

Statement of Intent

2021 – 2024

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

1 July 2021 – 30 June 2024

Presented to the House of Representatives pursuant to Section 149 of the
Crown Entities Act 2004

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Statement from the Children's Commissioner

There are 1.2 million mokopuna¹ under the age of 18 in Aotearoa New Zealand.

Children are a core part of our society. However, they are not included in our democratic process; they have no vote and often no voice in major decisions that impact them. Children often have limited power or influence. It is the role of the Children's Commissioner to be their voice: to encourage organisations to listen to mokopuna and to act in their best interests, to advocate for improving the wellbeing of mokopuna, and to raise awareness of issues that impact on, and threaten, their wellbeing.

We are on the cusp of significant change in both how we are structured and our statutory functions. As part of changes to strengthen oversight of the care system, the Independent Children's Monitor will be responsible for monitoring Oranga Tamariki system and services. That will mean our functions under S13 of the Children's Commissioner's Act 2003 will be repealed. We will adapt to these changes and work alongside the Independent Children's Monitor and Ombudsman to support them in their new roles. We will also continue to monitor places of secure detention, including Oranga Tamariki care and protection and youth justice residences, to ensure the treatment and conditions comply with our national and international requirements under our OPCAT designations.

At the same time, the proposed legislative changes will refresh our statutory functions related to individual and system advocacy, upholding child rights and supporting mokopuna to have a voice and be heard. Additionally, for the first time, our obligations under Te Tiriti o Waitangi will be explicitly included in our legislation. We will work to align our work to reflect the new functions as they come into effect.

We expect to see changes to the structure of our organisation into a Commission. This will mean having a Board and a lead commissioner, as well as establishing a chief executive role, and other changes to align with our refreshed functions.

It is expected that these legislative changes will likely come into effect by mid-2022/23, in the middle of this Statement of Intent period. The future of the Office into the second half of this period will be built on the legislative changes, and a vision of strengthened advocacy.

In the meantime, our Office will continue honouring Te Tiriti o Waitangi through action. Led by the Assistant Māori Commissioner for children, our anti-racism

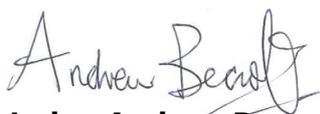
¹ In Te Ao Māori we are all mokopuna, no matter our culture or background. By using "mokopuna" to talk about children and young people aged under 18 we are acknowledging their connection to family, to hapū and iwi, and to their ancestors and descendants. It's saying that who they are matters, throughout every stage of their life.

strategic priority will provide the framework both for improving our own capability to embed Te Tiriti in all our work, while also challenging the public sector to identify the impact of racism on mokopuna in its work and to tackle that.

While these changes and this time of transition will undoubtedly impact our organisation, our focus will remain on advocating for the best interests of children. The new priorities set for this period have been developed based on what we have heard from mokopuna and our understanding of issues impacting their lives. These priorities – (1) advocating for the elimination of racism in the public sector and advancing by Māori for Māori approaches; (2) prioritising children’s views and increasing public sector capability to listen and act on them; and (3) advocating for improved mental wellbeing for children, young people, and their whānau – are opportunities to bring big transformative changes to children, now and in the future.

Demand for the advice and support from the Office by government agencies is high, and particularly so from agencies wanting to engage with mokopuna. We continue to do what we can with our limited resources and are disappointed to find ourselves increasingly turning down, or missing important opportunities to support, agencies requesting our help to hear the voices and views of mokopuna in policy development. We aspire to grow this function if funding was available.

I am proud of the organisation I lead. We are a good team. It has been a honour and privilege to serve in this role. It comes with huge opportunities and many challenges. I and our Office feel a great sense of obligation to ensure all children thrive and flourish. As I soon hand over to the next Children’s Commissioner, I am reminded of the whakatauki “Ko te pae tawhiti, whāia kia tata; ko te pae tata, whakamaua kia tīna *Seek out distant horizons and cherish those you attain*”.



Judge Andrew Becroft

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

Acknowledging input, assistance and shared leadership from



Glenis Philip-Barbara

Assistant Māori Commissioner | Kaikōmihana Māori mō ngā tamariki o Aotearoa

Who we are

The Children's Commissioner is an Independent Crown Entity established under the Children's Commissioner Act 2003. The Children's Commissioner advocates for the 1.2 million people in Aotearoa New Zealand under the age of 18. The Commissioner has a small office of 36.3 FTE that support him to fulfil the statutory functions.

