

Terms of reference

Oversight of Oranga Tamariki System

Nāku te rourou, nau te rourou, ka ora ai te tamariki
With your basket and our basket, our children will thrive

Background

1. The Children's Commissioner Act 2022 (CC Act) (amended in August 2025) establishes the Children's Commissioner as a sole Commissioner and continues provisions relating to the Commissioner's governance, functions, duties, and powers.
2. The Oversight of Oranga Tamariki System Act 2022 (Oversight Act) aims to uphold the rights and interests and improve the well-being of children and young people who are receiving, or have previously received, services or support through the Oranga Tamariki system and promote the effectiveness of that system.
3. The Oversight Act:
 - formally establishes Aroturuki Tamariki – the Independent Monitor of the Oranga Tamariki system (Aroturuki Tamariki).
 - grants the Ombudsman additional powers when dealing with matters and complaints relating to services or support delivered by Oranga Tamariki – Ministry for Children, or by care and custody providers.¹
 - outlines the common duties for Aroturuki Tamariki, the Children's Commissioner (Mana Mokopuna), and the Ombudsman.
4. Aroturuki Tamariki, Mana Mokopuna and the Ombudsman are collectively referred to as the 'Oversight Agencies'.
5. These Terms of Reference (TOR) set out how the Oversight Agencies will collaborate, as envisaged by both Acts to strengthen the oversight of the Oranga Tamariki system.²
6. The 'Oversight System' refers to the oversight responsibilities of the three agencies in relation to the Oranga Tamariki System.
7. For consistency, the TOR uses the following terminology when referring to children and young people: tamariki (children), tamaiti (child), and rangatahi (young person or young people).

¹ As defined in [section 8](#) of the Oversight Act.

² The meaning of the Oranga Tamariki system is set out in [section 9](#) of the Oversight Act.

Roles and responsibilities

8. The roles and responsibilities of each agency in relation to the oversight of the Oranga Tamariki system are set out below.

Role of Aroturuki Tamariki

9. Aroturuki Tamariki is an independent Crown entity. It monitors the performance of the Oranga Tamariki system in the context of its interface with other systems. This includes:
 - a. assessing compliance with the Oranga Tamariki Act 1989, the National Care Standards Regulations, and other regulations and standards made under that Act by the Chief Executive of Oranga Tamariki and approved providers;
 - b. assessing the quality and impacts of service delivery, service mix, service resourcing and practices on the experiences of tamariki, rangatahi, families and whānau; and
 - c. assessing outcomes for tamariki, rangatahi, families and whānau who receive services or support through the Oranga Tamariki system, and changes in outcomes over time, with particular regard to tamariki Māori and rangatahi Māori and their whānau.

Role of Mana Mokopuna

10. Mana Mokopuna is an independent Crown entity. The Children's Commissioner is the independent statutory advocate for all children under the age of 18 in New Zealand, and all children and young people who have been in, or who are in, care and/or custody of the State, under the age of 25. Mana Mokopuna promotes and advances the rights, interests, participation and wellbeing of tamariki and rangatahi, within the context of their families, whānau, hapū, iwi, and communities. This includes:³
 - a. advocating for the collective well-being and interests of tamariki and rangatahi;
 - b. supporting tamariki and rangatahi to engage with agencies to facilitate the resolution of issues;
 - c. providing information to members of the public who have questions about matters relating to the rights, interests, or well-being of tamariki and rangatahi;
 - d. receiving and inviting representations from members of the public on any matter that relates to the rights, interests, or well-being of tamariki and rangatahi;
 - e. raising public awareness of, undertaking and promoting research into, and reporting on matters that relate to the rights, interests, or well-being of tamariki and rangatahi;
 - f. inquiring into systemic matters that relate to, or affect the rights, interests, or well-being of tamariki and rangatahi;

³ A full list of the functions, duties and powers of Mana Mokopuna is set out in [sections 20-25](#) of the Children's Commissioner Act 2022 (CC Act).

- g. encouraging and promoting the voices and participation of tamariki and rangatahi;
 - h. monitoring the application of, and advocating for, the advancement of the Children’s Convention.
11. Mana Mokopuna is a designated National Preventive Mechanism (NPM) under the United Nations Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment (OPCAT). The Crimes of Torture Act 1989 (COTA) gives effect to OPCAT and sets out the powers and responsibilities of Mana Mokopuna to monitor the treatment and conditions of tamariki and rangatahi held in certain places of detention.⁴

Role of the Ombudsman

12. The Ombudsman is an Officer of Parliament. The Ombudsman investigates, reviews, inspects and reports on the conduct and decision-making of public sector agencies⁵ and when necessary, makes recommendations for individual remedy and/or system improvement to ensure that people are treated fairly. This includes:
- a. resolving and investigating complaints about decision-making and conduct by the public sector (including Oranga Tamariki) and care or custody providers;⁶
 - b. reviewing, investigating, and resolving complaints about decisions on requests for access to official information;⁷
 - c. contributing to systemic improvement by proactively identifying, resolving, and investigating concerns with public sector administration and decision-making;⁸
 - d. providing advice to public sector agencies to improve their capability to do their work and make decisions. This includes providing guidance to Oranga Tamariki and care or custody providers relating to their complaints processes and system improvements;⁹
 - e. dealing with requests for advice and guidance about alleged serious wrongdoing;¹⁰

⁴ Mana Mokopuna examines and monitors the treatment of tamariki and rangatahi in care and protection and youth justice residences established under section 364 of the Oranga Tamariki Act 1989; community-based remand care homes; and health and disability places of detention established specifically for the care of tamariki and rangatahi, including youth forensic units and child and adolescent mental health units.

