to envisage a larger office to undertake the changes in the monitoring role being sought. We are also open to, and think we are best placed to assume wider responsibilities regarding independent oversight of complaints and monitoring of non-statutory services. We will be nimble and responsive to these opportunities.

At the same time we need to be vigilant, and continue to advocate for the rights and wellbeing of all New Zealand children and young people.

Across all of our functions we strive to provide quality, timely advice that is fit for purpose and is valued by stakeholders.

Our priorities

ISSUE FOR OUR CHILDREN AND YOUNG PEOPLE

There are just over 1.12 million children and young people in New Zealand – 26 percent of the population. The majority of New Zealand children, young people and their families enjoy a high quality of life and experience good outcomes. However, a significant proportion of our children and young people need extra support and services so they can thrive.

While there are children and young people across all ethnic groups who are achieving excellent outcomes and thriving, we know that there is significant over-representation of Māori children and young people among those experiencing poor outcomes. Extra attention is needed so Māori achieve at the same level as other New Zealand children and young people.

OUR STRATEGIC APPROACH

The Office actively seeks to build relationships and work collaboratively with decision makers to ensure that

children and young people's issues are prioritised in the early stages of policy, legislation and service delivery development. This allows us to be more effective in influencing the priorities and direction of larger organisations.

This means we must be seen as highly professional and

credible by our stakeholders and add value through our contributions.

Central to this approach is consolidating our work into areas where we have a unique perspective or statutory mandate.

Core areas that we focus on are:

- special knowledge and understanding of care and protection and youth

justice based on our monitoring and investigations work;

- expertise in engaging with children and young people, and ensuring their views are heard in decision-making processes;
- understanding of child-centred approaches and the rights of children and young people; and
- a broad perspective of what all children and young people need to thrive, at different ages and stages.

Our role is to support other agencies to develop child-centred policy advice as well as advise them on how they can engage effectively with children, young people and families.

We will continue to invest in our staff and in building our expertise and knowledge base, so that we are the authoritative, independent expert on issues facing children and young people.

OUR MONITORING WILL GROW AND ADAPT

The changes to Oranga Tamariki have put the requirement for greater assurances of the quality of the system and safety of children and young people in care and youth justice in the spot-light. In response, we are planning for a phased expansion of our current monitoring to meeting the changing needs.

We received a budget increase this year to expand our monitoring capacity by approximately 50 percent. We also plan to request increases in out-years to enable the phased expansion. This is all contingent on the review of the functions and operations of the Children's Commissioner that may take place in 2017/18. It is also contingent on future decisions regarding the Oranga Tamariki complaints system.

Given our small size, we need to work strategically and influence others to deliver the services and supports children and young people need to thrive.

We strive to anticipate where we can add most value, and how our unique position can support better outcomes for children and young people.

SETTING PRIORITIES

We understand the range of issues children and young people face. We also understand our operating environment, and where the biggest impact for children and young people may be possible.

We have established five top priorities for 2017/18 that address a combination of persistent issues as well as current ones:

- 1. Achieving better outcomes for tamariki Māori** – we will place a special emphasis on the interests of tamariki Māori in all we do, and encourage others to do the same by advocating for culturally responsive policies and services across government and NGOs to enhance the mana of tamariki.
- 2. Helping build and monitor Oranga Tamariki** – with the new Ministry, Oranga Tamariki, we have the opportunity to build a world-leading care and protection and youth justice system. We will continue to provide child-centred advice on the service design and closely monitor service delivery.
- 3. Encouraging government agencies and NGOs to be more child-centred** – we will encourage more organisations to be child-centred by promoting ways to gather children and young people's views and consider their interests. This approach upholds their rights and ensures better outcomes.
- 4. Improving children's engagement in education** – we want to ensure that all children and young people experience the benefits of active engagement and participation in the education system. We will consider issues such as alternative education, support for children and young people with neurodevelopmental disorders, and an

appeals system from suspensions or exclusions.

- 5. Improving youth justice** – we will advocate for improving conditions for children and young people in the youth justice system. We will focus on limiting use of police cells for young people on remand and promoting community-based remand alternatives.

Finally, we will keep highlighting the major issues facing New Zealand's children and suggesting solutions. Some of our children face unacceptable levels of abuse, neglect, and violence, and the rates of relative child poverty and material disadvantage are profoundly concerning. As a country we can do better.

Work on these five priorities will require coordinated effort across both the Monitoring & Investigations and the Strategy, Rights & Advice teams. We will assess priorities annually and adjust these as appropriate.

The Monitoring & Investigations Team works to improve outcomes for children and young people in Oranga Tamariki care by monitoring the practice of Oranga Tamariki service delivery sites and residences, together with a sample of contracted non-government agencies delivering care services, recommending improvements.