Our Vision – Te Moemoea

All mokopuna live their best lives; Kia kuru pounamu² te rongo.

This means every child in Aotearoa, regardless of their background, grows up knowing they belong with a whānau that has what they need to thrive. It also means mokopuna have a say about what really matters for them, and that their rights are honoured by those in power.

What we do

The Office of the Children's Commissioner advocates for system change so Aotearoa New Zealand works better for mokopuna in every way, throughout their entire life. For us, child wellbeing is about whānau wellbeing.

We are committed to honouring and embedding Te Tiriti o Waitangi in all our work. Alongside that we have three key roles under the law³:

- **Advocating** for the rights⁴, interests and wellbeing of New Zealanders under the age of 18, including implementing the UN Convention on the Rights of the Child
- **Monitoring** places where mokopuna are detained and services that care for them
- **Ensuring** the voices of mokopuna are heard and acted on by decision makers.

² A child cherished by their whānau.

³ In addition to our functions in the Children's Commissioner Act 2003, we also have specific statutory responsibilities under several other Acts : Oranga Tamariki Act 1989 / Children and Young People's Well-being Act 1989; Oranga Tamariki (Residential Care) Regulations 1996; Crimes of Torture Act 1989 (COTA); Human Assisted Reproductive Technology Act 2004.

⁴ As articulated in Te Tiriti o Waitangi, the United Nations Convention on the Rights of the Child and other international instruments.

We achieve change by

- Listening – to the voices of mokopuna and their whānau to guide our work
- Influencing – so decision makers prioritise structural change for the long-term wellbeing of mokopuna
- Advocating – to raise awareness of the rights, interests and wellbeing of mokopuna
- Monitoring – to ensure monitoring in places of care and detention are safe and heard
- Amplifying – the voices of mokopuna in decision making
- Growing – understanding of *by Māori for Māori* approaches in our work and the public sector
- Building – community partnerships to expand our impact.

How we contribute to better outcomes for mokopuna

Strategy, Rights & Advice activity

- Advocate for systemic changes on issues that affect mokopuna, including researching and raising awareness of these issues.
- Provide independent advice to Select Committees, Ministers, Government agencies, and Crown entities on policy and legislation on the interests, rights and well-being of children.
- Encourage participation and voice of mokopuna, including modelling and promoting best practice engagement, sharing the voices we hear, and providing advice and resources for practitioners.
- Raise awareness of children’s rights and monitor how they are being upheld and advanced by the state, in line with our statutory role to uphold and promote the Children’s Convention.
- Maintain a Child Rights and Advice service that provides information, advice and individual advocacy for children (in certain circumstances).
- Delivering on the Commissioner’s key priorities.

Our work and expertise in hearing and sharing the voices of mokopuna is an area where our advice and support is in particular demand. We have developed a model for expanding this work through a hub, or centre of excellence, which we hope to attract funding for in the near future. Throughout this period, we will ensure our focus aligns with new legislative functions that will be in place in 2022-23.

Development, Monitoring & Investigations activity

We are committed to providing quality independent monitoring in this changing environment. Our statutory responsibility for monitoring and assessing the policies and services under the Oranga Tamariki Act 1989 remains until the legislative changes are made.

Our role in monitoring places of detention for mokopuna continues under the Crimes of Torture Act 1989. Our list of designations was recently expanded to include 16⁵ Remand Homes and three Secure Youth Mental Health and Forensic Inpatient services. We will also continue to visit four secure Care and Protection and five Youth Justice residential settings and three Mothers with Babies Units in adult prisons, to assess the conditions and make recommendations to ensure the wellbeing of mokopuna in these facilities.

Even without our mandate under s13 of the Children's Commissioner Act 2003, we are still assessing whether the size of our monitoring team is sufficient to undertake the expanded monitoring of places of detention. Currently, we do not receive specific funding to carry out these Crimes of Torture Act 1989 designations.

We will work alongside the Independent Children's Monitor and Ombudsman to ensure the transition of monitoring and complaints functions in the care system is a smooth one.

Working in a period of change and uncertainty

This Statement of Intent sits squarely in the middle of significant change for the Office of the Children's Commissioner.