⁵ And other agencies within jurisdiction.

⁶ Under the Ombudsmen Act 1975, and the Oversight Act (which provides for additional duties and powers).

⁷ Under the Official Information Act 1982 and the Local Government Official Information and Meetings Act 1987.

⁸ Under the Ombudsmen Act 1975.

⁹ Under [section 40](#) of the Oversight Act.

¹⁰ Under the Protected Disclosures (Protection of Whistleblowers) Act 2022.

- f. protecting and monitoring disability rights.¹¹
13. The Ombudsman is also a designated NPM under OPCAT. The COTA gives effect to OPCAT and sets out the powers and responsibilities of the Ombudsman to monitor the treatment and conditions of people held in certain places of detention.¹²
14. Any complaints the Ombudsman receives about acts and decisions of the other Oversight Agencies (including decisions on requests for access to official information) will be processed following usual Ombudsman practice and in accordance with the relevant legislation.

Shared obligations and duties

15. All Oversight Agencies must:
- a. comply with a range of specific obligations that reflect the Crown's responsibility to give effect to te Tiriti o Waitangi/the Treaty of Waitangi;¹³
 - b. consider fundamental principles, such as having regard to the rights, well-being, best interests, perspective and voices of tamariki, rangatahi, and their families and whānau;¹⁴
 - c. fulfill 'common duties' including:¹⁵
 - working together in a comprehensive, cohesive, and efficient way, including by consulting and co-ordinating with each other and sharing information;
 - minimising the burden and potential risk of harm to individuals;
 - minimising the burden on agencies during information gathering and investigations; and
 - coordinating communications with individuals, agencies, Ministers of the Crown and the public, as appropriate.
 - d. meet their respective legislative obligations when carrying out their individual roles.

¹¹ The Ombudsman is part of the Independent Monitoring Mechanism protecting and monitoring implementation in New Zealand of the *United Nations Convention on the Rights of Persons with Disabilities*.

¹² The Ombudsman examines and monitors the treatment of persons detained in: prisons (and otherwise in the custody of the Department of Corrections); on premises approved or agreed under the Immigration Act 1987; health and disability places of detention including within privately run aged care facilities; residences established under section 114 of the Public Safety (Public Protection Orders) Act 2014; and court facilities.

¹³ [Section 6](#) of the Oversight Act and CC Act refers.

¹⁴ [Section 5](#) of the Oversight Act and CC Act refers.

¹⁵ [Section 7](#) of the Oversight Act refers.

16. Aroturuki Tamariki and Mana Mokopuna will ensure that any engagement aligns with their respective Codes of Ethics,¹⁶ and will also follow their respective information rules regarding the collection, use, and disclosure of information.¹⁷
17. Information received by the Oversight Agencies that is not otherwise publicly available will be kept confidential as far as possible,¹⁸ and will only be used in connection with the performance of their respective statutory functions, duties, or powers.¹⁹
18. The Oversight Agencies commit to good faith engagement respecting each other's statutory roles and obligations.
19. The framework for giving effect to these obligations/common duties is set out below.

Executive Group

20. The Executive Group supports the Oversight Agencies' discharge of their common duties. Its membership comprises of:
 - a. Children's Commissioner;
 - b. Executive Director, Mana Mokopuna;
 - c. Chief Executive, Aroturuki Tamariki;
 - d. Chief Monitor, Aroturuki Tamariki; and
 - e. Chief Ombudsman (and/or nominated representative).
21. If a member is unable to attend a meeting, a representative should attend in their stead and inform the Chair that a representative will be attending.
22. If a decision is made on a member's behalf, the representative should confirm the position or decision in writing to other Executive Group members as soon as reasonably practicable following the meeting.²⁰
23. Specialist Advisors may attend Executive Group meetings as required/ appropriate.
24. The key functions of the Executive Group are to:
 - a. set the strategic direction for collaboration;
 - b. proactively share substantive updates on relevant work programmes, and coordinate any cross over of work, to avoid duplication;

¹⁶ [Section 21](#) Oversight Act and [section 26](#) of the CC Act refers.

¹⁷ [Section 32](#) of CC Act and [section 49](#) of the Oversight Act refer.

¹⁸ Acknowledging that obligations of confidence are not absolute and statutory provisions may require the disclosure of information in certain cases.

¹⁹ [Section 33\(2\)](#) of the CC Act and [section 51\(2\)](#) the Oversight Act refers.

²⁰ Noting that consultation with the Chief Ombudsman may be required before a decision can be confirmed on behalf of the Ombudsman.

- c. oversee Working Groups;²¹
 - d. consider emerging systemic issues, including those identified by the Working Groups
 - e. consider opportunities for a collective response and next steps where appropriate;²²
 - f. determine the Oversight Agencies' role and approach in monitoring the response, implementation, outcome and impact of recommendations made in reports and inquiries; and
 - g. determine appropriate action(s) for elevating or escalating matters when progress is not on track;
 - h. consider and determine appropriate action(s) to respond to matters of shared concerns, including systemic issues;
 - i. delegate tasks, recognising each agency's capacity, role and function;
 - j. set the direction for coordinated communications relating to the oversight of the Oranga Tamariki system.
25. The Executive Group meeting will be quarterly (or more often as needed).

Secretariat and Chair duties

26. Secretariat and Chair duties will rotate every six months among the Oversight Agencies, unless alternative arrangements are agreed to.
27. The agency acting as Secretariat will provide support to the Executive Group through a range of functions such as:
- a. booking meetings, collating agenda items, distributing agendas and papers, sending calendar invites and rescheduling meetings as needed;
 - b. tracking the progress of any action points from previous meetings and reporting on these in the agenda; and
 - c. recording minutes and action points, and sending these to the Executive Group within ten working days of the meeting.

