



MANAAKITIA A TĀTOU TAMARIKI

Children's  
Commissioner



# FULFILLING THE VISION

Improving Family Group Conference  
preparation and participation

STATE OF CARE SERIES: DECEMBER 2017

# Whānau

## Iwi

## Families

Family group conference

## Mokopuna Māori

## Hapū

## Coordinator

Children and young people

## Hui-a-whānau

# Whakapapa

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## Commissioner's statement



**"Me huri kau koe i ngā whārangi o neherā; ka whakatuwhera i tētahi whārangi hōu mō ngā mea o te rā nei, mō āpōpō hoki."**

—  
"You must turn over the pages of the past; you must open a new page for the things of tomorrow".

- Sir James Carroll

When Family Group Conferences (FGCs) were introduced in 1989, they were hailed as a New Zealand innovation which at their best, fully involve families, whānau, hapū, iwi and family groups in decisions about the welfare of their children, and give children a voice. When properly resourced and practised, I believe the FGC process has in it the seeds of genius.

Prior to 1989, state intervention in the lives of families and children was not child-centred, nor did it recognise, respect and enhance the mana of children and their whānau. Children and young people, their families, whānau, hapū, iwi, and family groups were disempowered in state decision-making processes. The same could be said for victims of criminal offending by children and young people. State interventions did not employ indigenous methods, or respect Te Ao Māori and Māori culture, and they effectively shut out family groups from decision-making about their own children.

The FGC process was inspired by indigenous methods of dispute resolution with a clear vision to improve a system which had until then failed Māori. The vision was that the state would stand aside, and family, whānau, hapū, iwi and family groups would be given responsibility and power to make decisions, albeit informed by professional advice. But the FGC should not be seen as the adoption of a Māori model, given it takes place within a statutory context and is convened by the state.

However, 27 years on from the original Act, we have failed to put this vision into practice.

The state has failed to prioritise hapū and iwi involvement. Practice is inconsistent; proper resourcing is lacking; preparation is frequently inadequate; training of coordinators is patchy; and, there is insufficient participation of children and young people, whānau, hapū and iwi in FGCs. Collectively, we can make better, mana-enhancing decisions with our children, young people and their families.

Where a social worker forms the belief, following an investigation or assessment, that a child is in need of care and/or protection, or in certain circumstances around serious youth offending, then an FGC must be convened. Three key elements of the FGC process are:

1. The partial transfer of power from the State, principally the Courts' power, to the community, and for Māori including hapū and iwi.
2. The Family Group Conference as a mechanism for producing a negotiated, community response.
3. For youth justice FGCs, the involvement of victims as key participants, making possible a healing process for both offender and victim.<sup>1</sup>

This report concentrates on the aspects relating to the preparation of a best practice FGC and highlights key issues that must be addressed to ensure that FGCs will truly reach their potential. Excellent preparation is of pivotal importance. Without it, the FGC is, for all intents and purposes, destined for mediocrity.

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1. Judge McElrea, "New Zealand Youth Court: A Model for Development in other Courts?", n 73, 3-4.

### THERE IS A COMPELLING NEED FOR:

- Standard induction, training and certification of all FGC coordinators;
- Adequate and sufficient resources for all Family Group Conferences;
- Comprehensive preparation that identifies and fully briefs all those who should attend, especially in the case of Māori children and young people, their whānau, hapū, and iwi;
- Conducting an excellent Family Group Conference and formulating a comprehensive and tailored FGC Plan which is then carefully monitored and implemented.

Our children and young people deserve much better. The launch of the new Oranga Tamariki and the supporting revisions to the legislation gives us a unique opportunity to address long-standing deficiencies identified in this report and to get our practice right.

There were significant efforts by CYF to breathe new life into Family Group Conferences prior to Oranga Tamariki. The creation of 12 Kaiwhakatara roles to provide leadership, training and input into the FGC

process bore positive initial fruit. So did the creation of the ten point FGC practice standards. While the Kaiwhakatara roles have since been discontinued, I am encouraged to hear of new training and support initiatives now being put in place for FGC coordinators.

I hope this report will provide a blueprint and incentive for widespread change and improvement in the Family Group Conference process. I know of no better model to deal with children and young people in need of care and protection and/or who have allegedly offended against the law. The concept is world-leading and one we should be proud of.

As Oranga Tamariki is built and develops in the years ahead, we look forward to seeing the necessary and commensurate improvements in the preparation and then the practice of Family Group Conferences.

Heoi anō



Judge Andrew Becroft

### **A CYF site manager from the early 1990s provided this example of a care and protection FGC held in the first years of implementation of the 1989 Act. Sadly, this approach would be rare today:**

"I recall in 1994 we had a whānau of 3 mokopuna (ages 4 – 8) living in our area (lower North Island CYF site) whose parents could not safely care for them. They were from the Far North [iwi identity withheld]. Māori social workers from our site contacted the appropriate Far North site and asked staff up there to find the whānau connections for the children. Once we had those connections, we flew two of our social workers up to the North to hold a whānau hui and explain the situation for the tamariki. Whānau then agreed to come to an FGC in our area.

The FGC was held at our local marae and took place over several days. We brought a large contingent of whānau, hapū and iwi down in a bus. A Māori social worker from the North who knew them well, came down with them. The FGC was jointly facilitated by our Pakeha care and protection coordinator and her Māori youth justice coordinator colleague so they could cover off all aspects of the process in a culturally responsive way. The FGC was able to take the time that was needed for the whānau, including the parents, to kōrero by themselves, deal with old hurts and work out a plan they could all accept.

The mokopuna went back north with their whānau, with a support plan in place from the Northern CYF site and including their local iwi social service. The parents followed some months later. There was ongoing communication between the two CYF sites to ensure the plan was being implemented as per the FGC. Our site closed our end of the case once the parents also moved north and it was clear the FGC plan was working well."



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# Executive summary

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From October to November 2016, we conducted a review of six Child, Youth and Family (CYF) sites. This review was in preparation for the establishment of Oranga Tamariki in April 2017. The review confirmed that high quality preparation for family group conferences (FGCs) is important both for engagement of children and young people and their whānau in FGCs and the subsequent quality of FGC plans. At the time of our visits, pre-FGC practices varied hugely across different sites.

We concluded that as part of the transformation of CYF into Oranga Tamariki, there was a significant challenge ahead to ensure children and young people and their whānau are adequately prepared for FGCs and that groundwork has been properly laid for FGC involvement. Since our visits, we have been encouraged by the efforts made by Oranga Tamariki to improve FGC preparation.

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## WHY LOOK AT FGC PREPARATION?

The Office of the Children's Commissioner (OCC) has worked with CYF and Oranga Tamariki to inform the design, service delivery and future planning for Oranga Tamariki, both before and after its establishment on 1 April 2017.

In late 2016 we collaborated with CYF to choose a topic for review that would add value to its transformation into Oranga Tamariki. That topic was the quality of CYF preparation for FGCs and the experiences of children and young people and whānau who participate in them. This report summarises the findings from that review. The draft report was delivered to CYF in late February 2017 and the final report was delivered in early May 2017.

FGCs are central to care and protection and youth justice decision-making. Successful FGCs can be divided into three parts:

1. pre-FGC (preparation);
2. during-FGC (facilitation and planning); and
3. post-FGC (implementation).

We decided to focus on preparation for FGCs, for it is preparation which is essential for the other FGC phases. We wanted to understand what high quality preparation for FGCs looks like and what difference excellent preparation can make to the engagement of children and young people and whānau in the FGC process and to the subsequent quality of FGC plans.

Given the over-representation of mokopuna Māori in the care and protection and youth justice systems, we were particularly interested in exploring pre-FGC practices that could make a difference to the engagement of mokopuna Māori and their whānau. In fact, the new legislative provisions in the Oranga Tamariki Act 1989<sup>2</sup> make such engagement inescapable.

During the course of our review, we also discovered enablers and barriers relevant to the facilitation of FGCs and implementation of FGC plans. We have included these findings where they are relevant to our recommendations.

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2. The Oranga Tamariki Act 1989 is one of two new names for the Children, Young Persons and their Families Act (CYP&F) Act 1989, which was revised and updated in July 2017. The other name is the Children's and Young People's Well-being Act.

## METHOD

To provide the most useful information for future service design, CYF selected six model sites for us to visit which were focused on improving pre-FGC preparation. Across the 4 care and protection sites and 2 youth justice sites visited, we interviewed 14 young people and 16 of their family or whānau groups, who had participated in an FGC in the previous 6 months. At each site, we also interviewed CYF staff about their pre-FGC practices and key external stakeholders.

To gain further insight into what high quality preparation looks like, we conducted an in-depth case study of one whānau group where we knew there had been a high level of preparation. Finally, we reviewed the quality of FGC plans for four to five cases per site.

## HIGH QUALITY FGC PREPARATION...

All six sites visited were putting significant effort into phone and face-to-face meetings to help prepare children and young people and their whānau to participate fully during their FGCs. The care and protection sites were doing two key additional things to engage mokopuna Māori and their whānau in more effective ways:

1. conducting whakapapa searches to find safe whānau members in the wider whānau, hapū or iwi; and
2. running hui-a-whānau prior to FGCs.

We examined the benefits of these pre-FGC practices and identified the enablers and barriers to high quality FGC preparation.

## ...IS SUPPORTED BY THE NEW LEGISLATION

The new Oranga Tamariki legislation, the majority of which will come into force on 1 July 2019, provides a stronger statutory mandate for Oranga Tamariki to conduct whakapapa searches and run hui-a-whānau prior to FGCs. For instance, emphasis on three new pou (foundational

pillars) – mana tamaiti, whakapapa, and whanaungatanga – strengthens the obligation on Oranga Tamariki to include family, whānau, hapū and iwi in the preparation for and practice of FGCs.

Other sections of the new legislation also back this up. Section 7AA(2)(b) states that the Chief Executive must ensure the policies, practices, and services of the department have regard to mana tamaiti and the whakapapa of Māori children and young persons and the whanaungatanga responsibilities of their whānau, hapū, and iwi. Section 5(c)(v) states that wherever possible, a child's or young person's family, whānau, hapū, iwi, and family group should participate in decisions, and regard should be had to their views.

While hapū and iwi are not entitled FGC participants under the Act, it could be argued that conducting hui-a-whānau or FGCs without inviting hapū or iwi to participate, or at least not using best endeavours to encourage them to participate, would not be in keeping with the intention of the Act. If there was ever any doubt about the importance of whakapapa searching or hui-a-whānau, the new legislation should remove it.

## ...LEADS TO BETTER ENGAGEMENT AND BETTER FGC PLANS

We knew from the beginning of this review that engagement of children and young people and their whānau in FGCs and the development of high quality FGC plans are both crucial for achieving longer-term positive outcomes.

This review confirmed that high quality FGC preparation, particularly hui-a-whānau and whakapapa searching, increases engagement of children and young people and their whānau during FGCs and improves the subsequent quality of FGC plans.

Hui-a-whānau and whakapapa searching have the potential to contribute to the transformation needed to improve outcomes for mokopuna Māori and their whānau. These practices should



be embedded as best practice for FGC preparation across all Oranga Tamariki sites. They should not be considered as 'enhancements'.

### ... AND HAS MANY BENEFITS

Investing time and resources to adequately prepare children and young people and their whānau for FGCs by running hui-a-whānau and conducting whakapapa searches is beneficial in a number of ways.

Spending additional time to find whānau members and then engage with children and young people and their whānau, hapū and iwi builds and strengthens relationships and trust among all involved. This is key to achieving safe, stable and loving whānau placements in the care and protection context.

Similarly, taking the time to identify and bring together wider whānau and relevant hapū and iwi representatives can also improve youth justice outcomes and is entirely consistent with the Oranga Tamariki Act 1989. Indeed, it is effectively mandated by the new legislation.

However, high quality FGC preparation, such as whakapapa searching and hui-a-whānau, can only be achieved when all levels of Oranga Tamariki support strong, positive engagement with children and young people and their whānau at the front line. At the time of our site visits, there were many organisational and site level barriers preventing high quality preparation for FGCs.

### BUT CURRENT PRE-FGC PRACTICE IS VARIABLE

The sites selected for us by national office were considered to be 'exemplar' sites in the area of FGC preparation. We found pockets of high quality pre-FGC practice but, even at the four care and protection sites, hui-a-whānau and whakapapa searching were only in the early stages of development.