We continue to adapt our approach to monitoring and to ensure the topics of our thematic reviews inform current service design questions. We are proud of our advancements on our monitoring framework to include a Mana Mokopuna lens that ensures our monitoring looks at whether Oranga Tamariki is appropriately supporting the needs of Māori children and young people receiving statutory care and services.

Our goal must be for children and young people to leave the care and protection or youth justice system in better shape than when they entered it.

The Strategy, Rights and Advice Team works to ensure all children and young people's rights are upheld, and we strive for improved well-being and outcomes for all children and young people.

We do this by focusing on three key inter-related activities: child rights, child voices and child-centred policy.

Our work programme also supports the Government's Better Public Service targets to improve outcomes for vulnerable children and young people.

HOW WE CONTRIBUTE TO BETTER OUTCOMES FOR CHILDREN AND YOUNG PEOPLE

For a small agency we primarily measure our impact according to the extent our advice is valued and acted upon. Measures include the numbers of our recommendations that are agreed and implemented and the extent to which our advice resulted in changes to policy, legislation, and service design or service delivery.

Our performance measurement framework is illustrated on page 8. Our Statement of Performance Expectations provides more detail on how we measure our performance and track our outputs, impacts and outcomes.

We are focused on ensuring the quality of our advice and engagement, and aim to measure our impact using stakeholder feedback and measures such as requests for advice and input into the work of other agencies.

In addition to measuring our own outputs and impacts, we will also monitor the wider environment of children and young people's progress. This will include child-poverty related indicators as well as Better Public Services results where applicable.

MONITORING & INVESTIGATIONS ACTIVITY

In 2016/2017 the Monitoring and Investigations team put significant effort into aligning the topics of thematic reviews to the service design needs of

Oranga Tamariki. Our monitoring framework now includes a Mana Mokopuna lens to ensure our monitoring considers whether Oranga Tamariki is appropriately supporting the needs of Māori children and young people.

We will use the increased funding for 2017/18 to provide greater assurance of the safety and wellbeing of children and young people in Oranga Tamariki residences and to help ensure investment in Oranga Tamariki service and systems design and development is maximised for them. Specifically, we will increase our oversight of residences by visiting all Oranga Tamariki residences every six months; investigate serious incidents in residences as required; and conduct one additional thematic monitoring review across a minimum of four Oranga Tamariki supervised group homes and/or contracted care provider services. We will allocate an additional resource of 5.4 FTEs to monitoring activities at various levels.

We are committed to providing quality independent monitoring in this changing environment, and are planning for a phased expansion of our current capacity to meeting the changing needs.

STRATEGY, RIGHTS & ADVICE ACTIVITY

Our Strategy, Rights & Advice activity focuses on:

- providing child-centred advice to Select Committees, Ministers, government and non-government organisations;
- by monitoring New Zealand's progress on implementing the UN Convention on the Rights of the Child;
- collecting the voices of children and young people and ensuring these views inform the advice we provide.

In 2017/18 we are elevating the focus on our work to raise awareness and understanding of the UNCROC by allocating additional resource to this activity. This ensures we can fulfill our statutory obligation. We are working closely with the lead agency, the Ministry

of Social Development, to support the development and progress of an UNCROC work programme, and convene a group of non-government organisations working on child's rights to ensure our efforts are maximized.

We are continuing to expand our approach to gather in child and youth voice to contribute to policy, and have a network of more than 50 schools and other organisations partnering with us.

The Strategy, Rights & Advice team also maintain a 'Child Rights and Advice' telephone line to support parents, caregivers or other members of the public to resolve questions or non-statutory concerns with a child.

HOW DO WE KNOW WE ARE MAKING A DIFFERENCE

Our Statement of Performance Expectations sets out our outputs and the impact we expect from our activities.

Our impacts include robust and credible assessments of Oranga Tamariki performance so that they act on our advice and implement our recommendations. This outcome will be assessed through the percentage of our recommendations being responded to by them.

Across our strategy, rights and advice activity we aim to improve child wellbeing and outcomes for children and young people through influencing others. To be successful we must ensure we provide credible advice that is valued by our stakeholders. We will assess our impact through the percentage of stakeholders that rate their satisfaction with our advice as satisfied or very satisfied.