Significantly, the legislation setting out our statutory responsibility and functions is being refreshed. The revised focus will strengthen our vital role as an independent advocate for the rights, interests and wellbeing of all Aotearoa New Zealand Children. We will continue to promote the rights of children, to advocate for their best interests and ensure their voices and views are heard.

However, the system providing oversight of the care system is undergoing legislative change, and we will no longer have statutory functions to monitor and assess the policies and services under the Oranga Tamariki Act 1989. While we continue to have statutory responsibility for monitoring until the legislative changes are enacted, a new entity, the Independent Children's Monitor, is already in place and beginning to monitor some care standards. Over time the Independent Children's Monitor will

⁵ To increase to 32 by 2023

expand monitoring across various aspects of the care system, as set out in the new legislation.

While our current statutory monitoring will transition to the Independent Children's Monitor, we remain designated as a National Preventive Mechanism under the Crimes of Torture Act 1989.⁶ This means we will continue to assess the conditions and wellbeing of children in secure detention – secure Care and Protection and Youth Justice residential settings, Secure Youth Mental Health and Forensic Inpatient services, Remand Homes, Mothers with Babies Units in adult prisons – and make recommendations.

A further factor contributing to significant change in this period is the intention to change the organisational model of the Office of the Children's Commissioner. Currently, the Commissioner has sole responsibility for all governance and management functions of the organisation. We understand the intention is to transition to a Commission in 2022-23, where a Commissioner and small board will share governance responsibilities, and be supported by a Chief Executive managing the operations. With this change, we will remain an Independent Crown Entity.

Finally, this is the last Statement of Intent by the current Commissioner, and his term is set to end 31 October 2021. Given the need for final decisions on the new structure and functions for the current Office of the Children's Commissioner, arrangements for recruitment have not progressed.

Within this environment, we are committed to providing the best possible support and advocating for the mokopuna of Aotearoa New Zealand.

Implementing the changes to our structure and functions will require a change management plan. It is impossible for this Statement of Intent to prescribe the outlook beyond these changes, but we are committed to being nimble and responsive to all changes and opportunities.

⁶ Crimes of Torture Act 1989 is the Act implementing New Zealand's ratification of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Our Priorities

Improving lives for mokopuna

There are nearly 1.2 million mokopuna in Aotearoa New Zealand – 24 percent of the population. The majority of these children, young people and their families enjoy a high quality of life and experience good outcomes. However, a significant proportion of our mokopuna need extra support and services so they can live their best lives.

For about 70 percent of Aotearoa New Zealand's 1.2 million children that goal is fulfilled. By and large they are doing well. But for 30 percent of mokopuna there is much work to do to ensure they can also thrive. On many measures, about 20 percent are doing it tough, and 10 percent experience persistent, intergenerational, life-damaging disadvantage.

While there are mokopuna across all ethnic groups who are achieving excellent outcomes and thriving, there is significant over-representation of mokopuna Māori among those experiencing poor outcomes. Extra attention is needed to address systemic inequities for mokopuna Māori.

We are also concerned about the disproportionate levels of low wellbeing for Pacific children and those with disabilities.

Our strategic approach

The Office actively seeks to build relationships and work collaboratively with decision makers to ensure that issues for mokopuna are prioritised in the early stages of policy, legislation and service delivery development. This allows us to be more effective in advocating for the rights, best interests and views of mokopuna to be considered.

To ensure that our work is credible, professional and impactful we have:

- expertise in engaging with mokopuna, and ensuring their views are heard in decision-making processes
- understanding of child-centred approaches and the rights of mokopuna
- a broad perspective of what all mokopuna need to thrive, at different ages and stages
- special knowledge and understanding of care and protection and youth justice-based services.

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

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 mokopuna.

Setting priorities

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

We have established a solid platform of work that contributes to improving the wellbeing of mokopuna. We work to ensure the rights of all mokopuna are upheld, and strive for improved well-being and outcomes for all mokopuna. We do this by focusing on three key interrelated activities: child rights, child voices and child-centred policy.

Our work programme also supports the government's Child and Youth Wellbeing Strategy.

In addition, we have established a set of three priorities that have the potential to contribute to transformational shifts for mokopuna:

Advocating for the elimination of racism in the public sector and advancing by Māori, for Māori approaches for mokopuna Māori

When racism is eliminated from the public sector, tamariki and rangatahi across Aotearoa will achieve their potential as Te Tiriti o Waitangi intended.