At the two youth justice sites, hui-a-whānau and whakapapa searching were not being used at all. This is partially due to the short timeframes, given in s249 of the Oranga Tamariki Act 1989, for completing youth justice FGCs.

Youth justice sites were not making sufficient use of s249(6) of the Oranga Tamariki Act which provides for a longer period to conduct processes such as whakapapa searches and hui-a-whānau prior to youth justice FGCs.

Overall, pre-FGC practice varied significantly. FGC coordinators had variable levels of contact with children, young people, their whānau and victims prior to FGCs.

Children were not typically included in hui-a-whānau. There was also a lack of consideration for how to engage mokopuna Māori and their whānau, hapū or iwi in culturally responsive ways.

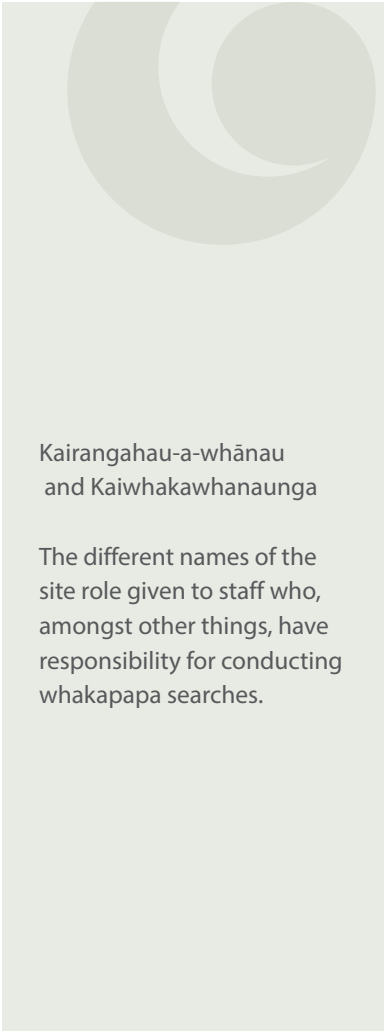

### WE FOUND EXAMPLES OF POOR QUALITY DURING-FGC FACILITATION AND POST-FGC IMPLEMENTATION

During the course of our review, we found examples of poor FGC facilitation, for instance, where facilitators did not believe in or practice whānau-led decision-making; where

#### FGC coordinator

The site role(s) with responsibility for convening (organising), and facilitating FGCs. Coordinators therefore play a key role in pre-FGC preparation.

The coordinator role is quite distinct from the site social worker role. It is the social worker who has responsibility for monitoring FGC plans and ensuring that the needs of children and young people and their whānau are met.



Kairangahau-a-whānau  
and Kaiwhakawhanaunga

The different names of the site role given to staff who, amongst other things, have responsibility for conducting whakapapa searches.

whānau did not understand what was happening; and, where children and young people's voices were not adequately represented.

We also came across examples of inadequate FGC plans, and a lack of oversight of the implementation of FGC plans.

### WHAT ENABLES HIGH QUALITY FGC PREPARATION?

Members of the whānau in the FGC case study reported that the pre-FGC preparation was outstanding. Taken together with our other findings, the review revealed many enablers to high quality FGC preparation that are already in place. These include:

- **Capable, well respected and trusted leadership teams** – most sites had respected leadership teams that had a positive influence on staff morale and attitudes.
- **Site systems and structures that facilitate collaboration and support decision making** – all sites had pre-FGC case consultations to enable relevant information to be shared prior to FGCs.
- **Clear internal roles and responsibilities** – staff across all six sites knew their role boundaries, which enabled them to specialise in the tasks for which they have responsibility.
- **Sufficient operational and programme budget and child-centred use of resources** – sites generally had a sufficient operational budget to do what was needed to bring whānau members together and organise hui-a-whānau. At the site of the in-depth case study, the site

manager strategically allocated the resources needed to meet the needs of children and young people and their whānau to prevent re-notifications in the future. This site's Operations Manager also supported the flexible, child-centred use of resources.

- **Positive relationships with key stakeholders and mana whenua** – all sites visited had built positive relationships with other key community and iwi organisations.

### WHAT ARE THE BARRIERS TO HIGH QUALITY FGC PREPARATION?

Our review highlighted that even sites which are relatively advanced in their trialling of hui-a-whānau and whakapapa searching still face many barriers to deliver consistently high quality pre-FGC preparation.

The main barriers include:

- **Unclear intentions and expectations for hui-a-whānau and FGCs** – at half the sites, pre-FGC expectations and intentions for hui-a-whānau were unclear.
- **Lack of dedicated roles for providing cultural advice and conducting whakapapa searches** – only two sites had culturally and clinically skilled staff in dedicated roles for conducting whakapapa searching, facilitating hui-a-whānau, and providing readily accessible cultural advice and support to FGC coordinators and social workers. These roles were known as Kairangahau-a-whānau and Kaiwhakawhanaunga, respectively. At the site where we conducted the

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case study, the thorough FGC preparation would not have been possible without the Kairangahau-a-whānau.

- **Negative underlying attitudes** – we found inconsistent valuing of tikanga Māori across sites was impeding some sites' responsiveness to mokopuna Māori.
- **Insufficient people budget to consistently prepare children and young people and their whānau for FGCs** – most sites reported struggling to find the time and resources to consistently conduct whakapapa searching and hui-a-whānau for all cases that are referred to care and protection FGCs. We found many cases where there had been no whakapapa searches or hui-a-whānau, or indeed even any face-to-face meetings with children and young people and their whānau prior to FGCs.
- **Inadequate support to improve practice** – at most sites, the quality and frequency of supervision was variable and coordinators had limited training in how to engage whānau or facilitate large numbers of whānau members.
- **Staff unclear about the protocol for when to allocate youth justice social workers to cases** – at one of the two youth justice sites we visited, staff were unclear about the protocol in place guiding supervisors about when to allocate social workers to cases. This was leading to variable quality of pre-FGC support for different cases.
- **Lack of attention to children and young people's and whānau's understanding** – across most sites we found whānau who did not understand the difference between hui-a-whānau and FGCs; who did not understand what was happening during FGCs; and, who did not understand the outcomes of FGCs.

- **Failure to seek feedback from children and young people or their whānau to improve the quality of hui-a-whānau and FGCs** – no site was regularly collecting feedback from children and young people or their whānau to improve their preparation for, or facilitation of, FGCs.

The case study also highlighted that high quality preparation means nothing if the post-FGC follow-up is not adequate. Equal attention must be paid to post-FGC processes.

A key barrier identified in the case study was related to the transfer of the case from one site to another and a failure by the new site to pick up ownership and oversight of the progress of the FGC plan.

The best FGC preparation in the world cannot compensate for FGC plans where there is inadequate support built in for caregivers or inadequate oversight of the plan following the FGC.

It was clear from these findings that the intended benefits of the Reinvigorating FGC Project<sup>3</sup>, to improve foundational level FGC practice, had not been consistently achieved, let alone consistently achieved with respect to hui-a-whānau and whakapapa searching.

We are concerned that the six exemplar sites were not adequately preparing children and young people or their families and whānau for FGCs. In all likelihood, it means practice is even more variable across other sites. CYF was therefore missing out on a major opportunity to improve outcomes for their clients.

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3. CYF initiated the 'Reinvigorating FGC Project' in 2014. Its purpose was to improve the quality of FGC delivery across the country. It involved upskilling and accrediting FGC coordinators according to 10 agreed FGC practice standards. Twelve experienced coordinators, known as Kaiwhakātara, championed this process across the country. However, the project was discontinued in mid-2016 as CYF shifted its focus to prepare for its transformation into Oranga Tamariki.

**THE ORANGA TAMARIKI  
TRANSFORMATION PROGRAMME  
PROVIDES A GREAT OPPORTUNITY  
TO IMPROVE THE QUALITY OF  
FGC PREPARATION**

The current redesign of Oranga Tamariki, and openness to change, provide an opportunity to embed hui-a-whānau and whakapapa searching as foundational best practice for all children and young people and their whānau. In order to achieve this, the new organisation needs to support high quality preparation for FGCs that ultimately results in children and young people living in safe, stable and loving whānau placements.

A key enabler is coordinators and social workers having sufficient time and capacity to run hui-a-whānau and adequately prepare children and young people and their whānau for FGCs. Dedicated resources and investment are required to embed enablers across the site, regional and national levels of the organisation.

**RESPONSE BY ORANGA TAMARIKI**

We delivered our draft report on high quality FGC preparation to CYF in February 2017. The report contained the recommendation that CYF design the Oranga Tamariki system to enable high quality FGC preparation.

In response, Oranga Tamariki has since taken several concrete steps to improve the quality of FGC preparation, including:

1. funding whakapapa searching and hui-a-whānau across 21 care and protection sites;
2. providing induction training and ongoing mentoring to 15 relatively new youth justice FGC coordinators and 15 care and protection coordinators; and
3. trialling external iwi-based FGC coordinators at two sites.

These concrete actions are underpinned by several key building blocks for the new organisation – for example, a child-centred system, high aspirations for Māori children, and a professional practice framework – that are intended to provide a platform for child-centred, culturally responsive practice.

These building blocks will support further work to improve the quality of FGC preparation. There are already encouraging signs that Oranga Tamariki plans to support whakapapa searching and hui-a-whānau more widely.

**OUR VISION FOR FGC PREPARATION  
IN THE FUTURE**

In Figure 1 (page 36), we describe the enablers needed at all levels of Oranga Tamariki to embed high quality FGC preparation across sites. Figure 1 provides a snapshot of what we would see at a site and in the wider system if all the enablers we identified were present and all the barriers were removed.

# Recommendations

Following the delivery of our draft report in February 2017, we are encouraged by the progress that Oranga Tamariki has already made across many sites to enable high quality preparation for FGCs. We will continue to follow how this work progresses. We have two overarching recommendations and nine actions.

## RECOMMENDATION 1: PREPARATION FOR FGCs

Oranga Tamariki continues to build its new system to ensure high quality FGC preparation - particularly whakapapa searching and hui-a-whānau - across all sites.

This will involve ensuring that all the enablers related to FGC preparation, listed in Figure 1 (page 36), are in place and aligned across national, regional and site levels of Oranga Tamariki. In the Figure, we have highlighted in bold those areas which have the greatest need for improvement, and we therefore encourage Oranga Tamariki to prioritise the following actions:

Action 1:	Develop and implement a plan to build the cultural capability of the sites which have not yet been funded to employ dedicated whakapapa researchers – to prepare them for the further rollout of whakapapa searching and hui-a-whānau to their sites.
Action 2:	Wherever possible, find safe ways for children and young people to be present during hui-a-whānau and FGCs.
Action 3:	Ensure that hapū and iwi representatives are identified, located and invited to participate in hui-a-whānau and FGCs.
Action 4:	Ensure there is always at least one face-to-face meeting with victims to fully prepare them for FGCs.
Action 5:	Youth justice sites make better use of the flexibility for timing provided by s249(6) to enable them to conduct whakapapa searches and run hui-a-whānau prior to youth justice FGCs.

## RECOMMENDATION 2: FACILITATION AND IMPLEMENTATION OF FGC PLANS

Oranga Tamariki continues to build its new system to enable more effective facilitation of FGCs and implementation of FGC plans. This will involve prioritising the following actions:

Action 6:	Provide induction training followed by regular refresher training and supervision to all FGC coordinators to improve their confidence in engaging effectively with children and young people and their whānau and in facilitating large groups of people for hui-a-whānau or FGCs.
Action 7:	Re-activate the previously developed accreditation process for FGC coordinators to ensure standards of FGC practice are maintained.
Action 8:	Improve the implementation and oversight of FGC plans, including providing better support for whānau and caregivers caring for multiple siblings and for young people to complete any community work built into their youth justice FGC plans.
Action 9:	Provide clear national guidance to Oranga Tamariki sites regarding the standards expected for supporting children and young people's transitions when responsibility for their plan moves to a different site.

# PART 1: Introduction

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The Children’s Commissioner Act (2003) sets out the statutory responsibilities of the Children’s Commissioner which includes monitoring the policies and practices of Child, Youth, and Family (CYF). As from 1 April 2017, CYF became The Ministry for Vulnerable Children, Oranga Tamariki (Oranga Tamariki).