Performance Measurement Framework

Our Vision	New Zealand is a place where all children and young people thrive	
Outcomes	Children and young people in the care of Oranga Tamariki and those vulnerable to poor outcomes get the services, supports and resources they need to be kept safe and thrive	
	 WIDE RANGE OF GOVERNMENT ACTIVITIES <i>(including cross Government and Non-government activity on the Better Public Service targets for vulnerable children and the Children's Action Plan)</i>	
		
	Monitoring & Investigations	Strategy, Rights & Advice
Our Impacts	Our recommendations for improving Oranga Tamariki systems and other Oranga Tamariki contracted agencies providing care services are agreed and implemented	Advice is valued and sought by stakeholders and is used to shape policy and legislation for children and young people
Our Outputs	Oranga Tamariki sites and residences and a sample of non-government care provider services are visited and assessed and quality reports with robust findings and recommendations are provided to Oranga Tamariki and non-government providers for action	Provision of child-focused policy advice or submissions to select committees, Government departments and Ministers Children's views and voice shared Child Poverty Monitor produced
What we do	Monitor and investigate the quality of services provided to children under the CYP&F Act	Advocate for and advise on the rights and wellbeing of children and young people
How we work	<i>We provide evidence-based, independent advice on the wellbeing of children and young people</i>	

Organisational health

The Office is based in Wellington with 17 staff (15.4 FTE) and the Children's Commissioner. During 2017/18 the number of staff will increase to 24 (22.3 FTE).

CURRENT OPERATING ENVIRONMENT

The current changes to care and protection services, including the new Ministry, Oranga Tamariki, delivering those services, is a significant factor we need to respond to. These changes mean we need to undertake more monitoring, and we also need to continually adapt our monitoring to ensure it is fit for purpose.

To support the changes in our monitoring, we have received a funding increase in 2017/18 and, depending on the outcome of the review, will request further increases in subsequent years.

We are also faced with ongoing cost pressures and maintaining the delivery of our other functions to existing levels will require us to draw down against reserves.

We will monitor our financial situation closely and will need to adjust the scale and scope of our activities depending on the level of funding available from 2018/19 and out-years.

EFFECTIVE AND EFFICIENT SYSTEMS AND PROCESSES SUPPORT THE OFFICE

Our objective is to ensure that the Office is respected as a credible, well-informed and a considered voice for children and young people and as an active monitor and accurate assessor of the quality of services provided to children and young people under the CYP&F Act, and that appropriate systems and supports are in place.

Good employer practices and Equal Opportunities statement: The Office encourages the achievement of a work-life balance and supports staff through

flexible working arrangements. It takes a flexible approach to part-time work.

Competency Framework: The Office has a competency framework that guides our recruitment and the development of our staff.

Training and development: Staff have access to mentoring/coaching and professional development. The Office has a dedicated staff training budget. Performance management processes are embedded and linked to the deliverables expected of the Office.

Organisational design: The Children's Commissioner is a 'corporation sole' and is 'the board' for the purposes of parts of the Children's Commissioner Act 2003. The Commissioner oversees all aspects of the Office's operations. Certain functions are contracted out in full, or in part, such as information technology, web design, and financial accounting services.

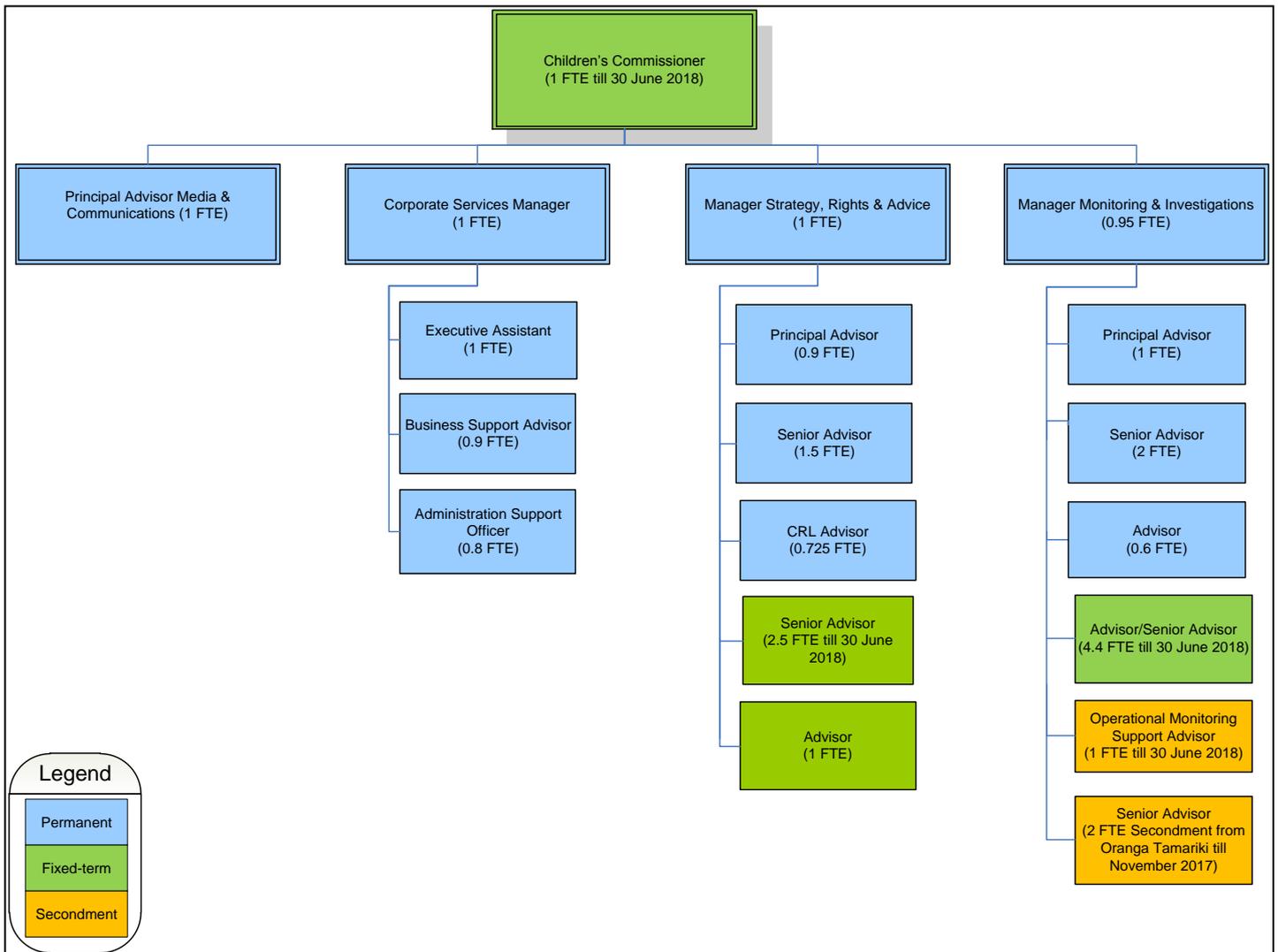
Systems: Information technology is a critical component in supporting the Office's strategy. All components of information technology are outsourced. This arrangement allows the Office to enhance its business continuity and disaster recovery arrangements, and to maximise the effectiveness of the Office's expenditure.

