

## About the Office of the Children's Commissioner

We work to ensure that New Zealand is a place where all children & young people thrive. We are an independent Crown Entity established under the Children's Commissioner Act 2003.

## Our priorities

At the start of 2017, the Commissioner set five priorities for the Office that guide & inform our work.

### 1. Achieving better outcomes for tamariki Māori

We will place a special emphasis on the interests of tamariki Māori in all we do, & encourage others to do the same by advocating for culturally responsive policies & services across government & NGOs to enhance the mana of tamariki.

### 2. Helping build & monitor Oranga Tamariki

The Office will continue to provide child-centred advice on the service design of Oranga Tamariki & closely monitor its service delivery.

### 3. Encouraging government agencies & NGOs to be more child-centred

We will encourage organisations to be more child-centred by promoting ways to gather children's views & consider their interests. This approach upholds children's rights, ensures better outcomes, & means better decisions are made.

### 4. Improving children's engagement in education

We want to ensure the benefits of active engagement & participation in the education system are experienced equally by all children. Areas of focus: alternative education, those with neurodevelopmental disorders, & on an appeal system from suspensions or exclusions.

### 5. Improving youth justice

We advocate for improving the conditions for children & young people in the Youth Justice system. We have recently called for an end to the inappropriate use of police cells for young people after their first court appearance & on promoting community-based alternatives. We will retain our strong monitoring focus on the nine Youth Justice & Care & Protection residences.

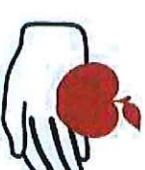
## United Nations Convention on the Rights of the Child

The Convention underpins all of our work.

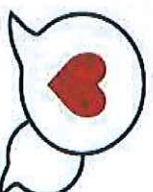
These four elements represent the essence of the Convention.



PROTECTION



PROVISION



PARTICIPATION



PROMOTION

## We monitor how well New Zealand children are doing

We look at how well New Zealand children are doing in four broad categories:

- Protection from all forms of cruelty, abuse & neglect.
- Provision of all services & supports for life, survival & development.
- Participation in decisions that affect them, & having their voices & views heard.
- Promotion of their best interests & well-being, & ensuring all rights are upheld.

For children in care & in the youth justice system, we have an added legislative mandate to monitor these same UNCROC principles to greater depth. We use all our monitoring to identify areas of concern, provide advice to agencies, & advocate for better outcomes for all children.

More information: [www.occ.org.nz](http://www.occ.org.nz)

Twitter: @OCCNZ Facebook: [childrenscommnz](https://www.facebook.com/childrenscommnz)



## Our Monitoring team

- Monitor & investigate the actions of Oranga Tamariki & other agencies (currently Barnardos) providing care services under the provisions of the Oranga Tamariki Act 2017
- Assess sites & residences to ensure they are delivering child-centred services & are achieving the outcomes that children & their families/whānau need, especially for the tamariki Māori who make up over 65% of their client group.
- Undertake thematic reviews across a sample of sites gathering the experience of children & families in the statutory system & assessing performance
- Also monitor Oranga Tamariki residences under the Optional Protocol to the UN Convention on Torture (OPCAT)<sup>1</sup>
- Review s47\* reports under the Oranga Tamariki Act
- Oversee the residence grievance process

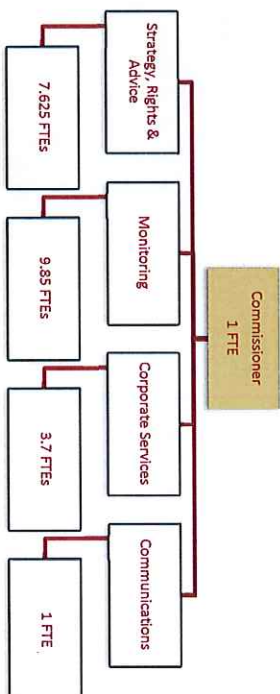
## Our Strategy, Rights & Advice team

- Monitor the well-being of children & young people, & advocate for systemic changes to provide better outcomes, in line with our statutory role to uphold & promote the Convention<sup>2</sup>.
- Provide independent advice to Select Committees, Ministers, Government agencies, & Crown entities on policy & legislation on the interests, rights & well-being of children.
- Advance & monitor how children's rights are applied & upheld by the State.
- Support children & young people to have a say in matters that affect them, & use their views & voices to inform our submissions & advice to agencies.
- Maintain a child's rights and advice line that supports and encourages callers to put children's rights and needs at the centre of their thinking.

1. Optional Protocol to the United Nations Convention against Torture & Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)
2. United Nations Convention on the Rights of the Child

\* Where a child or young person is placed in the custody of the chief executive under section 39, 40 or 42 & is released within five days from that custody before being brought before the Court, a report is to be sent to the Children's Commissioner.

