



Oversight of Oranga Tamariki System Regulations 2023

Cindy Kiro, Governor-General

Order in Council

At Wellington this 20th day of March 2023

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 57 of the Oversight of Oranga Tamariki System Act 2022 on the advice and with the consent of the Executive Council.

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Schedule 1
Transitional, savings, and related provisions

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Regulations

1 Title

These regulations are the Oversight of Oranga Tamariki System Regulations 2023.

2 Commencement

These regulations come into force on 1 May 2023.

3 Interpretation

In these regulations, **Act** means the Oversight of Oranga Tamariki System Act 2022.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Notification of certain matters by Monitor

5 Notifications under section 55 of Act

- (1) For the purposes of section 55 of the Act, the Monitor must notify the following persons if they become aware of any non-compliance with national care standards regulations or any other matter that places a child or young person in care or custody at immediate risk of suffering, or being likely to suffer, serious harm:
 - (a) the chief executive of Oranga Tamariki; and
 - (b) a constable.
- (2) *See* section 14AA of the Oranga Tamariki Act 1989, which provides that a child or young person suffers, or is likely to suffer, serious harm—
 - (a) in the circumstances described in subsection (1) of that section; or
 - (b) having regard to the circumstances in subsection (2) of that section.

Minimum content of Monitor's reports

6 Matters that must be contained in State of Oranga Tamariki system report

- (1) The State of the Oranga Tamariki system report prepared by the Monitor under section 22 of the Act must, at a minimum, contain a report on the following matters:

- (a) the number of children and young people who have received services or support under the Oranga Tamariki Act 1989; and
 - (b) compliance with the Oranga Tamariki Act 1989, national care standards regulations, and other regulations made under that Act; and
 - (c) the quality and impact of service delivery by Oranga Tamariki or approved providers; and
 - (d) the performance of the duties of the chief executive of Oranga Tamariki set out in section 7AA of the Oranga Tamariki Act 1989 and an assessment of outcomes being achieved for Māori children and young people and their whānau in relation to compliance with that section; and
 - (e) how the services or support provided under the Oranga Tamariki Act 1989 interface with other systems and Ombudsmen; and
 - (f) how the Oranga Tamariki system is supporting disabled children and young people, including (without limitation) a report on the provision of reasonable accommodations to ensure inclusive care of disabled children and young people; and
 - (g) areas of good practice and areas for improvement in relation to services or support provided in the Oranga Tamariki system; and
 - (h) any complaints received by Oranga Tamariki in relation to the performance of duties of the chief executive of Oranga Tamariki under the Oranga Tamariki Act 1989, including (without limitation)—
 - (i) the numbers of complaints received;
 - (ii) the procedures followed to resolve the complaints;
 - (iii) whether and how those complaints have been resolved; and
 - (i) the efficacy of practice by Oranga Tamariki, as required under section 17(1)(c) of the Oranga Tamariki Act 1989, to inform persons who have made a report of concern whether that report has been investigated and whether any further action has been taken; and
 - (j) any identified incidents of abuse or neglect found to have occurred in care or custody, and the procedures followed to resolve those incidents.
- (2) The report must contain specific information or results relating to the matters set out in subclause (1)(f) for Māori disabled children and young people.

7 Matters that must be contained in annual report on compliance with national care standards regulations

- (1) The annual report on compliance with national care standards regulations prepared by the Monitor under section 23 of the Act must, at a minimum, contain a report on the following matters:
- (a) the number of children and young people in care or custody, the length of the time spent by each child or young person in care or custody, and a

- summary of the reasons why each child or young person is in care or custody; and
- (b) a profile of the characteristics of children and young people in care or custody, including by gender, ethnicity, age, disability, and health needs; and
 - (c) the number of times children or young people in care or custody have had a change of placement, including a summary of the reasons for the change of placement; and
 - (d) any complaints received by Oranga Tamariki in relation to the duties of the chief executive of Oranga Tamariki under the Oranga Tamariki Act 1989, including (without limitation)—
 - (i) the number of complaints received;
 - (ii) the procedures followed to resolve the complaints;
 - (iii) whether and how those complaints have been resolved; and
 - (e) areas of good practice and areas for improvement in relation to services or support provided to children and young people in care or custody; and
 - (f) the state of systems for self-monitoring and continuous improvement operated by the chief executive of Oranga Tamariki and care or custody providers; and
 - (g) any identified incidents of abuse or neglect found to have occurred in care or custody, and the procedures followed to resolve those incidents.
- (2) The report must contain specific information or results relating to the level and degree of compliance with national care standards regulations—
- (a) for Māori children and young people and the impact of this on Māori children and young people and their whānau;
 - (b) for disabled children and young people.

8 Matters that must be contained in annual report for Māori children and young people and their whānau

- (1) The annual report on outcomes for Māori children and young people and their whānau prepared by the Monitor under section 24 of the Act must, at a minimum, contain a report on the following matters:
- (a) the performance of the duties of the chief executive of Oranga Tamariki set out in section 7AA of the Oranga Tamariki Act 1989 and an assessment of the outcomes being achieved for Māori children and young people and their whānau in relation to compliance with that section; and
 - (b) the measures taken by the chief executive of Oranga Tamariki to carry out the duties specified in section 7AA(2) and (4) of the Oranga Tamariki Act 1989, including a report on the impact of those measures in

- improving outcomes for Māori children and young people who come to the attention of Oranga Tamariki under that Act; and
- (c) the extent to which practices within the Oranga Tamariki system have regard to mana tamaiti and the whakapapa of Māori children and young people and the whanaungatanga responsibilities of their whānau, hapū, and iwi; and
 - (d) the strategic partnerships Oranga Tamariki has with iwi and Māori organisations.
- (2) The report must contain specific information or results—
- (a) for Māori disabled children and young people:
 - (b) relating to the impact that the matters referred to in subclause (1) have had on measurable outcomes that have been set to reduce disparities for Māori children and young people.

Time frame for publishing reports and responses

9 Time frame for publishing Monitor’s final reports and responses to final reports

- (1) This regulation applies in relation to—
- (a) a final report prepared by the Monitor under section 22, 23, 24, 25, or 26 of the Act; and
 - (b) a response to the final report prepared by the chief executive of the relevant agency under section 30 of the Act.
- (2) The Monitor must publish a copy of the final report and the response to the final report no later than 10 working days after the date on which a response falls due under section 30(3) or (4).

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in these regulations as made.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 May 2023, prescribe the following matters for the purposes of the Oversight of Oranga Tamariki System Act 2022 (the **Act**):

- the persons whom the Independent Monitor of the Oranga Tamariki System (the **Monitor**) must notify when they become aware of any non-compliance with regulations made under the Oranga Tamariki Act 1989 that set out national care standards for children and young persons in care or custody (**national care standards regulations**) or any other matter that places a child or young person in care or custody at immediate risk of suffering, or being likely to suffer, serious harm:
- the minimum matters that must be contained in the Monitor's 3-yearly State of the Oranga Tamariki system report prepared under section 22 of the Act:
- the minimum matters that must be contained in the Monitor's annual report on compliance with national care standards regulations prepared under section 23 of the Act:
- the minimum matters that must be contained in the Monitor's annual report on outcomes for Māori children and young people and their whānau prepared under section 24 of the Act:
- the time frame within which a final report of the Monitor prepared under section 22, 23, 24, 25, or 26 of the Act and the response by the chief executive of an agency that is the subject of a final report must be published on an Internet site maintained by or on behalf of the Monitor.

Issued under the authority of the Legislation Act 2019.

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These regulations are administered by the Ministry of Social Development.