Accommodation: The Office co-locates with SuPERU to ensure value for money. We have maximized use of current space, and with the associated increase of new staff members, we will need to explore other accommodation solutions.

Organisational structure

The structure of the Office, excluding the Commissioner, consists of 15 (13.4 FTE) permanent staff and 2 (2 FTE) fixed-term staff paid for out of our current funding. With the additional funding for 2017/18 and from our reserves, we will be appointing 7 (6.5 FTE) fixed-term staff and a permanent staff member will increase their appointment by 0.4 FTE. In 2017/18 the Office will have 24 (22.3 FTE) staff members.

Below is our organisational structure showing the different teams and numbers of staff.



Risk Management

The major risks to which we are exposed and our responses to these are:

Risk type	In response, our office will:
<p><i>Financial:</i> the Office received a \$0.5m budget increase for 2017/18. This one year increase carries uncertainty.</p> <p>The Office will require further baseline funding from 2018/19 to be able to deliver all of its statutory functions to a satisfactory level and respond to the changes signaled for increased monitoring of Oranga Tamariki.</p>	<p>Apply for a baseline funding increase in the 2018/19 budget process.</p>
<p><i>Staff capacity and capability:</i> There is a risk that with current uncertainty and fixed-term nature of roles that we do not have sufficient capacity in the office to deliver on all of our functions to the level of quality required.</p> <p>There is a risk that needed capability will take time to develop, as we recruit for new roles and getting staff up to speed.</p>	<p>Recruitment, induction, performance management and retention strategies are in place to ensure that the required skills are developed and maintained.</p>
<p><i>Changes to our mandate:</i> The risk that the review of the Office results in changes to our roles and functions.</p>	<p>Plan scenarios and keep apprised on the progress of the review.</p>
<p><i>Accommodation:</i> Existing accommodation reflects minimum requirements for current staff. We will need increased accommodation for new staff from the budget increase, with on-going cost implications if funding ceases. We currently sub-let floor space from SuPERU, and additional space on the same floor may not be available.</p>	<p>Investigate alternative accommodation solutions for the short and medium term needs. Keep informed on situation with SuPERU lease.</p>

Consultation and reporting to the responsible Minister

The Children's Commissioner has agreed a Statement of Performance Expectations with the responsible Minister, setting out details on the way in which the Commissioner will continue to consult and report on the Government's purchase interests in the Office.

Reporting will include:

- regular meetings with the responsible Minister and briefings on issues relating to the interests, rights and well-being of children;
- regular reports on output delivery, key developments and financial reports.

The Commissioner will continue to work with the Minister on a "no surprises" basis and raise issues at the earliest opportunity rather than waiting for formal reporting to be done and continue to brief the Minister on significant publications, speeches and releases.

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