Working Groups

28. To support the common duties of the Oversight Agencies, the Executive Group has established two Working Groups:

²¹ See also paragraph 31 of this document for how the Executive Group may delegate tasks or projects to Working Groups.

²² Recognising the limitations of the Ombudsman to be involved in matters of advocacy or issues which an Ombudsman could be asked to independently review. Refer to paragraph 55 for further information.

- a. **The Operations Working Group** – responsible for coordinating, consulting and collaborating on working arrangements between the Oversight Agencies; and
 - b. **The Communications Working Group** – responsible for developing and coordinating communications relating to the Oversight System.
29. Working Groups will consist of staff members of the Oversight Agencies.
30. Working Groups will operate flexibly, be bilateral or trilateral depending on the assigned task or project being undertaken and consist of any combination of persons nominated by Aroturuki Tamariki, and/or Mana Mokopuna, and/or the Ombudsman.
31. In assigning tasks or projects to a Working Group, the Executive Group will:
- a. clearly identify the purpose, scope, parameters and expectations of the task or project;²³
 - b. assign priority where appropriate, considering other tasks already assigned and the Working Groups' capacity;
 - c. identify expected timeframe(s) for completion;
 - d. identify if, and when, matters should be referred to back to the Executive Group for further consideration, decision or sign off;²⁴ and
 - e. determine how any associated contributions and costs will be shared.
32. Working Groups may refer matters to the Executive Group for consideration, clarification, further instruction and/or decision.
33. The expectations for working together that apply to members of the Executive Group will also apply to members of Working Groups.
34. Working Group recommendations to the Executive Group will be made on a consensus basis where possible. Working Groups may still refer matters to the Executive Group if consensus is not able to be reached – in such cases, the lack of consensus, and the reasons for this, should be drawn to the Executive Group's attention.
35. Working Groups will rotate secretariat and chairing functions as necessary. Any papers should be circulated to all members prior to the scheduled meeting.

'No wrong door'

36. The Oversight Agencies operate a 'no wrong door' approach, ensuring tamariki, rangatahi and anyone approaching any agency with an issue, complaint, or other matter, is directed to the appropriate agency.
37. The Oversight Agencies refer matters to one another (or to other agencies or bodies as appropriate). In making any referral, they will uphold and extend manaakitanga to the

²³ As outlined in paragraph 24(i) of this document, the Executive Group should also consider and outline what role/contribution each agency may perform.

²⁴ Where necessary, the Executive Group may approve stages of work, or confirm final decisions either in Executive Group meetings, or by communicating decisions in writing.

individual who contacted them.²⁵ If the contact is made by a tamariki or rangatahi, the agencies will work in child and youth-centred ways in their engagement with the tamariki or rangatahi.

38. An overview of the types of matters that may be referred to each Oversight Agency is outlined in the following paragraphs. The protocol for referrals is set out in **Appendix 1**, and the referral form is set out in **Appendix 2**.
39. When referring, the Oversight Agencies will keep communication with the individual concerned neutral, to allow the receiving Oversight Agency to assess next steps, and to avoid creating any specific expectations.
40. Should a matter raise any imminent safety or wellbeing concerns, the Oversight Agencies will take any urgent action they consider appropriate.

Matters to be referred

41. Mana Mokopuna or the Ombudsman may refer an issue, theme, concern, or area of practice to Aroturuki Tamariki, to:
 - a. consider (or note), as part of the three yearly monitoring schedule of Aroturuki Tamariki; or
 - b. determine whether it should conduct a review of the issue, theme, concern or area of identified practice as a standalone review.
42. Aroturuki Tamariki or the Ombudsman may refer a matter to Mana Mokopuna to:
 - a. consider (or note), as part of the role of Mana Mokopuna to independently advocate for the well-being and interests of tamariki and rangatahi collectively;
 - b. consider facilitating resolution of an issue raised by te tamaiti or rangatahi;
 - c. provide information, guidance, or advice on the interests, rights, well-being, and/or participation of tamariki and rangatahi;
 - d. consider (or note), as part of the roles of Mana Mokopuna to monitor and/or advocate for the advancement of the Children's Convention; or
 - e. consider (or note), as part of the other roles or functions of Mana Mokopuna (see paragraphs 10-11 of this document), including its OPCAT function.
43. Aroturuki Tamariki or Mana Mokopuna may refer to the Ombudsman:

²⁵ As set out in [section 56](#) of the Oversight Act and [section 35](#) of the CC Act, where Aroturuki Tamariki, Mana Mokopuna, or the Ombudsman considers a matter (whether in whole or in part) is more properly within the scope of the functions of another person or body, it must consult the person or body to determine the appropriate means of dealing with the subject matter. If Aroturuki Tamariki, Mana Mokopuna or the Ombudsman determines that the subject matter should be dealt with, in whole or in part, by one of the persons or bodies it must refer the subject matter to that person or body (and give written notice to the individual who brought the matter to the attention of the Oversight Agency).

- a. a complaint, concern, or other matter from tamaiti, rangatahi, whānau or any other person, to be considered under the Ombudsman’s complaint-handling function;²⁶
- b. an enquiry or request for advice from an individual, tamaiti, rangatahi, or whānau regarding any matter or issue that the Ombudsman may be empowered to assist with;²⁷
- c. a request for advice or guidance from a public sector agency, or care or custody provider;
- d. a request for advice about alleged serious wrongdoing;
- e. a matter that may considered (or noted) for systemic improvement monitoring, resolution, or investigation; or
- f. a matter that relates to the monitoring of disability rights,²⁸ or relates to the Ombudsman’s OPCAT function.