We publish our State of Care reports at least annually to give expression to the voices and experiences of children and young people and to be transparent about what our monitoring found. This report presents our findings for one review which examined the quality of CYF preparation for family group conferences (FGCs).

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## CYF PREPARATION FOR FAMILY GROUP CONFERENCES (FGCs)

This is our fourth public report. During October and November 2016, the Office of the Children’s Commissioner (OCC) visited six CYF sites. The purpose of the review was to learn more about what constitutes high quality preparation for FGCs.

Another purpose was to examine the impact of preparation on the engagement and participation of children and young people and their whānau in FGCs and on the subsequent quality of decision-making and FGC plans.

We also set out to assess the quality of CYF preparation for FGCs. The review topic was selected in collaboration with CYF to provide insight to a fundamental area of CYF practice as it transformed into Oranga Tamariki.

Successful FGCs have three parts:

1. pre-FGC (preparation)
2. during-FGC (facilitation and planning)
3. post-FGC (implementation)

The current report focuses mostly on the quality of CYF preparation for FGCs. However, in the course of our review, we also learnt about the state of FGC facilitation and implementation and associated enablers and barriers. We describe these findings where they are relevant to our recommendations.

## WHY FOCUS ON FGC PREPARATION?

FGCs are one of the key services of Oranga Tamariki. They are a fundamental component of care and protection and youth justice decision-making. We already knew that the quality of whānau engagement in FGCs has a significant impact on whānau ‘buy-in’ to FGC plans and ultimately outcomes for children and young people. We therefore predicted that factors that improved the quality of engagement of children / young people and their whānau in the FGC process would likely improve outcomes for children and young people.

Our starting hypothesis was that high quality preparation for FGCs, particularly practices such as whakapapa searching and hui-a-whānau, would lead to increased engagement of children and young people and their whānau during FGCs and therefore deliver higher quality FGC plans.

In any case, such practices are arguably no more than the previous legislation required, at least indirectly. For instance, s5(a) of the then Children, Young Persons, and Their Families Act 1989 directed that “wherever possible a child or young person’s family, whānau, hapū, iwi and family group should participate in the making of decisions affecting that child or young person...” Similarly, specific principles in both the care and

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protection and youth justice arenas established the importance of strengthening and supporting whānau, hapū, iwi and family groups.

Pre-FGC practices such as whakapapa searching and hui-a-whānau are relevant to all children and young people but have particular significance for mokopuna Māori. Over 60% of children and young people in the Oranga Tamariki care and protection system are Māori. Over 65% of children and young people referred to youth justice FGCs are Māori.

There is a real need to engage mokopuna Māori and their whānau, hapū and iwi more effectively, so that their outcomes can be improved and disparities reduced. This is one of the reasons that the revised Oranga Tamariki Act (1989) includes a new purpose that will come into effect in July 2019 – to promote the wellbeing of children and young people and their whānau by recognising three pou (foundational pillars) - mana tamaiti, whakapapa, and whanaungatanga (see s4(1)(g) of the revised Act).

Pre-FGC practices such as whakapapa searching and hui-a-whānau are potentially key mechanisms that could help Oranga Tamariki to achieve this purpose. In fact, it is hard to envisage how these purposes could be achieved without these mechanisms being used across the whole Oranga Tamariki organisation.

Over the years, CYF has made a number of attempts to improve the quality of FGCs and strengthen the engagement of children and young people, families and whānau. There have been internal and external reviews of the quality of FGCs<sup>4</sup>. However, these have focused primarily on the FGC process itself rather than the quality of preparation for FGCs.

One major CYF project, initiated in 2014, was called 'Reinvigorating FGCs'. This project involved a dedicated strategy for up-skilling FGC coordinators according to ten agreed FGC practice standards<sup>5</sup>. The second of these standards is to have meaningfully engaged family or whānau.

As part of the project, 12 experienced FGC coordinators were seconded into 'Kaiwhakatarā' roles around the country. The aim of the Kaiwhakatarā was to champion the quality of FGCs by supporting FGC coordinators to demonstrate the new FGC practice standards and achieve accreditation status.

This project was discontinued in mid-2016 before all of its potential benefits could be realised. This occurred as CYF shifted its focus to prepare for its transformation into Oranga Tamariki. In our view, it is crucial that the work behind this project be completed.

This report on CYF preparation for FGCs offers new insights into the quality of pre-FGC preparation and what can help or prevent high quality preparation.

The lessons from this review have been used to inform one of the 'early enhancement initiatives' – being progressed by the new organisation, Oranga Tamariki - to improve participation in FGC decision-making processes in year one of the transformation programme for Oranga Tamariki.

We hope that publishing this review now will help further enhance the quality and effectiveness of FGC preparation across all Oranga Tamariki sites.

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4. In 2014, an external review commissioned by CYF was released by the University of Canterbury: Te Awatea Violence Research Centre. (2014). Evaluation of Family Group Conference Practice and Outcomes. University of Canterbury, Christchurch. This review highlighted the benefits of good FGC practice and the consequences of poor FGC practice and concluded that much more attention is needed to providing an organisational environment that supports good practice.

5. The FGC practice standards can be found on Oranga Tamariki's online Practice Centre: <https://practice.mvcot.govt.nz/documents/resources/fgc-standards-with-descriptors.pdf>

### Hui-a-whānau

We use the term 'hui-a-whānau' in accordance with the framework developed by the Project Specialist for hui-a-whānau in Auckland. It refers to the CYF-facilitated bringing together of whānau members prior to a care and protection FGC in order to:

1. Communicate to the whānau CYF's concerns and understand where whānau are positioned in relation to the concerns;
2. Understand whānau dynamics and identify strengths in the whānau;
3. Work through emotions and raruraru (troubles, worries or conflict);
4. Formulate a safety plan or interim safety plan prior to the care and protection FGC; and
5. Prepare the whānau for the FGC.

Note that at the time of our review, hui-a-whānau were currently being used only at care and protection sites, not youth justice sites. Hui-a-whānau are only run after a care and protection assessment or investigation has determined that the child or young person is in need of care and protection and the site has made a referral to a care and protection FGC. A hui-a-whānau run with a non-Māori family may just be called a 'family meeting'. Whakapapa searching is integral to hui-a-whānau.

### Whakapapa searching

Involves finding and engaging with whānau, hapū and/or iwi of the child or young person concerned, and ensuring they are present at the hui-a-whānau. A meeting with just the parent/s and one or two other immediate whānau members does not constitute a hui-a-whānau, nor an FGC. Dedicated positions for whakapapa searching have only been established at care and protection sites.

### WHAT IS HIGH QUALITY PREPARATION FOR FGCs?

High quality preparation for FGCs refers to site staff (usually FGC coordinators) having sufficient phone and face-to-face meetings with children and young people, their whānau, hapū and iwi, and, in the youth justice context, victims, to adequately engage them and prepare them to participate fully in their FGC.

This requires skilled and robust practice: to engage with children and young people and their whānau; to explain the concerns; to manage whānau dynamics; to share information; and to prepare different people with different needs and roles for what to expect at the FGC.

In assessing the quality of FGC preparation, our main focus was on two forms of family and whānau engagement:

- Hui-a-whānau; and
- Whakapapa searching.

### HIGH QUALITY FGC PREPARATION AND THE LEGISLATION

#### Strengthening whānau, hapū, and iwi involvement

As noted above, involving whānau, hapū, and iwi was integral to all decisions affecting children and young people under the previous legislation (eg. see s5(a)). Given that FGCs are the key decision-making mechanism in both the care and protection and youth justice systems, this means that efforts to involve not just immediate family, but also wider whānau, hapū, and iwi should be fundamental to every care and protection and youth justice FGC and their preparation.

The revised Oranga Tamariki (1989) legislation will include several changes, when the revisions commence, that provide an even stronger imperative to involve whānau, hapū and iwi prior to and during FGCs.



This is achieved via:

1. The three new pou already mentioned - mana tamaiti, whakapapa, and whanaungatanga – which are referenced in several sections of the new Act. In addition to the new purpose in s4(1)(g), s7AA(2)(b) states that the Chief Executive must ensure the policies, practices, and services of the department have regard to mana tamaiti and the whakapapa of Māori children and young persons and the whanaungatanga responsibilities of their whānau, hapū, and iwi.
2. The new s5(1)(c) states that the child's or young person's place within their family, whānau, hapū, iwi, and family group should be recognised.
3. Section 5(1)(c)(v) states that wherever possible, a child's or young person's family, whānau, hapū, iwi, and family group should participate in decisions, and regard should be had to their views.

### Interventions vs. sanctions

In the course of our review, we discovered that the two youth justice sites we visited were not conducting hui-a-whānau or whakapapa searches. We know from national office that this is the case for most other youth justice sites.

When we explored the reasons for this, we were told, by youth justice sites, that it is not always appropriate to run hui-a-whānau following young people's offending, because to do so would not constitute a 'minimally intrusive intervention'.

We believe however, that this is a misinterpretation of the Act. Where an FGC is considered necessary by Police prior to laying a charge, or has been ordered by the Court after a charge has been laid, then the FGC process would normally put some demands on the family or whānau.

The previous Act specifies in s208(f)(ii) that any sanctions imposed on a child or young person who commits an offence should take the least restrictive

form that is appropriate in the circumstances. Sanctions are included as part of the youth justice FGC plan and should not be considered to be the actual FGC itself.

While sanctions should take the least restrictive form appropriate, as per s208(fa), any interventions that are included as part of the youth justice FGC plan should be whatever is necessary to address the underlying causes of offending. These same principles have not changed in the revised Act.

How then should coordinators best prepare for youth justice FGCs? Both the previous and revised legislation make it clear that one of the starting points is to have whānau, hapū and iwi identified, found and contacted prior to FGCs.

We believe that in cases of complex offending (or complex offenders), a preliminary hui-a-whānau prior to an FGC, involving wider whānau, hapū and iwi, has the potential to be very useful. However, such hui-a-whānau should not be confused with the statutory FGC itself and should not be used to replace the statutory FGC.

### Interpretation of timeframes

Another reason that youth justice sites have not been running hui-a-whānau is the short timeframe given in s249<sup>6</sup> of the Oranga Tamariki Act for sites to run youth justice FGCs. The standard 21-day timeframe given to organise and deliver court-ordered FGCs may not allow sufficient time before the FGC to conduct a whakapapa search, engage all the relevant whānau members, and organise and deliver a hui-a-whānau.

One youth justice site we visited was circumventing this perceived problem by delivering youth justice FGCs that take place in two stages, or 'two-part' FGCs. The first stage of the FGC is held within the statutory timeframe, then the FGC is adjourned and completed a few weeks after the first FGC stage. The youth justice plan is finalised

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6. s249 of the Oranga Tamariki Act 1989 specifies the timeframes within which FGCs must be convened (or in other words, organised) and then completed (or in other words delivered). s249(6) enables coordinators to delay the completion of FGCs if there are 'special reasons'. We note that 'special reasons' is a relatively low bar. The need for neurological or other assessments would surely qualify, as would the need to find additional whānau support to ensure the success of a plan.

at the second stage of the FGC after there has been sufficient time for whānau engagement and planning.

We would like to discourage this practice as we do not believe it is necessary, nor is it what the legislation requires. The solution would be for youth justice coordinators to use s249(6) of the Oranga Tamariki 1989 Act more frequently. This allows for extension of the timeframes where there are special reasons. This would enable a delay to the FGC so that there is sufficient time to prepare young people and their whānau, rather than using two-part FGCs as a work around.

The two-part FGCs should not be considered as appropriate practice. More frequent use of s249(6) would allow more time to conduct whakapapa searches, run a hui-a-whānau and engage victims prior to the one full FGC.

In our view, whakapapa searches have a clear place in the youth justice context. For complex cases, we would expect hui-a-whānau to be held before youth justice FGCs. Indeed, this would be in keeping with the legislation (eg. principles in s208(1)(c) and s208(1)(f)(i) of the Oranga Tamariki Act). There is a pressing need to have more whānau, hapū and iwi helping young

offenders to be accountable for their behaviour and supporting them to get onto the right path in life.