The Current Commissioner is Judge Andrew Becroft. Prior to taking up the role on 1 July 2016, he was the Principal Youth Court Judge from 2001. His current 2-year term is due for consideration on 30 June 2018.



- Total of 23.18 FTEs including the Commissioner
- OCC appropriation funded positions are 15.88 FTEs.
- The remaining positions (7.3 FTEs) are fixed term until 30 June 2018.
- One-off appropriation funding of \$500,000 is for 4.3 FTEs plus operating costs, & reserve funding of \$235,000 is for 3 FTEs

## Keeping you informed

- You will receive:
- Quarterly reports on our activities & progress (2 in-depth & 2 summary)
  - Monitoring reports throughout the year that assess the performance of Oranga Tamariki sites & residences
- The Commissioner is available to meet with you regularly to discuss our activities & progress
- We will always inform your office in advance of upcoming publications, speaking events, & issues that may generate media interest. There will be no surprises.

## Upcoming publications

- The Annual Audit has been completed. The Annual Report for 2016/17 is being finalised & will be tabled in early November.
- UNCROC Monitoring Group report on child's rights (Nov)
- "State of Care" report on Family Group Conferences (Nov)
- Release of the 2017 Child Poverty Monitor in conjunction with J R Mackenzie Trust & Otago University (Dec)

## Our budget position

2017/18 Budget	Amount (000s)
Crown Revenue	\$2,657
Other Revenue	\$68
Interest	\$20
Total Revenue	\$2,745
Personnel Expenditure	\$2,505
Operating Expenditure	\$468
Projects	\$83
Depreciation	\$8
Total Expenditure	\$3,064
Projected Deficit \$ (Covered by spending reserves)	\$319
Reserves at 1 July 2017	\$763
Reserves at 30 June 2018	\$444

## Budget bid for 2018

The Office received additional funding of \$0.5 million for 2017/18 to enhance mainly the monitoring but also the strategy functions.

We propose an increased Budget 2018 bid of <sup>9</sup> ~~(2)~~ <sup>(1)</sup> to ensure continued support for the expanded monitoring & enhanced strategy functions for another year, while future needs are still being determined.

## Decisions you will need to make regarding the Office

- Budget bid for 2018/19
- Commissioner's term due for consideration
- The review currently just underway of the monitoring & complaints system for children



# Opportunities to make a real difference for children

The issues, how we can help, & what Government can do

## Reducing child poverty

*Almost 300,000 children are in income poverty, 155,000 children are living in material hardship (go without 7 or more things they need for their wellbeing) & 90,000 children live in low income households & in material hardship.*

Poverty affects physical & mental health, education & life outcomes. Poverty is not just financial & material hardship, it also is about children having less time with their parents & few opportunities & experiences for children.

The 5th Child Poverty Monitor will be published in December.

In 2012, an Expert Advisory Group provided 78 recommendations. Some progress has been made but there is opportunity to do more. We see many examples of positive change underway in communities.

We could do more to share best practice & provide guidance for business, philanthropic, local government & community sectors on how to have greater impact on reducing & mitigating child poverty, aligned to the Government strategic plan.

We welcome the new initiatives including the Families Package, the Best Start scheme, increasing the Accommodation Supplement & Working for Families payments, as well as a dedicated Ministerial role for Child Poverty Reduction, along with legislation & targets. Commitments to housing quality & affordability are also welcome.

A full review of rates & practices to ensure beneficiaries are getting their full entitlements, Universal Child Support payment for ages 0-5, as well as measuring financial policies against their impact on children & assessing progress at each Budget, would also make a substantial difference to children's lives.

## Enabling tamariki Māori to fulfil their potential

*25% of New Zealand children identify as Māori.*

Our existing systems – including education, health, care & protection, youth justice – are not supporting our tamariki Māori to thrive. Rather, they are too often setting them up to fail.

Supporting tamariki Māori to thrive means understanding how connection to whānau, hapū & iwi culture & identity foster better outcomes. Our office is on a journey to deepen our understanding & ensure our advice across all sectors will bring about meaningful change. This is especially true of the care & protection & youth justice systems.

We encourage Government to have clear expectations that all service providers working with mokopuna & whānau are culturally competent & have strong relationships in place with hapū & iwi.

We continue to support the Whānau Ora approach & encourage government to promote active collaboration & coordination across all agencies working with mokopuna & whānau. We also encourage government to address system & unconscious bias.

## Providing a world-leading care & youth justice system

*5,000 children are in care & protection.*

Children experiencing the care & youth justice systems need the best support possible to give them good life chances. Oranga Tamariki is an opportunity to build a world-leading care & protection & youth justice system. It must meet the needs of children & whānau so children have the best possible platform for a good life.