The OCC will model positive approaches to Te Tiriti o Waitangi as a crown agency through our leadership model, and respect for and engagement with mātauranga Māori in relationship with whanau, hāpu and iwi.

The first priority is to amplify by Māori for Māori approaches, and the voices and experiences of Māori and care-experienced whānau, to influence decision-makers during this critical period of ambiguity in the care and protection system.

Prioritising the views of mokopuna and increasing public sector capability to listen and act on them

OCC's vision is that within the context of Aotearoa, mokopuna will have their perspective sought, listened to, and given due weight in all decisions that affect them.

In order to achieve this, we will expand our capability and the capability of others, to listen to, and share, children's views, through meaningful participation.

Advocating for improved mental wellbeing for mokopuna and their whānau

Advocating for improved mental wellbeing for mokopuna and their families and whānau, needs a focus on structural enablers through a child's life journey.

The OCC aims to increase the understanding of decision-makers, policy and public that drivers of mental wellbeing are structural (poverty, inequities, discrimination, climate crisis and toxic stress), and that solutions must address these structural foundations of wellbeing.

Our impact

The impacts we seek are:

- Every mokopuna knows they belong with their whānau
- Mokopuna and whānau at the centre of decision-making
- Whānau have what they need to live good lives
- *By Māori for Māori* approaches for mokopuna
- Agencies prioritise structural enablers that achieve life-long wellbeing for mokopuna
- Government responds to the voices and views of mokopuna
- Agencies identify the impact of racism on mokopuna and tackle it.

How do we know we are making a difference?

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. We acknowledge that precise measurement of our contribution to change is difficult.

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

Our Statement of Performance Expectations provides more detail on how we measure our performance and track our outputs, impacts and outcomes. For example, our measures include assessment of how Oranga Tamariki act on our advice and implement our recommendations. Of course, the greatest measure of our impact in monitoring is the feedback we receive from mokopuna.

Across our strategy, rights and advice activity, our measures include the percentage of stakeholders that agree our advocacy activities contributed to improving the wellbeing of mokopuna.

Implementing our new legislation provides an opportunity to develop an updated framework for monitoring impact across our functions.

Organisational health

The Office is based in Wellington with 37 staff (36.3 FTE) and the Children's Commissioner.

Current operating environment

The current changes to the oversight of the care and protection services, and resulting updates to our legislation, structure and functions all represent significant change in the coming years.

We will require a change management plan with funding for implementation.

We are also faced with ongoing cost pressures across salaries, rent and upgrading our IT infrastructure, that require close attention.

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 2021/22 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 mokopuna. We also strive to be a fair monitor and accurate assessor of the quality of services provided to mokopuna under the Oranga Tamariki Act, ensuring 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.

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.

Flexible and inclusive workplace: We are a welcoming and inclusive office. We celebrate the diversity of our staff and accommodate and support staff with disabilities. We practice flexible work arrangements and, post-COVID, are in the process of updating our flexible work policies.

Organisational design: The Children's Commissioner is currently 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. A new structure with a small governing board and a Chief Executive will be transitioned to by 2022/23.