Therefore, in terms of the existing legislation, hui-a-whānau and whakapapa searching can be seen as essential components of high quality preparation for FGCs in both the care and protection and youth justice context.

### Child-centred decision-making

The new Act also gives more support to child-centred decision-making. This is achieved via a new general principle that makes explicit children and young people's right to participate in decisions that affect them (see s5(1)(a)) and several other amendments that strengthen the visibility of children and young people's participation and views (eg. see ss11(2)(d) and 11(2)(e)).

Other revisions in the Oranga Tamariki Act enable FGCs to be run at an earlier stage of intervention with a child and their family or whānau (see s18AAA). In our view, the revised Act makes the need to have whānau, hapū and iwi more explicit and indispensable. We believe the new provisions make whakapapa searching and hui-a-whānau even more important and necessary.

## STRUCTURE OF THIS REPORT

This report shares the high level systemic themes that emerged across the six CYF (now Oranga Tamariki) sites we visited. The report makes recommendations designed to strengthen the quality of FGC-related practice by Oranga Tamariki. As we did not set out to compare the different sites, individual sites have not been identified or rated.

**Part 2** of this report provides information about how we monitor and what we monitored.

**Part 3** presents our findings. We list the benefits we found associated with hui-a-whānau and whakapapa searching. We provide a summary of the current state of pre-FGC practice, describe some findings related to facilitation and implementation of FGCs, and then outline the enablers and barriers to high quality pre-FGC work.

**Part 4** contains a case study we conducted as part of the review to learn more about high quality FGC preparation.

Finally, in **Part 5** we report what Oranga Tamariki has done so far in response to our review. We also outline, in Figure 1, what would be present at a site if it was consistently delivering high quality FGC preparation.

## PART 2: Method and what we monitored

The six sites we visited for this review were selected by CYF national office on the basis that they were already implementing high quality forms of FGC preparation and would provide the richest learning opportunities to inform service and system design.

Four of the sites we visited are care and protection sites and two are youth justice sites. Two sites are on the South Island (both care and protection sites) and four are on the North Island. All visits to CYF sites were pre-arranged (ie. each site manager knew ahead of time that we would be visiting).

During our visits, we interviewed a total of 14 young people and 16 associated family or whānau groups, who had been involved in an FGC in the previous six months. All family or whānau groups we talked to had participated in an FGC, while most of their young people had not actually been present during their FGC.

The focus of these interviews was on the experiences of young people and whānau leading up to and during their FGCs. We were therefore able to review in some detail sites' preparation for 16 FGCs.

We also interviewed CYF staff at every site, including FGC coordinators and staff with a particular role in conducting whakapapa searches, facilitating hui-a-whānau and supporting young people and whānau to prepare for FGCs.

During these interviews with site staff, we asked questions about pre-FGC practices related to the 16 whānau interviewed. However, our focus was wider than the practices associated with these 16 whānau. We designed our inquiry to reveal what constitutes high quality preparation for FGCs and to understand the quality of each sites' preparation for FGCs.

We also wanted to understand the difference preparation makes to the engagement of children and young people and whānau during FGCs and the subsequent quality of FGC plans. The interviews with site staff therefore provided us with information on sites' preparation for a much larger number of FGCs.

We also interviewed a range of other key government and non-government stakeholders associated with each site. Finally, we reviewed the FGC plans associated with four to five cases per site.

To gain further insight into what high quality preparation looks like, we conducted an in-depth case study for one of the above whānau who had participated in a hui-a-whānau prior to their FGC.

On the basis of these interviews and our paper review, we identified the enablers and barriers to high quality pre-FGC practice across several domains from our general monitoring framework<sup>7</sup>:

1. leadership and direction;
2. operational management;
3. culture of learning;
4. quality of social work practice; and
5. partnerships and networks (see Appendix 1 or more information about our monitoring).

These were the domains we identified as most relevant to pre-FGC preparation.

The review reported here was conducted in late 2016. We presented the key findings of this review to CYF in December 2016 to ensure the key messages could be used as soon as possible in the transformation process. The focus of that oral presentation was on the enablers for implementing high quality FGC preparation. The final review report was delivered in May 2017.

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7. Our full monitoring framework is available at: [www.occ.org.nz/our-work/state-of-care](http://www.occ.org.nz/our-work/state-of-care)



## PART 3: Our monitoring findings

Overall assessment of sites' preparation for FGCs – Developing:  
Some awareness of areas needing improvement; some actions to address weaknesses, but inconsistent practice; pockets of good practice.

### OVERVIEW OF MONITORING FINDINGS

We confirmed our hypothesis that high quality preparation for FGCs, particularly hui-a-whānau and whakapapa searching, enhances the level and quality of engagement with children and young people and their whānau during FGCs and the level of support for subsequent FGC plans.

In the care and protection context, we found that hui-a-whānau and whakapapa searching have many benefits. These practices result in more contact between site staff and whānau members and between whānau members themselves.

We found the extra contact strengthened relationships and trust between site staff and whānau members. It also provided whānau members with an opportunity to work through any strong emotions or issues and to come to the FGC more prepared to work on developing a plan together that met the needs of their children. However, we found insufficient, in fact negligible, hapū and iwi involvement.

In the youth justice context, we found high quality preparation also improved engagement during FGCs – for young people, whānau, and victims. It also increased young people's buy-in into their youth justice plans. More contact between site staff and young people helped to build rapport and gave young people a greater voice in the process.

High quality preparation for youth justice FGCs also meant that victims were more likely to attend. We found that victim attendance helps motivate young people for positive change and improves the likelihood of youth justice plans being successful for young people.

We also identified several enablers and unfortunately many barriers to high quality preparation, across the different monitoring domains we assessed. These are reflected in Table 1 below which shows our aggregated ratings for each domain.

See Appendix 1 for a brief description of each domain and our rating system.

**TABLE 1. AGGREGATED RATING FOR EACH MONITORING DOMAIN ASSESSED (ACROSS SIX SITES)**

Domain	Rating	Description of rating
Leadership and direction		Developing with well placed elements
Operational management		Developing
Culture of learning		Developing with minimally effective elements
Quality of social work practice		Developing
Partnerships and networks		Well placed with developing elements

Note: See Appendix 1 for more information about the domains and how to interpret the ratings.

The pattern of results suggests that, at the time of our visits, sites generally had in place the leadership and partnerships they need to adequately prepare for FGCs. However, we found a significant lack of workforce capacity and capability to conduct hui-a-whānau and whakapapa searches. Coupled with a culture that did not support learning, there were limited opportunities to improve the quality of FGC preparation.

Overall, we rated the quality of these sites' preparation for FGCs as 'developing'. Given that these sites were hand-picked as exemplars of FGC preparation, it is likely that most other sites would receive lower ratings. Overall, this rating is disappointing but points the way forward for Oranga Tamariki to transform its preparation for and facilitation of FGCs.

Below we describe in more detail the unique benefits this review revealed for high quality preparation for FGCs, followed by the overall state of pre-FGC practice across the sites visited, and the enablers and barriers to high quality preparation for FGCs.

## BENEFITS OF HIGH QUALITY PREPARATION

### Care and protection sites

#### *Hui-a-whānau*

The concrete benefits of hui-a-whānau that we observed include:

- All information is heard by each whānau member (as opposed to when numerous separate family or whānau meetings are held pre-FGC) which facilitates a shared understanding of the concerns about their children and young people and enables whānau members to hold each other to account to address these concerns;
- Coordinators and social workers have more information about whānau dynamics, strengths and needs, which enables better decision-making and higher quality plans;
- Whānau work through emotions and address raruraru (trouble, worries or conflict) prior to FGCs, which increases their readiness to participate and contribute at FGCs (although it may, in some cases, be necessary to address these issues at the FGC also);
- Children and young people and their whānau have more opportunity to have a voice and be involved in developing their own plans, which builds relationships and trust with site staff and improves ownership of FGC plans;
- Children and young people have an experience of contributing and feeling heard, and they are more likely to know what is in their plans and why;
- Hui-a-whānau provide a model for children, young people and their whānau to engage in collective decision-making, which is likely to support the whānau to solve their own future problems beyond the hui-a-whānau.

There are also many potential future benefits of hui-a-whānau. While we were not able to directly observe these benefits, CYF staff, children and

young people, whānau and stakeholders regularly identified them and they are a logical conclusion of our findings:

- Children and young people are in a safe, stable and loving whānau home as soon as possible;
- Children and young people have an increased sense of belonging and connection amongst a wider number of supportive whānau;
- Children and young people are more likely to stay with whānau and there are fewer mokopuna Māori in non-kin care;
- Increased ownership of FGC plans by children, young people and whānau means that FGC plans are more likely to be followed and deliver positive results;
- A reduction in re-notifications to CYF and placement breakdowns;
- Increased engagement during FGCs and buy-in to FGC plans improves outcomes for mokopuna Māori and their whānau;
- Potential to have hapū and iwi participating in decision-making which is a fundamental principle and which is currently occurring only sporadically, if at all.

#### *Whakapapa searching*

Two of the care and protection sites we visited had dedicated roles for conducting whakapapa searches. At one site, the role was called Kaiwhakawhanaunga. At another site, the role was known as Kairangahau-a-whānau.

The staff in these roles did much more than whānau searches. They were skilled practitioners who directly engaged mokopuna Māori and their whānau, co-facilitated hui-a-whānau, offered cultural advice and support to colleagues, and had numerous links into their communities.

We identified many current benefits of having these roles in place, including:

- Engaging with wider whānau increases the support available to whānau caregivers and creates a safety net for mokopuna;
- Increased support for building the cultural capability of social workers, enabling them to more effectively engage with mokopuna and their whānau;
- Increased engagement of hapū, iwi and Māori organisations in the community, which strengthens their relationship with CYF;
- Engagement with whānau, hapū, and iwi in the youth justice field is arguably mandated by S.208(1)(c) of the Oranga Tamariki Act.

There are also important potential future benefits of robust whakapapa searching:

- Increased likelihood of mokopuna being placed in safe, stable and loving homes with their whānau;
- Involvement of hapū and iwi in the FGC process as intended by both the past and present legislation.

To realise the above benefits, sites need the capacity and capability to conduct whakapapa searches for children and young people who have multiple whakapapa links to different hapū and iwi.

It is possible that large sites with multiple local iwi or even smaller sites with a high proportion of children and young people with multiple whakapapa links will need more than one dedicated whakapapa search role.

Whether these roles are employed internally by Oranga Tamariki or contracted externally, they will need to be established within the context of strong relationships between sites and local iwi.

## Youth justice sites

At the two youth justice sites we visited, we found that taking the time to engage young people, whānau members and victims and to prepare them well to participate in youth justice FGCs also led to many benefits. One youth justice site was achieving these benefits via 'two-part' FGCs. However, as previously discussed (see page 15), we encourage youth justice sites to make better use of s249(6) to enable them to move to a pre-FGC model that involves conducting whakapapa searches and running hui-a-whānau.

The concrete benefits associated with high quality preparation at the youth justice sites included:

- More effective engagement of victims which enables a more effective restorative process, where young people are more likely to understand the victim's story and feel empathy. In turn, this gives young people the opportunity to take responsibility for their offending and to put things right, resulting in better ownership of and adherence to their FGC plans;
- Greater engagement by young people and their whānau in a restorative justice process, which builds relationships and trust with site staff and results in better buy-in to and compliance with FGC plans;
- More information is available to support young people and whānau with good decision-making and planning, leading to higher quality plans that are more likely to be followed.

There is also an important potential future benefit for high quality preparation for youth justice FGCs:

- Young people's increased empathy for victims and better ownership of youth justice FGC plans is likely to reduce re-offending by young people;
- Involvement of hapū and iwi in the FGC process.

Although we observed many of the above benefits to high quality preparation, these benefits were not consistently being realised across the six sites visited.



## OVERALL STATE OF PRE-FGC PREPARATION

We found pockets of high quality pre-FGC practice, but overall, the quality of preparation for FGCs varied considerably across the six sites.

