



**Submission on the Oversight of Oranga Tamariki
System and Children and Young People's
Commission Bill**

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1. About IHC

IHC advocates for the rights, inclusion, and welfare of all people with intellectual disabilities and supports them to live satisfying lives in the community.

IHC was founded in 1949 by a group of parents who wanted equal treatment from the education, health, and social service systems for their children with intellectual disability. Today IHC is still striving for these same outcomes and is committed to advocating for the rights, welfare, and inclusion of all people with an intellectual disability throughout their lives.

We believe that people with an intellectual disability have the right to be to be part of a family, to be treated with respect and dignity, to have a say in their own lives, to live, learn, work and enjoy life as part of the community, and to have support that meets their goals and aspirations.

IHC is New Zealand's largest provider of services to people with intellectual disabilities and their families. IHC supports 1500 families with children who have an intellectual disability, provides support and training for 4000 adults in workplaces and helps more than 3500 people with disabilities to live in IHC houses and flats. We also provide specialist services such as behaviour support and training.

IHC advocates for the rights of all people in New Zealand with an intellectual disability (estimated population 89,000 NZ Census Disability Survey 2013).

2. Recommendations and key points

IHC would like to note that we are one of the organisations that support the submission on this Bill made by the Children's Rights Alliance, but we had some additional points that we wish to submit separately.

IHC recommends that the Omnibus Bill be halted and reworked.

The Bill currently lacks a children's rights focus, critical to the wellbeing of children and young people in New Zealand. Instead the Bill seeks to weaken the Office responsible for advocating for all children while creating a monitoring mechanism for the population of children and young people in the care and protection system. Many of these children are Māori and/or disabled. Given that both groups of children have been poorly served by government systems and its agents, it is of primary importance that the

monitoring arrangements for the care system tasked with protecting them, is independent from Government.

IHC recommends that the role of the Children’s Commissioner remains. Replacing the Commissioner with a Commission run by a board is:

- Confusing for children and young people, as well as adults, which could lead to a serious watering down of the effectiveness of the advocacy for children in Aotearoa
- Could lead to paralysis of the organisation if the Board does not agree on certain issues
- An administrative change that wastes time, effort, and money that does not assure benefits for all children or groups of children.

IHC does not believe that the Children’s Commissioner is expected to be across all areas that relate to children and young people. If there is a need for staff to have a focus on certain areas, it would be preferable to have Deputy Children’s Commissioners, rather than a Board.

IHC recommends that the Monitor of Oranga Tamariki be placed at the Office of the Children’s Commissioner, as originally intended. IHC does not think that situating it within the Education Review Office (ERO) is appropriate.

The Education Review Office’s mandate is to monitor and report on the education system and how it is working for learners. The education system in New Zealand is vastly different to the child protection system. The education system is decentralised, and schools are run by individual boards.

In IHC’s experience, the education system is failing many, if not most learners. Attendance is low, and achievement is slipping, many children are being left behind by the education system.

Education system stewards have struggled to establish learning and continuous improvement mechanisms that improve system quality despite the strong recommendations from the Tomorrow School’s review.

ERO’s reports and evaluations have successfully identified barriers to equitable access to and outcomes from the education system for many groups of students including those who are disabled and Māori.

Unfortunately, these reviews have not led to system level changes that benefit learners and schools. Education achievement is a critical matter for children, however the protection of children from neglect and abuse is a life and death matter and needs a much higher standard of review and focus on systems improvement.

We understand that there is no intention for the ERO staff to undertake the work of the Monitor but the lack of detail available on how the arrangement would work in practice makes it difficult to understand the underpinning rationale for such a serious departure from the commitment of successive governments to independent monitoring of the care and protection system.

More significantly, the Monitor needs to be rigorously independent of government and Oranga Tamariki to be effective. The Monitor is responsible for ensuring the effectiveness of the agency tasked with protecting our most vulnerable citizens. It is important that the Monitor have a strong human rights focus grounded in the United Nations Convention on the Rights of the Child. It is not appropriate that the Monitor be a public sector agency.

IHC respects and understands government's intent to have robust monitoring arrangements in place to ensure that the care and protection system works well however, we maintain that this objective can be better achieved through an independent of government monitoring arrangement.

IHC recommends that the additional funding that was earmarked for establishing the monitor within the ERO, is instead injected into the Commissioner's office.

IHC recommends that there is a disability advisory group created like the proposed Māori Advisory Group in clause 17 of the Bill.

Disabled children, and in particular intellectually disabled children, are more common in Oranga Tamariki's system, than in the general population.¹ Children with previous or current Oranga Tamariki involvement are 2.6 times more likely to have at least one indicator of disability.² Of this cohort 62% who have DSS funding have an intellectual disability as their principal disability.³

IHC thinks that there should also be a disability advisory group, as well as a Māori advisory group, to ensure that there is meaningful engagement with the disability community and a concentrated effort to understand and keep up to date with the disability world.

This advisory group could also provide greater understanding to Oranga Tamariki about how to support and work with intellectually disabled parents in a way that complies with Article 23 of the United Nations Convention on the Rights of Persons with Disabilities. This article protects children and parents with disability from arbitrary removal due to disability.

¹ Children and Young People with Impairments, Oranga Tamariki Evidence Centre, June 2020

² Children and Young People with Impairments, Oranga Tamariki Evidence Centre, June 2020

³ Children and Young People with Impairments, Oranga Tamariki Evidence Centre, June 2020

IHC has first-hand experience with intellectually disabled parents that have had this right violated and Oranga Tamariki has significant work to undertake to increase the disability knowledge of its staff.

IHC has also supported whānau to take complaints to the highest level of Oranga Tamariki as Oranga Tamariki's lack of disability understanding means that care and protection decisions and processes lack disability awareness, and this leads to poor outcomes for disabled people.

Thank you for the opportunity to comment on this important work. IHC cannot stress enough that Aotearoa needs to do better by its children, particularly Māori and disabled students. IHC does not feel that this Bill is a step towards improving the lives of children and young people. We must refocus the Bill towards a human rights based approach to protecting and caring for our most vulnerable citizens.