Information sharing

44. The CC Act and the Oversight Act enables the Oversight Agencies to share information with one another if sharing the information would:
 - a. minimise the burden on individuals or agencies; and/or
 - b. assist the Oversight Agencies to perform or exercise their functions, duties, or powers.²⁹
45. Information may be shared proactively (e.g. to ensure cooperation and co-ordination of activities) or on request. The Oversight Agencies may decline a request to share information.³⁰
46. In considering whether it’s appropriate to share information, the Oversight Agencies may have regard to:
 - a. their respective legislative commitments and principles, including (but not limited to) the best interests of tamariki and rangatahi;
 - b. the Ombudsman’s secrecy provision as set out in s 21 Ombudsmen Act 1975; and
 - c. any relevant Privacy Act 2022 considerations.

²⁶ The Ombudsman’s complaint handling function covers all public sector agencies as well as care or custody providers, and relates to general acts or decisions (under the Ombudsmen Act) and decisions on requests for information (under the Official Information Act).

²⁷ See paragraphs 10-12 of the TOR.

²⁸ As part of the Ombudsman’s role as an Independent Monitoring Mechanism protecting and monitoring implementation in New Zealand of the *United Nations Convention on the Rights of Persons with Disabilities*.

²⁹ [Section 33](#) of the CC Act, and [section 51](#) of the Oversight Act refers.

³⁰ [Sections 33\(3\) and 33\(4\)](#) of the CC Act, and [sections 51\(3\)](#) and [51\(4\)](#) of the Oversight Act refer.

47. The Oversight Agencies will treat tamariki, rangatahi, and whānau information with care. In sharing information with one another, the Oversight Agencies may also have regard to:
- a. their respective legislative commitments and principles, including (but not limited to) the rights, well-being, interests, perspectives and voices of tamariki and rangatahi, and their whānau;³¹
 - b. any relevant Māori data sovereignty principles;
 - c. the privacy of the individuals concerned. This includes considering the rights of children to privacy under Article 16 of the Children’s Convention (UNCROC), and respecting and upholding the principles of storage and use of information governed by the Privacy Act 2020 (as applicable);
 - d. any relevant relationship agreements with agencies.
48. Information shared by the Oversight Agencies with each other that is not otherwise publicly available will be kept confidential as far as possible³² and will only be used in connection with the performance of their respective statutory functions, duties, or powers.³³
49. Mana Mokopuna and Aroturuki Tamariki will share information in line with their respective information rules.³⁴
50. Arrangements for information sharing between the Oversight Agencies are set out in **Appendix 3**.

Coordinating communications and engagements

51. The Oversight Agencies will coordinate engagements and joint and proactive communications to the public, agencies and others about the Oversight System, as appropriate.
52. A key objective is to make it as easy as possible for tamariki, rangatahi, whānau and others to access and navigate the Oversight System.
53. In practice, this may include coordinating proactive and joint communications³⁵ and engagements³⁶ to:
- a. ensure that tamariki, rangatahi, whānau, and the public generally are informed about and understand the respective roles of Aroturuki Tamariki, Mana Mokopuna, and the Ombudsman in relation to their roles within the Oversight

³¹ See [sections 13](#) and [14](#) of the Oversight Act.

³² Acknowledging that obligations of confidence are not absolute and statutory provisions may require the disclosure of information in certain cases.

³³ [Section 33\(2\)](#) of the CC Act and [section 51\(2\)](#) the Oversight Act refers.

³⁴ [Section 32](#) of CC Act, and [section 49](#) of the Oversight Act refer. For further details see paragraph 16.

³⁵ For example, website copy, brochures, and videos.

³⁶ For example, conducting education and awareness-raising activities with tamariki, rangatahi, whānau, hapū, iwi, communities and agencies.

System, and that there is ‘no wrong door’ for anyone approaching any of the Oversight Agencies with a complaint, concern, enquiry or other matter;

- b. minimise the burden on, and/or potential risk of harm to, individuals, or the burden on agencies, when Aroturuki Tamariki, Mana Mokopuna, or the Ombudsman are carrying out their respective functions; and
 - c. ensure more generally the integrity of, and public trust in, the Oversight System.
54. The Oversight Agencies maintain discretion to tailor their respective individual communications and approach accordingly, in line with their individual functions within the Oversight System.
55. The Ombudsman may not be able to participate in activities that involve advocacy for a particular position or issue that they may later need to independently investigate or review. If this happens, the Ombudsman will advise the other Oversight Agencies and not participate in that activity. Aroturuki Tamariki and Mana Mokopuna will then decide whether to continue working together or act separately in their respective organisational capacities.
56. The Oversight Agencies agree to operate a ‘no surprises’ policy for matters that may come to their attention that relate to the Oversight System. This may include, where appropriate:
- a. notifying one another, ahead of the publication, of relevant reports, announcements, reviews, or other matters; and
 - b. promptly notifying one another of media enquiries (and the intended response) where the media enquiry relates to another Oversight Agency’s roles or functions.
 - c. liaise with and keep one another informed of these activities (including coordinating and sharing information where appropriate).
57. Where appropriate, the Oversight Agencies may consult and coordinate with one another on an in-confidence basis when drafting external facing documents such as submissions or reports, or when providing comment or feedback on documents such as Cabinet papers, ministerial or other reports, or proposed legislation relating to the Oversight of the Oranga Tamariki system.³⁷

Annual review

58. The first review of these TOR was carried out in October 2024.
59. This second review was carried out in November 2025, with amendments made to reflect legislative changes and updates in light of evolving practice within the Oversight System.
60. Substantive or procedural changes to these TOR may occur at any time upon consensus of the Executive Group.