### Pockets of high quality pre-FGC practice

At half the sites, there was clear evidence of thoughtful, reflective practice occurring where real attention was being paid to adequately preparing children and young people and their whānau for FGCs. We found examples of the following:

- Some coordinators and social workers across each site skilfully and sensitively engaging children and young people and their whānau, listening to them, reassuring them, and involving them, both before and during FGCs. Many children and young people and whānau we spoke to reported feeling positive about their FGC-related experiences and were happy with their plan.
- Careful, systematic searching of wider whānau at two care and protection sites, where genograms were produced of children and young people's maternal and paternal side of the whānau to identify whānau members and clarify their connections.
- Culturally skilled co-facilitation of hui-a-whānau at three care and protection sites, where children and young people and their wider whānau were expertly engaged and supported to work through strong emotions and concerns.
- Some coordinators across each site finding creative ways to represent children and young people's voices at FGCs, where they used pictures and children's language to convey children and young people's experiences and wishes to whānau.

- Coordinators at two of the care and protection sites giving clear, detailed risk statements to ensure whānau understand the key concerns related to children and young people's safety and wellbeing.
- Some coordinators at both youth justice sites skilfully persuading victims to attend FGCs, where they explained, via face-to-face or phone conversations, the benefits of attending, what to expect, the victim's unique contribution to motivating empathy and change for the young person, and gave victims time to ask questions and think about it further.


### Variable quality of engagement with children and young people and their whānau prior to FGCs

The level of pre-FGC engagement with children and young people and their whānau was variable across sites. We heard from site staff that there were multiple instances where children, young people and whānau had no face-to-face contact with site staff prior to an FGC. Even at three care and protection sites that were trying to deliver hui-a-whānau, the level of pre-FGC contact with children and young people and whānau varied significantly from case to case.

### Variable attention paid to engaging victims to attend youth justice FGCs

We found that different coordinators put different levels of effort into engaging victims to attend FGCs. Although Police and Court processes play a role in determining whether victims attend FGCs, youth justice coordinators have a key role in inviting victims and persuading them to attend if appropriate. Many victims had no face-to-face contact with site staff prior to the FGC.

We also heard about some coordinators accepting a negative RSVP from victims too readily. There is more coordinators could do to gently persuade victims to attend when appropriate. We recommend there should



Te Toka Tumoana:  
The indigenous and bicultural  
principled framework

Te Toka Tumoana was developed by Principal Advisors Māori at CYF national office and was informed by substantial consultation with CYF staff and iwi and Māori organisations across the country. It provides eight guiding principles for working responsively with Māori. Prior to Oranga Tamariki being launched, Te Toka Tumoana was being trialled at five sites, and workshops on the framework had been held at many sites and residences. Unfortunately, however, there is not yet any resourced implementation plan.

always be a face-to-face visit to discuss how a victim could be involved, the benefits for the victim, and generally to prepare the victim. One face-to-face visit should be regarded as a best practice minimum.

### **Lack of children and young people's participation in hui-a-whānau**

It was the norm across most sites to not include children and young people in hui-a-whānau. This was usually due to social workers' desire to protect children and young people from harm.

Some sites were finding effective ways of representing children and young people's voices at hui-a-whānau, for example, through drawings and photos that young people have made. However, there is no substitute for whānau hearing children and young people's voices directly. Their voices can make a powerful difference to adults' understanding of children's experiences. Children and young people deserve the opportunity to describe their experiences and wishes.

From July 2019, a new principle in the Oranga Tamariki Act (s5(1)(a)) will mandate the encouragement and assistance of children and young people to participate in processes such as hui-a-whānau and FGCs and express their views.

Sites should concentrate on finding ways to have children and young people present for even part of a hui-a-whānau wherever safe, or to use digital technology so that the children and young people can speak to their whānau if it is not safe or

possible for them to attend in person. It might be necessary to establish site-based champions of child-centred engagement in hui-a-whānau, at least until such practices become standard.

### **Lack of responsiveness to mokopuna Māori and their whānau**

For mokopuna Māori, culture is a key element of identity. When young people have a chance to explore their culture and feel proud of it, their sense of belonging and connectedness is enhanced.

When young people are disconnected from their culture, this can often have a negative impact on their self-esteem and wellbeing. Responsiveness to mokopuna Māori is therefore crucial to meet young people's needs.

Only one site had made any real progress with implementing the CYF indigenous and bicultural principled framework, Te Toka Tumoana, and even this site had only succeeded in implementing it with one team.

This framework has the potential to provide sites with the values and guiding principles necessary to increase their responsiveness to mokopuna Māori. Most sites suffered from a lack of cultural capability and there was inconsistent valuing of tikanga Māori across staff.

These factors are limiting sites' ability to: effectively engage mokopuna Māori and their whānau and prepare them for FGCs; run successful hui-a-whānau and FGCs; and support the development of successful FGC plans for mokopuna Māori.

We believe Oranga Tamariki will need to employ a larger number of dedicated cultural advisors to ensure

that all sites have ongoing access to cultural advice and support and the cultural capability of the workforce can continue to grow.

### **Lack of involvement and participation of hapū and iwi**

Both the current and new legislation to fully take effect from 1 July 2019, make clear that hapū and iwi should, wherever possible, participate in all decision-making in respect of their children and young people. While hapū and iwi are not 'entitled' participants at an FGC, it is certainly consistent with the old and new legislation that every effort be made to encourage their attendance at FGCs, along with any other person who the family, whānau or family group wishes (in accordance with s251(1)(o)).

We saw very little evidence of encouraging hapū and iwi involvement in FGC preparation or facilitation. In this respect, the intention of the Act is not being fulfilled. The FGC is a legislative model designed to delegate state decision-making to whānau and encourage the involvement of hapū and iwi to collectively make decisions for their own children and young people. In the first instance at least, the FGC model means the state should support whānau, hapū and iwi to make these decisions.

Without hapū and iwi involvement, FGCs too easily revert to a process involving minimal family, often only a mother in the case of youth justice FGCs, with a majority of those attending being officials employed by the state.

As such, FGCs are in danger of becoming exactly what they were designed to replace. That is, a state dominated decision-making process, which particularly disadvantaged and marginalised Māori. Little wonder then, that some critics of the FGC practice in recent years have described it as yet another instrument, although undoubtedly well intentioned, of colonisation.

The involvement of hapū and iwi, as key players and decision-makers in the FGC process, is one of the primary challenges facing the new Oranga Tamariki. Some radical changes to existing mind-set, practice and resourcing will be required.

## **FINDINGS RELEVANT TO FACILITATION OF FGCs**

### **Variable success in engaging and sharing power with children and young people and their whānau during FGCs**

The best FGCs are facilitated by coordinators who can successfully walk alongside whānau, hapū and iwi and support them to make good decisions. They have a genuine belief in whānau-led decision-making. Whānau members experience real ownership of the resulting FGC plan.

Unfortunately, across most sites, we heard about some coordinators still resorting to 'power over' tactics to get plans agreed. This reduces the whānau's sense of ownership of their plan and decreases the chances of the plan being followed. If there is not genuine agreement to an FGC plan, then this should be the outcome of the FGC. Forcing 'agreement' when young people or whānau do not really agree to the plan is not likely to succeed.

### **Lack of children and young people's participation in FGCs**

Similar to hui-a-whānau, it was more usual for sites to not include children and young people in FGCs. For the same reasons as given above for hui-a-whānau, we believe that significant benefits can be achieved by children and young people attending FGCs, as long as this is done in a thoughtful, safe way. We also believe that this is what the new legislation will require, eg. s5(1)(a) of the Oranga Tamariki Act.

## FINDINGS RELEVANT TO IMPLEMENTATION OF FGC PLANS

### Variable quality of FGC plans and lack of oversight of the implementation of plans

At four sites we gave feedback about FGC plans not being adhered to and issues that arose for individual children and young people.

At the site where we conducted the in-depth case study, we were confronted by a plan that was at high risk of failing due to a lack of built-in support for the whānau caregiver of five children and young people, and the lack of planned oversight of progress following the FGC (see Part 4).

There is a real risk that the value of paying additional attention to enhancing FGC preparation will be lost unless equal attention is given to ensuring FGC plans contain all the essential ingredients to fully meet children and young people's needs. Crucial to this is effective implementation by Oranga Tamariki and other agencies.

### Lack of coordination for young people's community work in youth justice FGC plans

Youth justice plans often require the young person to complete community work. However, we found there was no support built into the youth justice plans to enable young people or their whānau to fulfil this requirement.

Many of the whānau members we interviewed, whose young people were involved in the youth justice system, reported to us that their young person wanted to complete their community work but either could not find suitable work or did not know who to turn to in order to organise it. This, coupled with a lack of oversight of youth justice plans, means many youth justice plans are not completed.

We believe young people would be much more likely to complete their youth justice plans if there were dedicated roles available to support them and their whānau with sourcing and coordinating

their community service requirements. This has been a long-standing and unresolved problem for implementing FGC plans.

The variability across sites can be explained by the combination of enablers and barriers we encountered that clearly influenced sites' ability to adequately prepare children and young people and their whānau for FGCs.

Oranga Tamariki will need to maintain the enablers and address the barriers (as listed next) in order to improve FGC preparation practice across sites and, in doing so, to also improve facilitation and implementation.

## ENABLERS OF HIGH QUALITY PREPARATION FOR FGCs

### 1. Capable, well respected and trusted leadership teams

Most sites had capable, well respected and trusted leadership teams that model clear values and have a good understanding and analysis of what is needed to prepare for a successful FGC. Practice leaders play a key role in improving FGC-related services. The style of site managers and leadership teams has a huge influence on the organisational culture and morale at sites and is also linked to the quality of staff practice.

### 2. Site systems and structures that facilitate collaboration and support decision-making

All sites had pre-FGC case consultations or clinics in place to facilitate internal collaboration about cases prior to FGCs. These forums are a crucial part of the information sharing and decision-making necessary to prepare for successful FGCs.

### 3. Clear internal roles and responsibilities

Across all six sites, coordinators and social workers had clarity about their respective roles and responsibilities in relation to FGC preparation,

facilitation and associated case work. This means that staff know their boundaries and can specialise in the tasks for which they have responsibility. Clear roles also help to promote collaborative, joined-up working to ensure successful FGCs.

#### **4. Sufficient operational and programme budget**

In general, sites had sufficient operational budget to allocate additional resources to support the smooth running of hui-a-whānau and FGCs. Site managers regularly approve funding for petrol vouchers, staff travel, food, and venue hire and the process for securing these funds is relatively straightforward.

At a couple of care and protection sites, we heard about some strategic, child-centred re-allocation of resources - to enable whānau members to be brought together for hui-a-whānau in order to prevent re-notifications in the future. At youth justice sites, Fresh Start<sup>8</sup> funding enabled services to be purchased from the community to support the completion of youth justice FGC plans. However, if meaningful involvement of hapū and iwi is to become the norm, as the legislation directs, then considerably more financial resources will need to be made available.

#### **5. Positive relationships with key stakeholders and mana whenua**

All sites had made efforts to build and maintain positive relationships with key community stakeholders, including mana whenua, local iwi organisations, and government and non-government stakeholders. At most sites, the input, knowledge, and expertise provided by these external stakeholders were genuinely valued. These positive relationships provide an excellent foundation for agencies working together to improve outcomes for children and young people and their whānau.

## **BARRIERS TO HIGH QUALITY PREPARATION FOR FGCs**

### **1. Unclear intentions and expectations for hui-a-whānau and FGCs**

At half the exemplar sites we visited, organising FGCs had become “just another ‘tick box’ exercise”. Not surprisingly, at these same three sites, pre-FGC expectations were also unclear, including a lack of clarity regarding the intention or purpose of hui-a-whānau. At some care and protection sites, expectations regarding which cases should receive a hui-a-whānau were not clearly understood across all coordinators or social workers. Unless this clarity is achieved, there is a real danger that both hui-a-whānau and FGCs will lose their meaning and effectiveness for children and young people.

### **2. Lack of dedicated roles for providing cultural advice and conducting whakapapa searches**

Only two sites had dedicated roles in place to assist with whānau searching. As explained above, these two roles offered much more than whakapapa searching, but also co-facilitated hui-a-whānau and provided cultural advice and support to social workers. Some sites may require multiple dedicated roles in order to have the capacity and capability to conduct whakapapa searches across multiple hapū and iwi.

### **3. Lack of commitment to hapū and iwi engagement**

We did not see any clear and underlying commitment across all the sites to identify and involve hapū and iwi in the FGC process – even if just to transport hapū and iwi members to the hui-a-whānau or FGC from other parts of Aotearoa New Zealand. We also found inconsistent valuing of tikanga Māori across sites.