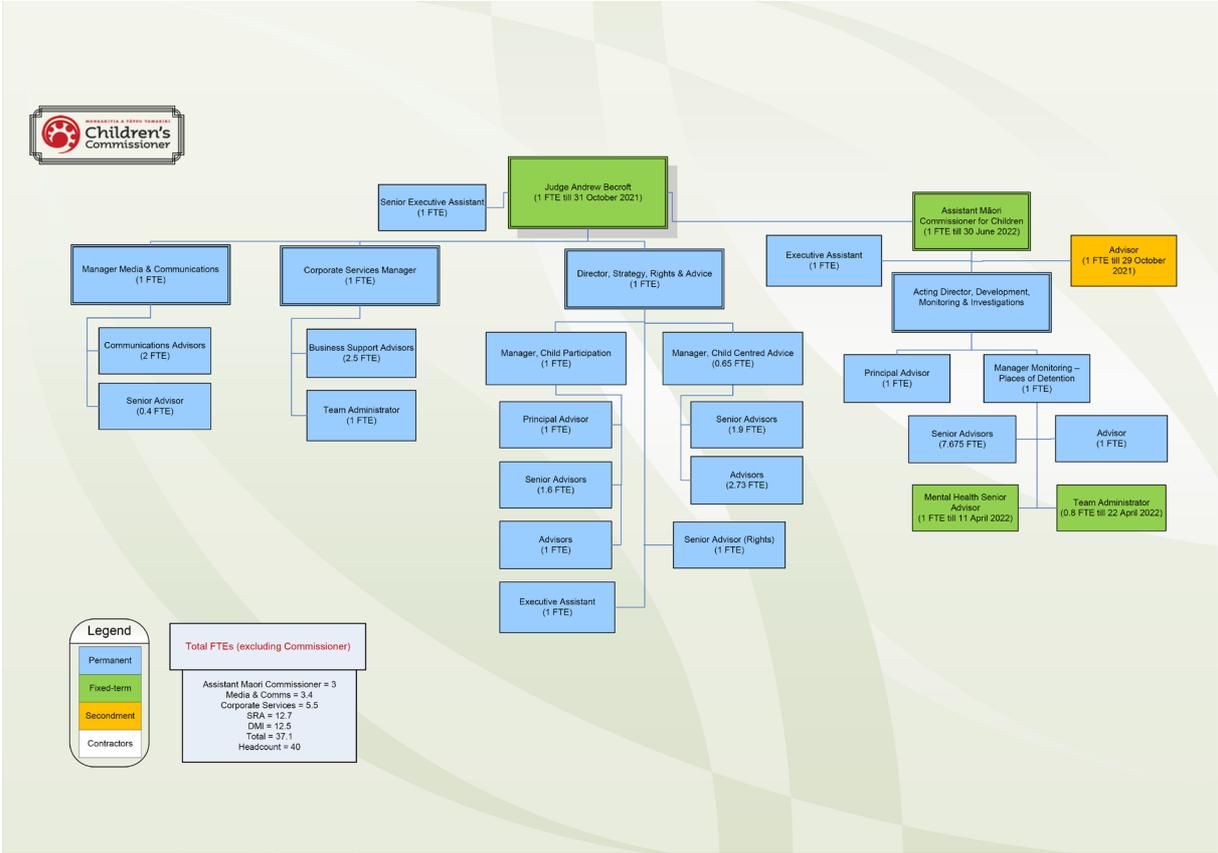
Systems: Information technology is a critical component in supporting the Office’s strategy. All components of information technology are outsourced. This arrangement allows the Office to enhance its business continuity and disaster recovery arrangements, and to maximise the effectiveness of the Office’s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

Te Tiriti o Waitangi vision: We have committed to being a kaupapa Te Tiriti organisation. We seek to embed Te Tiriti in all our work. This vision is also specifically realised through our strategic priority framework, and through internal work building capability in the Office, led by Te Rōpu – the collective of Māori staff – and the Assistant Māori Commissioner for Children.

Organisational structure

The structure of the Office, excluding the Commissioner, consists of 37 (36.3 FTE) staff in total, 32 (31.5 FTE) permanent staff and 5 (4.8 FTE) fixed-term staff paid for out of our current funding.

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 \$1.2m one-off budget increase for 2021/22. As with previous one-off payments, this one-year increase carries uncertainty.</p> <p>While our monitoring of the Oranga Tamariki services will cease when the new legislation comes into effect (likely mid-2022/23), we will still require about the same size monitoring team to fulfil our monitoring of places of detention under the Crimes of Torture Act.</p> <p>We will also require transitional funding and a new chief executive position, board support and realisation of the commitment to “strengthen system advocacy”.</p>	<p>Apply for a baseline funding review to assess the appropriate level of annual funding</p>
<p><i>Managing change:</i> the many changes we face represent real risks for individual staff. We will need additional support to help staff managed through change. There is a risk of higher staff turnover, creating more work for managers in recruitment and training new staff.</p>	<p>Advise staff of EAP offerings, look to run sessions to help staff plan for and adapt to the changing environment</p>
<p><i>Staff capacity and capability:</i> There is a risk that with current uncertainty and expanded responsibilities, 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>Ensure recruitment, induction, performance management and retention strategies are in place to ensure that the required skills are maintained</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 will continue to brief the Minister on significant publications, speeches and releases.

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