³⁷ Recognising that the Ombudsman may not be able to participate in activities that involve advocacy for a particular position or issue that they may later need to independently investigate or review. Refer to para 55 for further information.

Signatures

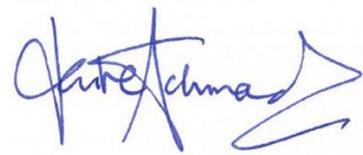
The 'Terms of Reference: Oversight of Oranga Tamariki System' are agreed to by:



Date: 13 February 2026

Arran Jones
Chief Executive

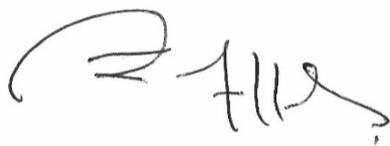
**Aroturuki
Tamariki** | Independent
Children's Monitor



Date: 05 February 2026

Dr Claire Achmad
Children's Commissioner

 **MANA MOKOPUNA**
Children's Commissioner



Date: 12 February 2026

John Allen
Chief Ombudsman

 **Ombudsman**
Tuia kia ōrite · Fairness for all



Appendix 1. Protocol for consulting and referring matters between Aroturuki Tamariki, Mana Mokopuna and the Ombudsman

1. The referring Oversight Agency should first consider seeking agreement from the individual, tamaiti, or rangatahi to pass their information to the Oversight Agency intended to be consulted.¹
2. The referring agency may initiate consultation by contacting:
 - a. Aroturuki Tamariki: info@icm.org.nz. If the request is urgent, the referring agency should also call 0800 777 232.
 - b. Mana Mokopuna: children@manamokopuna.org.nz. If the request is urgent, the referring agency should also call 0800 224 453.
 - c. the Ombudsman: info@ombudsman.parliament.nz. If the request is urgent, the referring agency should also call 0800 802 602.
3. The email should contain the following information:
 - a. **Subject line:** 'Oversight of Oranga Tamariki system consultation'
 - b. The email should be **flagged** as important and marked 'in-confidence'.
 - c. Attach a '**Referral form**' (see below). The referring agency should, as appropriate, complete the sections of this form that it considers to be relevant.
4. The consulted agency will advise the contact person for the referring agency, in writing, of the outcome of the consultation within **5 working days** to allow the referring agency to give notice of the referral to the individual, tamaiti or rangatahi. If it takes longer than 5 working days for the consultation to be dealt with, updates should be provided to the referring agency.
5. If the referral proceeds, at that stage, copies of any relevant correspondence or supporting documentation should also be provided (if available) to the consulted agency.

¹ Note: agreement is desirable, but not necessary under law, and it will essentially be a matter for the referring agency in the circumstances whether to proceed.



Appendix 2. Referral form– Oversight Agencies

Referring agency	Choose an item.
Name and contact details of individual sharing information, raising a concern or making an enquiry	Name:
	Email:
	Phone:
	Age of tamaiti or rangatahi (if applicable/ known):
Name of agency, or care or custody provider the referral is about	
Contact details of any support person assisting on this referral	
Date on which the enquiry, concern, or the information was received by the referring agency	
Type of referral, enquiry or concern	Choose an item.

Other considerations to note	Yes/No/NA	If yes, please provide further details
Any urgency risk factors identified?	Choose an item.	
Any court proceedings in train?	Choose an item.	
Any complaints or review process in train?	Choose an item.	
Any disability of the individual, tamaiti or rangatahi identified or personal circumstances to note?	Choose an item.	

A brief description of the information, concern or enquiry raised

Details of the contact person at Aroturuki Tamariki, Mana Mokopuna, or the Ombudsman
Name:
Email:
Phone:

Appendix 3. Information sharing arrangements

Information sharing arrangements established

1. The Oversight Agencies are guided by the rights, wellbeing, best interests, participation and voices of tamariki and rangatahi when working together.¹ This includes how they share information with one another,² in line with their common duties.³
2. The Oversight Agencies may consult and share information with one another, as appropriate, in order to:
 - a. minimise the burden to individuals and agencies;
 - b. support each other's functions, duties or powers;
 - c. coordinate communications; and
 - d. ensure a 'no wrong door' approach for anyone who contact them with an issue, complaint, or other matter.
3. In considering whether it's appropriate to share information, the Oversight Agencies may have regard to their respective legislative commitments, principles, and other factors set out in the Terms of Reference (TOR).⁴
4. The Oversight Agencies have adopted information sharing arrangements to guide and facilitate information sharing within the Executive Group, Working Group forums, and more generally between the Oversight Agencies.
5. Key contacts for the Oversight Agencies are listed below for:
 - a. proactive information sharing
 - b. information requests; and
 - c. consultation on information requests, enquiries or other matters.

Legislative framework for information sharing

6. The Oversight Agencies may share information, where the Oversight Agency holding it believes that sharing the information:
 - a. would minimise the burden on individuals or agencies; and/or

¹ In connection with their families and whānau, hapū, iwi, and communities. See principles set out in [section 5](#) of the Oversight of Oranga Tamariki System Act (Oversight Act) and the Children's Commissioner Act 2002 (CC Act).

² Under [Section 51](#) of the Oversight Act and [section 33](#) of the CC Act, discussed further below.

³ [Section 7](#) of the Oversight Act refers.

⁴ This includes (but is not limited to) factors set out in paragraphs 47 to 49 of these Terms of Reference above.