8. Fresh Start funding was introduced in 2010. It was intended to enable sites to better support youth justice plans. As a result, a number of non-government organisations were contracted by CYF to provide mentoring, parenting and alcohol and other drug services across the different regions.

Employing more dedicated roles to provide cultural advice or to conduct whakapapa searches will not, by itself, enable Oranga Tamariki to move forward. Such roles must be supported by staff who are committed to hapū and iwi engagement and who value tikanga Māori. Site leaders have a responsibility to foster the values that are needed to grow their site's responsiveness to mokopuna Māori and openness to new learning and associated change.

#### **4. Insufficient people budget to consistently prepare children and young people and their whānau for FGCs**

The heart of good FGC preparation is the time coordinators and social workers spend with children and young people and their whānau to engage them, build relationships, explain the concerns, work through raruraru and negative emotions, explain what to expect, and help to get everyone on the same page, ready to work constructively together during FGCs. The lack of time to do this consistently was a theme across all sites. As one site manager said, "It is still so Wofthen about capacity and volumes."

At the time our review on FGC preparation came out, there had been a hold on filling staff vacancies. As a result, many of the sites we visited were still trying to fill positions. Stressed staff were struggling to cover for missing colleagues.

Any period of diminished site capacity can clearly have a negative impact on children and young people and their whānau. We conclude that more coordinators, social workers and dedicated roles are needed to increase the capacity and capability of sites to successfully prepare for FGCs, including conducting hui-a-whānau and whakapapa searches.

#### **5. Inadequate support to improve practice**

The frequency of supervision for coordinators and social workers was insufficient and not meeting policy requirements. The quality of supervision was variable. The variation in supervision frequency and quality means that coordinators and social workers have inadequate opportunities to deeply reflect on their pre-FGC practice, set new goals and then receive feedback on the quality of their practice.

There is a big need for training and ongoing support in the facilitation of larger whānau groups typically involved in hui-a-whānau. Facilitating larger groups of people requires a different skill set compared with meeting whānau members on an individual basis.

At the time of our visits, there was no budget for external training and inadequate opportunities to embed new learning. As a result, coordinators lacked confidence in working with whānau who are perceived to be more challenging to engage and in working with larger groups of whānau, hapū and iwi.

#### **6. Staff unclear about the protocol for when to allocate youth justice social workers to cases**

At youth justice sites, supervisors typically allocate social workers to cases post-FGC (to implement and monitor the FGC plan), unless the case is complex.

At one of the two youth justice sites we visited, staff were unclear about the protocol in place guiding supervisors about when to allocate social workers to cases. One coordinator consistently requested the allocation of a social worker prior to the FGC. Another coordinator virtually never requested a social worker pre-FGC. This was leading to variable quality of pre-FGC support for different cases, based not on objective criteria, but on which coordinator they had been referred to.

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## **7. Lack of attention to children and young people's and whānau's understanding**

Across most sites, children and young people and whānau members expressed confusion about the differences between coordinators and social workers and the differences between hui-a-whānau and FGCs. Some whānau also confessed to not really understanding what was going on during hui-a-whānau or an FGC.

There is a strong relationship between children and young people's or whānau lack of understanding and their lack of engagement. Obviously, this affects the quality of the resulting FGC plans. Coordinators and social workers must explain things clearly and check regularly to see if children and young people and whānau understand.

## **8. Failure to seek feedback from children and young people or their whānau to improve the quality of hui-a-whānau and FGCs**

None of the sites was regularly collecting feedback from children and young people or their whānau to improve their preparation for or facilitation of FGCs. Similarly, there was little feedback collected from victims for youth justice FGCs. This is a huge missed opportunity.

Children and young people, their whānau and victims are key clients for hui-a-whānau and FGCs. Their experience of the process and views about their FGC plan provide vital information to continue to improve the quality of hui-a-whānau and FGCs, and ensure the best possible outcomes for children and young people.

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## PART 4: Case study – A whānau journey through hui-a-whānau and FGC

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Across all six sites, we interviewed numerous children and young people and whānau who had experienced an FGC in the previous six months. To deepen our understanding of the benefits of hui-a-whānau and the enablers and barriers to high quality preparation, we also conducted an in-depth study of one care and protection case where the FGC had been held six months before.

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### THE CASE

Five children were in this case<sup>9</sup>, ranging in age from 18 months to 11 years old. They had been uplifted from their biological mother by a North Island CYF site, after the youngest had sustained severe brain injuries. The baby's injuries were such that she was gravely ill in Auckland's Starship hospital, in intensive care for many weeks. Since her discharge, she had required constant monitoring and oversight to stay alive.

While she was in the Starship hospital, the North Island CYF site conducted a whakapapa search, a hui-a-whānau and an FGC, all in an effort to find whānau members with whom the children could live safely and to develop a successful plan for their ongoing care. From the beginning, the aim was to keep the siblings together if possible.

### WHAT WE FOUND

#### Pre-FGC

We found there had been thorough preparation for the care and protection FGC. The North Island site's Kairangahau-a-whānau conducted a whakapapa search, held multiple whānau meetings, and organised a comprehensive hui-a-whānau that brought whānau members together from different parts of the country.

The whakapapa search and subsequent meetings with whānau prior to the FGC resulted in the

identification of a potential safe whānau caregiver, an Aunty of the children, and set the stage for a successful FGC.

The leadership team at the site provided the support and resources necessary to make this possible. We noted that wider hapū and iwi members were not identified or involved.

In preparation for the hui-a-whānau, a number of smaller meetings with different whānau members were held. The first of these whānau meetings brought two different sides of the whānau together for the first time. It was held at the hospital while the baby was still in intensive care.

It was clear that a lot of preparation had occurred even before this initial meeting. Whānau members understood the purpose of the first meeting was to bring two sides of the whānau together for the benefit of the children. We heard about how tense this meeting was: ...one who was quite hostile was (name of children's grandfather); the rest of us were there for a reason. Fortunately, the site social worker had prepared whānau members for what to expect at the first meeting: I think she (the social worker) did well; she did tell us to be prepared for anything that came out of the hui; that there could be anger; she did warn us. (Name of mother)'s side was quite tough on her (the social worker).

We also heard how the whānau had quickly worked out the dynamics associated with the other side of the whānau at this first meeting. Whānau members we spoke to said that the first meeting

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9. Some key details of the case have been changed to protect the identity of the children and whānau involved.



enabled them to find out who was who and how they fit in so we could understand what we were dealing with.

Following the initial meeting at the hospital, site staff held additional meetings with different whānau groupings, still all prior to the hui-a-whānau. At these meetings, site staff gave whānau members more information about the children's situation and checked whether whānau members were interested in becoming caregivers or offering respite care. There was also more sharing of information so that whānau members could understand the perspective of other whānau members.

The hui-a-whānau itself was co-facilitated by an experienced cultural advisor (a Kaiwhakatara) in Auckland, where the Aunty volunteering to be the main whānau caregiver was living. By this time, the children were out of temporary care with unrelated foster carers (where they had been placed pending the outcomes of the hui-a-whānau and FGC) and were now living with their Aunty. The hui-a-whānau was the first time that some whānau members had met the children's Aunty.

Whānau members told us how the hui-a-whānau had focused on what would be happening for the children and the process to expect for the FGC.

Positive outcomes of the hui-a-whānau were:

1. a growing relationship between the proposed whānau caregiver and other supportive whānau members who could potentially offer respite care;
2. a clear understanding of what to expect at the FGC; and
3. a plan for the Aunty to bring the children to meet other whānau members the following week.

### During the FGC

The FGC involved both sides of the whānau. Whānau members from both sides told us that they had been well prepared for their FGC and felt they had a real say in the process: We feel that the preparation from the (North Island) office that went into having hui with whānau from (name of place),

even though it was tense at the beginning and we were walking into an unclear situation, that it worked out okay.

Whānau members we interviewed reported being satisfied with the care plan that was finalised and agreed to at the FGC. By the end of the FGC, there was a high degree of buy-in and commitment to supporting the main caregiver to look after the five children and to making the plan work.

The children themselves were not involved in the hui-a-whānau or FGC, but the children's preferences were verbally presented at the hui-a-whānau and FGC by the Kaiwhakatara and coordinator, respectively.

The children understood their plan and reported being happy with the outcome that they got to stay together in the care of their Aunty. They reported feeling loved by their Aunty: She (Aunty) takes us places like Taupo; she gets heaps of food for us... Aunty is the best.

### Post-FGC

Following the FGC, the case was transferred to a different site, so that the new whānau caregiver, the children's Aunty, and children could be supported locally. Unfortunately, our interviews with whānau members revealed that things went less well from this point onwards.

One issue was that the FGC plan itself contained much medical support for the youngest child, but little support for the caregiver herself. Another key issue was a lack of oversight and responsiveness from the social worker at the new site. The wrong plan was sent to the whānau, and the social worker provided virtually no oversight of the plan in the next six months, failed to process caregiver approval applications, and failed to return calls from whānau members.

One whānau member commented: The process was better before the FGC, but from the FGC onwards, it just crashed... (Name) and (name) (two staff from the North Island site) had done a marvellous job up until that point; we thought we as a whānau were in good hands. The wairua we got at

the marae, we thought that was all in keeping with how we wanted to picture our pathway; but it didn't end up that way.

At the time of our visit to the Aunty, she presented as anxious, stressed and regretting the decision to take on all five children: I won't be able to do this if I don't get the support I need. Despite having organised some respite care for herself, the Aunty had not received any support from the local CYF site to do this, and she was missing out on support from other whānau members, because the local site had not yet approved them for looking after the children.

All whānau members we spoke to were very unhappy with the post-FGC follow-up. They were distressed that they had not yet been approved as caregivers, despite applying for such approval several months earlier, and this meant they could not provide the respite support they had offered to the Aunty: We had the opportunity of getting the kids for respite care, but no one was giving us the clearance. We understand we have been police vetted and we are clear. Because the whānau did not have a copy of the correct FGC plan, they were confused about its details.

### WHAT THIS CASE STUDY ILLUSTRATES

This case study demonstrates the benefits of whakapapa searching and hui-a-whānau in preparing whānau for FGCs. It shows that investing time and resources up front results in a greater likelihood of children staying in well-supported whānau care.

The case study also demonstrates the futility of putting time and resource into pre-FGC preparation without also ensuring adequate oversight and support for caregivers and whānau post-FGC. At the time of our meetings with the Aunty and other whānau members, it is fair to say that despite excellent preparation for the FGC, this case was at serious risk of collapsing due to a lack of follow-up support for the caregiver.

Following our visit, we contacted the new site to ensure they were aware of the issues and would take steps to address the situation. We have since

been reassured that the case is back on track. The consequences for the children of a further move of placement would have been huge had we not ensured that these issues were immediately addressed.

### The case study shows:

1. There are usually safe whānau members within broader whānau, hapū and iwi that can be found if the effort is made.
2. Even large numbers of siblings can be kept together if the effort is made to find the right whānau members and then provide them with adequate support.
3. The support and respite whānau caregivers need to care for multiple siblings should be carefully considered and built into FGC plans.
4. Skilled, resourceful facilitation is needed to respond effectively to strong emotions expressed by whānau members and to be able to work through issues with whānau during hui-a-whānau and FGCs.
5. The resources used to bring whānau members together in hui-a-whānau and prepare for FGC increase whānau buy-in to the FGC plan and are well worth the benefits in securing a safe, stable and loving whānau placement.
6. The resources used to conduct whakapapa searches, bring whānau together for hui-a-whānau and adequately prepare children and young people and their whānau for FGCs can all be wasted if insufficient attention is paid to the quality of the plan and its oversight/implementation post-FGC.
7. There are serious system and practice challenges with the transfer of cases from one site to another. In this case, the original site did not build sufficient support for the caregiver into the original FGC plan. However, the new site then did not take ownership or oversight of the plan. Transfer between sites in care and protection cases is not unusual. Much better and more coordinated transfer processes need to be in place.

# PART 5: An opportunity to transform a core service

Despite the many tangible benefits of careful, thorough preparation for FGCs, we found that even at the exemplar sites we visited, the quality of FGC preparation was hugely variable. This means that in many instances, the quality of engagement with children/young people and their whānau prior to FGCs is insufficient to adequately prepare them to participate in a constructive FGC process that results in high quality, meaningful plans.