Significant change has already occurred. Further disruption to the system could put children at greater risk.

Based on our understanding of what children & their families need & what good care should look like, we are providing child-centred advice to Oranga Tamariki on the way services are designed.

We also provide independent, evidenced advice on the direction & progress of the new organisation, & the care children are experiencing.

Independent monitoring strengthens the whole system & significantly reduces the risks of system failure or abuse. We closely monitor Oranga Tamariki's service delivery, listening to children, whānau, staff & stakeholders identifying strengths & making recommendations for improvement.

The transformation of Oranga Tamariki still has a long way to go. It will be important for the Government to act early to confirm or amend the original vision & make sure the changes are moving in the right direction.

Increasing our relatively limited capability to monitor all aspects of the care & protection & youth justice system would help improve the system & build public confidence. Our vision is of a whole system response where children & families get the right help early, resolving problems before state intervention is needed.



# Opportunities to make a real difference for children

## Upholding children's rights

New Zealand signed the United Nations Convention on the Rights of the Child (The Convention) nearly 25 years ago. However we have not been taking opportunities to fully reflect the promises to children or consider how this comprehensive framework can help address children's needs.

We monitor how well the Government is upholding the rights of children through the Convention.

We are about to release a report on progress in the last 12 months. We also advise government agencies & NGOs on how to develop child-centred policy, aligned with child rights.

We encourage Government to have clear expectations that all agencies will take the opportunity of legislative & policy change to ensure we consider the impact on children & their rights. Where children are the main target of legislation, policy or practice, children's best interests should be the guiding priority.

## Hearing children's voices in policy & decision-making

*1.1 million children are 23% of the population and need their voices heard.*

Children have the right to participate in decisions that affect them. Gathering children's views & considering their interests will ensure that policies meet their needs & better decisions are made.

Through our 'Mai World: Child & Youth Voices' work, we collect & share the views of children. We encourage government agencies, schools & NGOs to listen to children & consider their views. This results in better policy-making & supports young people to be engaged citizens.

Consultation processes, including Select Committee & agency policy development, should consider how to support children to have a say in matters that are relevant to them. With increased resources, we could help improve public sector policy development & consultation processes, providing children's views as well as practical child-centred tools & training.

## Healthy start to life for all children

*60,000 babies are born every year, & all of them need the best start.*

The first 1000 days of a child's life is crucial. This is a short period to have a huge & long-term positive impact on a child's life. This is true for all babies, but especially for those in environments prone to toxic stress – the combination of multiple and prolonged stressors. This stress affects parents' abilities to plan, focus attention, prioritise tasks, & control impulses. In turn, this affects the early lives of children.

We advocate for supporting parents with positive, strength-based approaches starting in pregnancy & spanning the early years will provide the greatest benefit for babies & their families.

We would urge the government to invest greater resources in the first 1000 days, & particular look to support community-based initiatives where families with multiple stressors will already be engaged.

## Reducing harm to young people in the youth justice system

*2500 young people are dealt with through youth courts & Oranga Tamaki.*

Some of the greatest risks of harm to young people in NZ are in our youth justice system. We need remand care options which can keep young people safely within their families & communities, prevent them being held in adult police cells & reduce the rates of detention in youth justice residences.

We continue to call for alternatives to placing young people held on remand in adult police cells & increased community based care options for young people remanded into custody by the Youth Court.

We monitor the nine Youth Justice & Care & Protection residences & our State of Care 2017 report focused on the care young people experience in residences. We also have completed a thematic monitoring review into community-based remand care which is currently informing youth justice service design.

As a priority, we call for no young people to be remanded to police cells either pre or post a Youth Court appearance & no mixing of remanded & sentenced young people in youth facilities. We welcome the focus on the full implementation of international justice standards for young people.

## Improving participation & retention in education

*750,000 children are in the education system in any year, & 20% are struggling.*

We need to ensure that all children are engaged in education, particularly those who need additional supports. Participating fully in education is essential for children to achieve their full potential. It is also their right.

We focus on systemic issues across the education system where advocating for improvements will make the most difference. For example, have been raising awareness of children's neurodevelopmental disorders & how they could better supported by schools to achieve. We have been challenging schools to be more child-centred, & to adopt an appeal system from suspensions or exclusions.

We welcome the approach to breaking down barriers to participation at all levels & ensuring an inclusive education system.

Important steps you could take to trigger system-wide change could include:

- implement a policy of no exclusions from schools
- doubling budget for the ORS
- design a new assessment & eligibility system for learning support that is fair & transparent to make sure that children get what they need.