- a. would help the Oversight Agencies in the performance of their functions, duties, or powers.⁵
7. The Oversight Agencies are further guided by their common duties under the Oversight Act, to:
 - a. work together in a comprehensive, cohesive, and efficient way, including by consulting, co-ordinating and sharing information, as appropriate;
 - b. minimise the burden and potential risk of harm to individuals when Aroturuki Tamariki, Mana Mokopuna or the Ombudsman are performing or exercising a function, duty, or power;
 - c. minimise the burden on agencies when they are gathering information under the Oversight of Oranga Tamariki System Act 2022 (the Oversight Act) or carrying out preliminary enquiries, investigations, or reviews; and
 - d. co-ordinate communications to individuals, agencies, Ministers of the Crown, and the public, as appropriate.⁶
8. The Oversight Agencies operate a ‘no wrong door’ approach, ensuring anyone approaching any Oversight Agency with an issue, complaint, or other matter, is supported to reach the appropriate agency. The Oversight Agencies may consult and share information to determine the appropriate way to manage an issue, complaint, other matter, and may refer matters between one another.⁷
9. Aroturuki Tamariki and Mana Mokopuna will also follow their respective information rules regarding the collection, use, and disclosure of information.⁸

Information sharing in practice

10. The table below outlines specific circumstances where the Oversight Agencies may consider sharing information proactively or on request, and the types of information that may be shared under the legislation.
11. The table is intended as a **guide only**.⁹

⁵ [Section 51](#) of the Oversight Act and [section 33](#) of the CC Act refer.

⁶ [Section 7](#) of the Oversight Act refers.

⁷ As set out in [section 56](#) of the Oversight Act and [section 35](#) of the CC Act, if Aroturuki, Mana Mokopuna or the Ombudsman consider a matter is more properly within the scope of the functions of another agency/person/body, it must consult that agency/person/body to determine the appropriate means of dealing the matter. If Aroturuki, Mana Mokopuna or the Ombudsman determine that the matter should be dealt by that other agency/person/body, it must refer the matter to them (and give written notice to the individual).

⁸ [Section 32](#) of CC Act and [section 49](#) of the Oversight Act refer.

⁹ Noting this guide does not override the information sharing parameters and requirements set out in the Oversight Act, the CC Act, or any other applicable legislation. As noted above, Aroturuki, Mana Mokopuna and the Ombudsman recognise that any information shared under the Oversight Act and CC Act is done only when the criteria in the Act are established and then at their own discretion.

Circumstances where information sharing is permitted	Illustrations of information sharing that may occur
<p>Sharing information where this would the minimise burden on individuals or agencies</p>	<ul style="list-style-type: none"> • To minimise the burden on individuals or agencies, the Oversight Agencies may share information with one another, for example, in order to: <ul style="list-style-type: none"> - coordinate their engagement programmes, monitoring and complaint-handling visits, and other activities to avoid overlapping initiatives and to minimise the impact on tamariki, rangatahi, whānau, hapū, iwi, communities and agencies; - avoid tamariki, rangatahi or an individual potentially needing to retell their story to another oversight agency as part of their information gathering process;¹⁰ - avoid duplication of information requests to agencies or care or custody providers; and/or - otherwise minimise the burden to agencies, or potential risk of harm to individuals, when gathering information and/or performing or exercising a function, duty, or power. <p>Note: The Oversight Agencies may also work directly with Oranga Tamariki to minimise the burden. For example, when Oranga Tamariki is sending information to one Oversight Agency (either proactively or on request), the recipient Oversight Agency may, where appropriate, suggest to Oranga Tamariki that it should also consider sharing that information with one or more of the other Oversight Agencies.</p>

¹⁰ Particularly where that retelling might cause a potential risk of harm or distress (see [section 7](#) and [52](#) of the Oversight Act). Note: consideration should be given to obtaining consent from the individual prior to information sharing.

Circumstances where information sharing is permitted	Illustrations of information sharing that may occur
<p>Sharing information where this would assist Aroturuki Tamariki in the exercise of its functions, duties or powers</p>	<ul style="list-style-type: none"> • Mana Mokopuna and the Ombudsman may share information where, for example, they believe the information would assist Aroturuki Tamariki to: <ul style="list-style-type: none"> - assess compliance with the Oranga Tamariki Act 1989, including the national care standards and other regulations and standards made under that Act - assess the quality, impacts and resourcing of service delivery and practices, and how these affect the experiences of children, young people, families, and whānau - monitor outcomes for children, young people, families, and whānau receiving services or support through the Oranga Tamariki system, including changes over time, with particular regard to Māori children and young people and their whānau
<p>Sharing information where this would assist Mana Mokopuna in the exercise of its functions, duties or powers</p>	<ul style="list-style-type: none"> • Aroturuki Tamariki and the Ombudsman may share information with Mana Mokopuna where, for example, they believe the information would assist Mana Mokopuna to: <ul style="list-style-type: none"> - advocate for the rights of mokopuna to be upheld, and their interests and wellbeing to be prioritised. - support mokopuna and their whānau to resolve issues, which might involve connecting them with appropriate agencies and organisations - examine and monitor the conditions and treatment of persons deprived of liberty in certain places of detention to prevent torture or other cruel, inhuman, or degrading treatment or punishment;¹¹ - monitor government agencies' application of the Children's Convention, including the Statutory obligation of Oranga Tamariki to uphold the rights of children.

¹¹ Mana Mokopuna examines and monitors the treatment of tamariki and rangatahi in care and protection and youth justice residences established under section 364 of the Oranga Tamariki Act 1989; community-based remand care homes; and health and disability places of detention established specifically for the care of tamariki and rangatahi, including youth forensic units and child and adolescent mental health units.