Internationally, our FGCs are still considered to be world-leading - an essential, core component of both our care and protection and youth justice systems. However, our findings about the variable quality of preparation for FGCs paint a picture of a core service for children and young people that is falling well short of meeting its potential and original vision, particularly for mokopuna Māori and their whānau. This was disappointing to us, given the need to transform services for Māori and the various efforts that have gone into improving FGCs over the years.

We have identified many barriers to high quality preparation that help to account for the current state of pre-FGC practice. These must be addressed if New Zealand's world-leading reputation in this area is to be upheld.

More importantly, they must be addressed in order for Oranga Tamariki to become a more child-centred organisation with the potential to improve the lives of vulnerable children and young people and their whānau, hapū and iwi.

Indeed, the failure to involve hapū and iwi at the centre of decision-making is a problem that needs urgent attention.

## RESPONSE BY ORANGA TAMARIKI

The current Oranga Tamariki transformation programme presents an ideal opportunity to address the barriers and strengthen the enablers to high quality FGC preparation. Indeed, this review was scoped in consultation with CYF specifically to inform the design of Oranga Tamariki services to improve the participation of children and young people and their whānau in FGC decision-making processes.

The Oranga Tamariki transformation is a multi-year, multi-system approach to the redesign of services for vulnerable children and young people.

Several key building blocks for the new organisation will provide a platform for child-centred, culturally responsive practice – for example, a child-centred system, high aspirations for Māori children, and a professional practice framework.

We understand that Oranga Tamariki has recognised the barriers and enablers to good FGC preparation that have been identified in this report. The building blocks will support further work to improve the quality of FGC preparation. However, it will take time to shift things forward. In the meantime, Oranga Tamariki has already taken several steps to improve FGC preparation.

One major development has been the allocation of additional funding to support 21 care and protection sites to increase their level of whakapapa searching and improve their delivery of hui-a-whānau. These sites have been funded to employ whakapapa researchers on the basis that they have adequate cultural capability to make the most of these dedicated roles. These sites are now in the process of recruiting whakapapa researchers and working out how best to deliver hui-a-whānau. An evaluative process is in place to determine the features of the different models that make them a success and the outcomes of this work.

This is an excellent start.

Given the benefits of whakapapa searching and hui-a-whānau, we encourage Oranga Tamariki to take the steps necessary to ensure these enhancements become foundational best practice across all sites.

This will require building the remaining sites' cultural capability so that they are ready to conduct whakapapa searching and hui-a-whānau.

A second significant initiative has been to increase the training and support available to youth justice and care and protection coordinators to improve their capability to deliver hui-a-whānau and high quality FGCs.

Oranga Tamariki national office has recently provided induction training to 15 relatively new youth justice coordinators and 15 care and protection coordinators and has identified ongoing mentors for these coordinators. A senior FGC practitioner has been employed to provide supervision, mentoring and coaching for coordinators across the upper South Island.

The additional support that Oranga Tamariki has put in place to supervise and mentor coordinators addresses one of the significant barriers we identified in this review – the lack of training, supervision and support for coordinators to embed new learning.

Oranga Tamariki is also trialling the external, iwi-based coordination of hui-a-whānau and FGCs at two sites. External providers may need support with legal and policy aspects of FGC-related practice to deliver high quality hui-a-whānau and FGCs. However, we believe the involvement of iwi-based coordinators has the potential to enable more culturally responsive hui-a-whānau and FGCs that achieve better engagement with and preparation of mokopuna Māori and their whānau, hapū and iwi.

An encouraging signal that Oranga Tamariki is intending to enable whakapapa searching and hui-a-whānau across all their sites is that a core component of their new practice framework is whānau-led decision-making.

Achieving the aspiration of whānau-led decision-making will require practices such as whakapapa searching and hui-a-whānau to be at the heart of Oranga Tamariki operations – to find the right whānau members and to lay the ground work for optimal decision-making.

## A TRANSFORMATIONAL VIEW OF FGC PREPARATION IN THE FUTURE

Figure 1 (page 36) represents our vision for how FGC preparation could look in the future if all the enablers we identified were present and all the barriers were removed.

Key to improving FGC preparation is improving the alignment between Oranga Tamariki national office, its sites and local practice. The Oranga Tamariki leadership team must set a bold vision and direction for FGCs, particularly to ensure they meet the needs of mokopuna Māori and their whānau, hapū and iwi. This includes the underpinning attitudes and values about this work which are so influential in shaping practice.

The Oranga Tamariki leadership team must also provide the resources necessary to establish the right systems and structures, including sufficient staffing levels so that FGC coordinators and social workers can spend the time needed to adequately prepare children and young people and their whānau, hapū and iwi for FGCs.

At the site level, the right staff are needed with the capability to conduct whakapapa searches and facilitate high quality hui-a-whānau and FGCs. This requires adequate training, supervision and support.

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Sites also need the systems in place to ensure that post-FGC, there is adequate oversight of plans and support for children and young people and their whānau. In this way, all the work that goes into preparation for FGCs and developing the plan during FGCs is not lost.

Also vitally important at the site level are the partnerships with key community agencies and local iwi and Māori social services to ensure sites have access to:

1. cultural advice and support,
2. potential co-facilitation arrangements for hui-a-whānau and FGCs, and
3. services that can wrap around children and young people and their whānau to support adherence to FGC plans.

Finally, at the frontline, FGC coordinators and social workers must be encouraged to set standards in their practice related to laying the groundwork for successful FGCs.

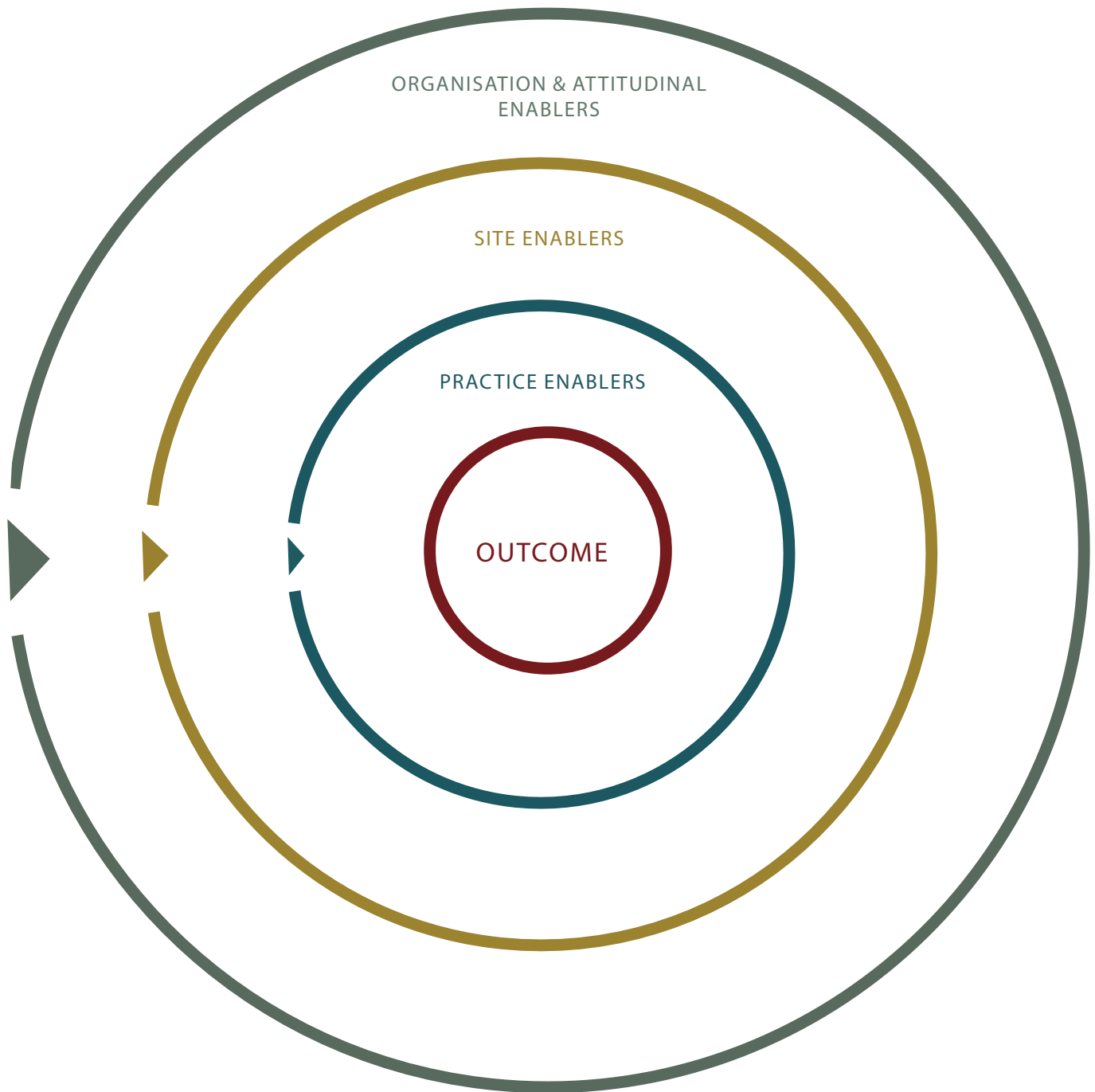
These staff must have absolute clarity about the purpose of hui-a-whānau and FGCs and they must have the time needed to engage with children and young people and their whānau to build relationships and trust. They must be respectful and confident in the way they interact with children and young people and whānau members and they must be able to facilitate relatively large groups to agree on a plan. They must also be excellent at monitoring plans and supporting children and young people and whānau post-FGCs.

On the surface, it may seem like a huge task to put in place all the enablers listed in Figure 1. However, we believe that the outcomes for children and young people and their whānau will be well worth the investment.

**This review has demonstrated the huge actual and potential benefits of advanced preparation. Oranga Tamariki has listened to our initial findings and has taken concrete steps to improve pre-FGC practice.**

Over the next few years, we would like to see this effort expand to include all Oranga Tamariki sites. Children and young people and their whānau across the country will then all have the same opportunity to prepare for and participate fully in their FGCs.

# FIGURE 1: What would we see at a site if it was consistently delivering high quality FGC preparation?



## ORGANISATION & ATTITUDINAL ENABLERS

### LEADERSHIP AND DIRECTION

- Clear vision for mokopuna Māori and a focus on meeting the needs of mokopuna Māori and whānau;
- Kaiwhakawhanaunga role sitting at the leadership table

### UNDERPINNING PHILOSOPHY, VALUES, AND ORGANISATIONAL CULTURE

- An organisational culture that values and is committed to:
  - Child-centred work;
  - Listening to C&YP and their whānau, hapū and iwi;
  - High quality whānau placements;
  - Supporting whānau, hapū and iwi to find solutions;
  - Respect for people's culture;
  - People and teamwork;
  - Critical self-reflection, continuous improvement focus;
  - True partnership with hapū, iwi and community stakeholders.



## SITE ENABLERS

### ROLES AND RESPONSIBILITIES

- C&YP and their whānau understand the different roles and responsibilities of coordinators and SWs.

### SYSTEMS AND STRUCTURES

- Dedicated functions - whakapapa searching appropriate to the size of the site and number of local iwi; cultural engagement and facilitation of hui-a-whānau;
- Site-based champion of child-centred engagement until these practices are embedded in Oranga Tamariki;
- There are clear criteria for when supervisors should allocate SWs to cases referred to YJ FGCs;
- There are systems in place to enable seamless transitions from hui-a-whānau and FGC to implementation of plans, especially in a new location.

### ALLOCATION OF RESOURCES

- Allocation of resources at all levels is child-centred, strategic and aligned with intentions to deliver the quality of practice desired, including funding for specialist roles, and coordinator and SW time to deliver hui-a-whānau

### CULTURE OF LEARNING

- There is regular training, supervision and support to implement new learning, particularly in the areas of child-centred practice and cultural practice;
- The site regularly and systematically seeks feedback on C&YP's and whānau experiences and uses the information to create a continuous learning environment.