Circumstances where information sharing is permitted	Illustrations of information sharing that may occur
<p>Sharing information where this would assist the Ombudsman in exercise of their functions, duties or powers</p>	<ul style="list-style-type: none"> • Aroturuki Tamariki and Mana Mokopuna may share information with the Ombudsman where they believe the information would assist the Ombudsman to: <ul style="list-style-type: none"> - triage, assess, resolve, investigate, or otherwise respond to enquiries and complaints about decision-making and conduct in the public sector, including some organisations providing services on behalf of government (such as Oranga Tamariki care or custody providers);¹² - identify and address serious or systemic issues across the public sector and Oranga Tamariki system, or support any proactive and targeted intervention action the Ombudsman considers appropriate;¹³ - provide advice and guidance to Oranga Tamariki and care or custody providers on complaints processes and system improvements;¹⁴ - respond to, or investigate, alleged serious wrongdoing;¹⁵ - monitor and protect the rights of disabled people (including disabled tamariki and rangatahi) under the United Nations Convention on the Rights of Persons with Disabilities (the Disability Convention);¹⁶ - examine and monitor the conditions and treatment of persons deprived of liberty in certain places of detention to prevent torture or other cruel, inhuman, or degrading treatment or punishment;¹⁷ - review, investigate, and resolve complaints about decisions on requests for access to official information,¹⁸ and manage compliance and good practice by public sector agencies¹⁹ in managing such requests;²⁰ - exercise any one of their other functions, duties, or powers.

¹² Under the Ombudsmen Act 1975 (and in accordance with enhanced functions and powers under the Oversight Act where applicable).

¹³ This may include an early resolution approach to matters of concern, or a self-initiated investigation under the Ombudsmen Act.

¹⁴ Under [section 40](#) of the Oversight Act.

¹⁵ Under the Protected Disclosures (Protection of Whistleblowers) Act 2022 and the Ombudsmen Act.

¹⁶ The Ombudsman is part of the *Independent Monitoring Mechanism* protecting and monitoring implementation in New Zealand of the *United Nations Convention on the Rights of Persons with Disabilities*.

Circumstances where information sharing is permitted	Illustrations of information sharing that may occur
Sharing information to give effect to the 'no wrong door' approach, and to coordinate a response to an individual, group or agency	<ul style="list-style-type: none"> • Oversight Agencies may consult and share information with one another in order to determine the appropriate means of dealing with a complaint, issue, or other matter, and may refer matters to one another. ²¹ • The process and procedure for consultations, referrals and information sharing between the Oversight Agencies for this purpose, is outlined in Appendix 1 of the TOR.
Updates ²²	<ul style="list-style-type: none"> • The Executive Group may provide updates on relevant respective work programmes on a quarterly basis. • The Operations Working Group may provide oral updates on relevant respective work programmes on a monthly basis. • The Communications Working Group may provide oral updates on relevant respective work programmes on a monthly basis.
Thematic information ²³ and complaint trends	<ul style="list-style-type: none"> • The Ombudsman may provide anonymised complaints data reports to the Executive Group on a quarterly basis. • General observations or issues identified in the Oversight System to be shared by all Oversight Agencies quarterly at Executive Group meetings.
Embargoed reports ²⁴	<ul style="list-style-type: none"> • Copies of embargoed reports to be provided to other Oversight Agencies ideally at least one week prior to publication.

¹⁷ Noting the Ombudsman's role as a National Preventive Mechanism (NPM) under the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment (OPCAT). The Ombudsman's designation covers: prisons (and places of detention otherwise in the custody of the Department of Corrections); premises approved or agreed under the Immigration Act 2009; health and disability places of detention including within privately run aged care facilities; residences established under section 114 of the Public Safety (Public Protection Orders) Act 2014; and court facilities.

¹⁸ Under the Official Information Act 1982 and the Local Government Official Information and Meetings Act 1987.

¹⁹ And certain other private organisations, such as care or custody providers.

²⁰ Through investigation under the Ombudsmen Act.

²¹ Information may be shared for the purposes of consultation under [section 56 of the Oversight Act](#) or [35 of the CC Act](#).

²² Paragraph 24(b) of the TOR refers.

²³ Paragraph 24(h) of the TOR refers.

²⁴ Paragraph 56(a) of the TOR refers.

Circumstances where information sharing is permitted	Illustrations of information sharing that may occur
Collateral	<ul style="list-style-type: none"> • Copies of any marketing collateral (for example, brochures, posters and booklets) related to the Oversight System to be shared, ideally one week prior to intended use.²⁵
Monitoring and complaint-handling visits	<ul style="list-style-type: none"> • Aroturuki Tamariki publishes regional monitoring schedules. • Aroturuki Tamariki may share site-specific monitoring schedules with Mana Mokopuna and the Ombudsman, ideally six weeks in advance where possible. • The Ombudsman may notify Aroturuki Tamariki and Mana Mokopuna of planned complaint-handling and investigation visits to youth justice or care and protection residences, ideally one week in advance where possible.²⁶ • Mana Mokopuna may share details of visits that have taken place to youth justice or care and protection residences (noting OPCAT inspections might not be announced in advance).
Engagement ²⁷	<ul style="list-style-type: none"> • Planned stakeholder engagements schedules (excluding monitoring or complaint-handling visits) involving youth justice and care and protection residences, care or custody providers, or iwi/Māori organisations, community organisations, and government agencies to be shared on a monthly basis as appropriate.²⁸

²⁵ **Note:** Any collateral or other communication material to the public that discusses another Oversight Agency's role, functions or responsibilities should be developed in coordination and consultation with that other Oversight Agency in line with paragraphs 51-57 of the TOR.

²⁶ Noting that a complaint-handling or investigation visit may occur at short notice and notification may not be possible within this timeframe. The Ombudsman will consider any feedback from Aroturuki or Mana Mokopuna relating to planning and coordinating the particular complaint-handling visit.

²⁷ Paragraphs 51-57 of the TOR refers.

²⁸ General updates on stakeholder engagement schedules may also be provided in Executive Group, and Operations and Communications Working Group meetings (see Updates section above).

Circumstances where information sharing is permitted	Illustrations of information sharing that may occur
Media and 'no surprises' approach ²⁹	<ul style="list-style-type: none"> • Copies of media releases to be provided, ideally one day, and at least one hour, prior to publication. • Notification of, and responses to, high profile media enquiries relating to the Oversight System and/or to another Oversight Agency's roles or functions to be provided at earliest availability.³⁰ • Notification of other reviews or announcements to be provided ideally at least one week prior to publication.
Information requests from third party ³¹	<ul style="list-style-type: none"> • Notification of requests for information from third parties³² that are relevant to, or require consultation with, another Oversight Agency to be provided ideally five working days from receipt where possible.
Residual systemic issues	<ul style="list-style-type: none"> • Aroturuki Tamariki and Mana Mokopuna may share systemic issues they identify for proactive consideration by the Ombudsman.

Requests for information

12. The Oversight Agencies may request information from one another.³³

Making a request

13. In making a request to another Oversight Agency, each agency should endeavour, as far possible, to:
- specify the information, or the nature of the information, sought;
 - explain how the information requested would assist in the performance or exercise of the requesting Oversight Agency's functions, duties or powers and/or would minimise the burden on individuals or agencies (where the reason might not be self-evident); and

²⁹ Paragraph 56 of the TOR refers.

³⁰ **Note:** If a media query is specifically about another Oversight Agency, consideration should be given to referring the query to that other Oversight Agency for a response.

³¹ See below paragraph 15-18 of this Appendix.

³² Such as requests for official information under the Official Information Act 1982 (or equivalent request to the Ombudsman), or requests for personal information under the Privacy Act 2020 (or equivalent request to the Ombudsman).

³³ Sections 51 of the Oversight Act and 33 of the CC Act refer.

- c. provide any other contextual information that may be helpful in considering the request.

Consideration of requests

14. The Oversight Agencies:

- a) may consult and/or seek further explanation or context for a request where there is uncertainty about whether the criteria for potential sharing of information are met;
- b) may respond to a request in ways they consider appropriate, such as responding in part, providing a summary of the information requested, or anonymising identifiable details;³⁴
- c) may decline a request for the sharing of information,³⁵ providing reasons for the decision; and
- d) endeavour to respond to requests at the earliest opportunity, and ideally within 10 working days. If a request is urgent, this should be identified together with the reasons for urgency.

Handling information requests from third parties

- 15. Any request for information from third parties will be considered on its own merits, in line with applicable legislative requirements.
- 16. The Oversight Agencies will consult before releasing information in response to an information request from a third party for information that relates to, or has been supplied by, another Oversight Agency.
- 17. As a general principle, the Oversight Agencies recognise the importance of preserving the confidentiality of information shared with one another.
- 18. In considering an information request from a third party, the Oversight Agencies may also consider (where relevant):
 - a. applicable information rules relating to the collection, use, and disclosure of information;³⁶
 - b. the definition of 'official information', which does not include certain correspondence or communication that has taken place between an Ombudsman

³⁴ It is recognised the Aroturuki, Mana Mokopuna and the Ombudsman have discretion to share information once the criteria outlined above in paragraph 2 are made out, and in exercising that discretion they may take into account a wide range of factors including (but not limited to): confidentiality considerations, applicable information rules, the privacy interests of relevant individuals, the Ombudsman's general secrecy requirements, the stage of any investigation or enquiries that may be underway, and the rights, voices and best interest of a child or young person.

³⁵ [Sections 33\(3\) and 33\(4\)](#) of the CC Act, and [sections 51\(3\)](#) and [51\(4\)](#) of the Oversight Act refer.

³⁶ [Section 32](#) of CC Act, and [section 49](#) of the Oversight Act refers.

and an agency or organisation, or information provided by the Ombudsman to Aroturuki Tamariki under section 51 of the Oversight Act;³⁷ and

- c. the Ombudsman’s obligation to conduct investigations in private, and to maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.³⁸

Confidentiality

- 19. As a general principle, the Oversight Agencies recognise the importance of preserving the confidentiality of information shared with one another. In particular, as noted in section 16 of the TOR, any information received by the Oversight Agencies will be kept confidential as far as possible³⁹ and will only be used in connection with the performance of their respective statutory functions, duties, or powers.⁴⁰

Contacts for information sharing, enquiries and consultations

- 20. The following table sets out key contacts for information sharing, enquires and consultations for the Oversight Agencies.
- 21. Any urgent enquiries, consultations or requests should be marked as high priority, with reasons for urgency outlined in the body of the email.

³⁷ See [section 60](#) of the Oversight Act.

³⁸ [Sections 18](#) and [21](#) of the Ombudsmen Act refers.

³⁹ Acknowledging that obligations of confidence are not absolute and statutory provisions may require the disclosure of information in certain cases.

⁴⁰ [Section 33\(2\)](#) of the CC Act and [section 51\(2\)](#) the Oversight Act refers.