### COLLABORATION, CONSULTATION AND PARTNERSHIPS

- The site continuously nurtures and strengthens relationships with key stakeholders, hapū and iwi to ensure there are established communities of practice around C&YP and their whānau;
- Utilisation of hapū and iwi community resources to: provide cultural advice and support; help facilitate hui-a-whānau; prepare C&YP and their whānau for FGCs; and support adherence to FGC plans;
- There is responsive, timely case-based communication with key stakeholders.



## PRACTICE ENABLERS

### PRE-FGC

- Coordinators and SWs have a clear understanding of the purpose of hui-a-whānau and FGCs;
- Sensitive, culturally skilled engagement of C&YP and whānau, hapū and iwi;
- Coordinators and SWs spend the time needed with C&YP and whānau to build relationships, find out their fears, worries and dreams, and adequately prepare them for hui-a-whānau and FGCs;
- YJ coordinators make deliberate and skilled efforts to engage victims in YJ FGCs;
- Co-facilitation of hui-a-whānau by culturally and clinically skilled practitioners;
- FGC coordinators who are confident to work with larger groups of whānau;
- YJ coordinators make use of s249(6) in the Oranga Tamariki Act to allow sufficient time to find whānau, complete assessments, and engage and prepare C&YP, whānau and victims prior to completing full YJ FGCs.

### DURING FGC

- C&YP attend the FGC or have their stories communicated in the way they want, eg. videos, drawings;
- CP coordinators communicate risk statements clearly;
- Thorough plans that are owned by whānau, hapū and iwi, address the identified needs, and are understood by C&YP (no jargon);
- SWs attend YJ FGCs along with coordinators.

### POST-FGC

- Clear expectations and support for SWs to provide sufficient support to C&YP and their whānau and carefully implement and monitor plans post-FGC;
- Dedicated role to support young people and their whānau with the coordination of young people's community service.



## OUTCOME

**Children, young people and whānau are better off**

### ABBREVIATIONS

- C&YP - Children and young people
- CP - Care and protection
- FGCs - Family group conferences
- SWs - Social workers
- YJ - Youth justice

# Recommendations

Our review on CYF preparation for FGCs, delivered in draft form to CYF in February 2017, contained the recommendation that CYF design the Oranga Tamariki system to enable high quality FGC preparation.

We are encouraged by the response of Oranga Tamariki to the review. The new organisation has since made several concrete changes, which we will continue to follow. We conclude with two overarching recommendations and nine actions.

## RECOMMENDATION 1: PREPARATION FOR FGCs

Oranga Tamariki continues to build its new system to ensure high quality FGC preparation - particularly whakapapa searching and hui-a-whānau - across all sites.

This will involve ensuring that all the enablers related to FGC preparation, listed in Figure 1, are in place and aligned across national, regional and site levels of Oranga Tamariki. In the Figure we have highlighted in bold those areas which have the greatest need for improvement and we therefore encourage Oranga Tamariki to prioritise the following actions:

Action 1:	Develop and implement a plan to build the cultural capability of the sites which have not yet been funded to employ dedicated whakapapa researchers – to prepare them for the further rollout of whakapapa searching and hui-a-whānau to their sites.
Action 2:	Wherever possible, find safe ways for children and young people to be present during hui-a-whānau and FGCs.
Action 3:	Ensure that hapū and iwi representatives are identified, located and invited to participate in hui-a-whānau and FGCs.
Action 4:	Ensure there is always at least one face-to-face meeting with victims to fully prepare them for FGCs.
Action 5:	Youth justice sites make better use of the flexibility for timing provided by s249(6) to enable them to conduct whakapapa searches and run hui-a-whānau prior to youth justice FGCs.





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## RECOMMENDATION 2: FACILITATION AND IMPLEMENTATION OF FGC PLANS

Oranga Tamariki continues to build its new system to enable more effective facilitation of FGCs and implementation of FGC plans.

This will involve prioritising the following actions:

Action 6:	Provide induction training followed by regular refresher training and supervision to all FGC coordinators to improve their confidence in engaging effectively with children and young people and their whānau and in facilitating large groups of people for hui-a-whānau or FGCs.
Action 7:	Re-activate the previously developed accreditation process for FGC coordinators to ensure standards of FGC practice are maintained.
Action 8:	Improve the implementation and oversight of FGC plans, including providing better support for whānau and caregivers caring for multiple siblings and for young people to complete any community work built into their youth justice FGC plans.
Action 9:	Provide clear national guidance to Oranga Tamariki sites regarding the standards expected for supporting children and young people's transitions when responsibility for their plan moves to a different site.

# APPENDIX 1: About our monitoring

## OUR MANDATE TO MONITOR ORANGA TAMARIKI

The Children's Commissioner has a broad general monitoring function under the Children's Commissioner Act (2003) to monitor the policies and practices of CYF, now Oranga Tamariki.

## HOW WE MONITOR

In addition to visiting each of the nine secure Oranga Tamariki residences once every six months, we conduct two reviews each year. During our monitoring visits, we talk to staff and other key government and non-government stakeholders. We actively seek the views of children and young people and their whānau about their experiences with Oranga Tamariki and the issues and decisions that affect them.

We assess the quality of services against our general monitoring framework.<sup>10</sup> At the end of each visit or soon after, we provide verbal feedback to the site on their strengths and areas for development. We deliver our final monitoring reports to Oranga Tamariki and the Minister for Children.

Since undertaking this monitoring review, we have developed, in consultation with Oranga Tamariki, a te Ao Māori lens to further refine and guide our monitoring.

This lens is focused on children and young people's experiences and outcomes related to their contact with Oranga Tamariki. It is intended to improve our ability to understand the experiences of children and young people and to assess the responsiveness of Oranga Tamariki to mokopuna Māori, in line with key changes in the revised Oranga Tamariki Act.

These changes support more child-centred decision-making and give the Chief Executive of Oranga Tamariki additional duties to ensure that the policies, practices and services of the department have regard to the three pou – mana tamaiti, whakapapa, and whanaungatanga. We believe that our new monitoring lens will support Oranga Tamariki to become more child-centred and more responsive to mokopuna Māori, both of which are critical to achieve the Oranga Tamariki transformation.

## THE DOMAINS WE MONITOR

Our general monitoring framework is made up of eight domains. The areas covered by the five domains we assessed in this review are listed below:

**Leadership and direction:** Clarity of purpose, direction and strategy; effectiveness of leadership; values, behaviour and organisational culture.

**Operational management:** The quality of systems and structures; the clarity of roles and responsibilities; the allocation of resources.

**Culture of learning:** How well performance and effectiveness is improved; responsiveness to stakeholder feedback

**Quality of social work practice:** Effective use of legislative, policy and practice frameworks; quality and frequency of supervision; culturally appropriate practice; the quality of intervention practice

**Partnerships and networks:** Quality of collaboration, consultation and partnerships.

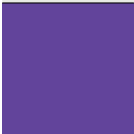

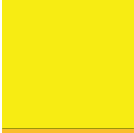


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10. Our full monitoring framework is available at: [www.occ.org.nz/our-work/state-of-care](http://www.occ.org.nz/our-work/state-of-care)

## OUR RATING SYSTEM

For consistency and transparency of ratings, the OCC uses a five-point rating scale for its general monitoring. We assess sites against our general monitoring domains and give them a rating according to Table 2 below.

Table 2: Guide to the ratings provided for each domain

Rating	Assessment	What it means
	Transformational/ Outstanding	Exceptional, outstanding, innovative, out of the norm
	Well placed	Strong performance, strong capability, consistent practice
	Developing	Some awareness of areas needing improvement; some actions to address weaknesses, but inconsistent practice; pockets of good practice
	Minimally effective/ Weak	Low awareness of areas needing improvement; lack of action to address weaknesses; significant concerns exist
	Detrimental	Actively causing harm, negligent, ignoring, rejecting, undervaluing, undermining practice

A well-functioning Oranga Tamariki site should be operating at the green 'well placed' level most of the time. We consider a yellow 'developing' rating to be a pass, but would expect Oranga Tamariki to take action to improve its performance in the identified areas. We consider orange 'minimally effective' and red 'detrimental' ratings to indicate the site has failed that domain or sub-domain and would expect immediate action to address the identified issues.

## Appendix 2: Key terms

Care and protection system	The Oranga Tamariki care and protection system involves providing social work services to keep children safe from abuse and neglect, investigating reports of concern, finding care placements for children who need them, and maintaining oversight and responsibility for children in care placements. Care and protection residences are part of the care and protection system.
Children and young people (C&YP)	The United Nations Convention on the Rights of the Child (UNCROC), and our governing legislation, the Children’s Commissioner Act 2003, defines a child as a person under the age of 18 years. This is the OCC’s preferred definition. However, under the Oranga Tamariki Act 1989, child means a boy or girl under the age of 14, and young person means a boy or girl aged between 14 and 18. Throughout this report we use the term ‘children and young people’ to cover both age groups in the Oranga Tamariki Act.
Expert Advisory Panel (EAP)	In April 2015, the Minister for Social Development established the Expert Advisory Panel with a mandate to determine how the lives of vulnerable children and young people could be transformed by ‘modernising’ Child, Youth, and Family. The Panel was asked to provide independent advice on the future operating model for Child, Youth and Family. In December 2015, they delivered their final report, upon which the current transformation programme of Oranga Tamariki is based.
Foster carer	CYF has around 3,500 approved caregivers (sometimes called foster carers or foster parents), who are either family/whānau members or non-family/whānau. There are a variety of care options, including emergency care, respite care, transitional or short term care, and Home for Life care. Carers are volunteers but non-kin foster caregivers receive some financial support to help cover the costs of caregiving.
Kairangahau-a-whānau	The different names of the site roles given to staff who, amongst other things, have responsibility for conducting whakapapa searches.
Mokopuna Māori	Children and young people who identify as or are descendants of Māori.
Oranga Tamariki	On 1 April 2017, a new government agency, The Ministry for Vulnerable Children, Oranga Tamariki, superseded Child, Youth and Family (CYF). The Chief Executive of Oranga Tamariki has legal powers to intervene to protect and help children who are being abused or neglected or who have serious problem behaviour or have committed offences. The work of Oranga Tamariki with children falls into two main categories: care and protection, and youth justice. In both care and protection and youth justice services Oranga Tamariki works with a range of other agencies and external stakeholders that form part of a wider system. Throughout this report we use the term Oranga Tamariki to refer to the statutory child protection and youth justice services provided by the new ministry, as this reflects public understanding about who is responsible for these services.

<p>Oranga Tamariki sites (previously CYF sites)</p>	<p>An Oranga Tamariki site is a local Oranga Tamariki office from which social work services are delivered. Oranga Tamariki sites are guided by policies and strategies set by the Oranga Tamariki national office, but they have autonomy over how they organise internally to deliver against these policies and strategies. Oranga Tamariki delivers frontline services from 76 sites around the country (58 care and protection sites, and 24 youth justice sites, some of which are co-located).</p>
<p>Professional supervision</p>	<p>In a social work context, supervision means the process by which a supervisor enables, guides and facilitates a social worker to meet certain organisational, professional and personal objectives. These objectives are: professional competence, accountable &amp; safe practice, continuing professional development, education and support.</p>
<p>Two-part FGCs</p>	<p>This is an informal term we have used which relates to the youth justice context only, referring to youth justice FGCs that take place in two stages.</p> <p>The youth justice coordinator convenes the youth justice FGC within the required timeframe, and goes out of their way to effectively engage the young person, their whānau, and the victim in the FGC process.</p> <p>During the first stage of the FGC, the charges are presented, the victims have the opportunity to tell their stories, and an interim plan for the offender is usually made.</p> <p>Then, when necessary to get the most productive outcome for the young person, the FGC is adjourned to allow enough time for greater whānau engagement and for assessments and reports to be made available. The purpose of the adjournment is to support young people and whānau with their decision-making and planning.</p> <p>Any additional information gathered is used to finalise the plan at the second stage of the FGC which is often convened a few weeks after the first FGC stage. Victims are invited to attend both stages of the FGC.</p>
<p>Youth justice system</p>	<p>The Oranga Tamariki youth justice system involves working with children and young people who have committed offences to help them to take responsibility for their offending and deliver services to help them to rehabilitate. Youth justice residences are part of the youth justice system.</p>







MANAAKITIA A TĀTOU TAMARIKI

Children's  
Commissioner