



**METHODIST
ALLIANCE**
NGA PURAPURA WETERIANA

**Submission to the Social Services
& Community Committee
on the
Oranga Tamariki Amendment Bill
20 February 2022**

This submission is from:

The Methodist Alliance
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Oranga Tamariki Amendment Bill

Who we are

1. The Methodist Alliance is a formal alliance of Methodist Missions, parishes and community based social services and trusts, including cooperating ventures. This grouping constitutes a major provider of a range of services for tamariki/children, rangatahi/young people, and their families/whānau.
2. The Methodist Alliance brings together a number of large and medium social service providers such as Lifewise in Auckland, Methodist City Acton in Hamilton, Palmerston North Methodist Social Services, Wesley Community Action in Wellington, Christchurch Methodist Mission, Methodist Mission Southern in Dunedin, as well as local community services provided by individual parishes. It includes new social service organisations, for example: Siaola Vahefonua Tongan Methodist Mission; Puna'Oa - the Samoan Methodist Mission that operates within the Samoan Synod of the Methodist Church; and Te Taha Māori.
3. The Methodist Alliance is grounded in a commitment to Te Tiriti o Waitangi and the bi-cultural journey of the Methodist Church of New Zealand - Te Hāhi Weteriana o Aotearoa, where Te Taha Māori and Tauwiwi work in partnership.

Overview

4. The purpose of this Bill aligns with the Methodist Alliance's commitment to Te Tiriti o Waitangi. We support the changes that correct the current breaches of Te Tiriti o Waitangi regarding the subsequent child provisions.
5. Methodist Alliance member organisations are currently providing an intensive home-based programme designed to keep tamariki who are at risk of moving into care, or have been removed by Oranga Tamariki, to live safely with their own whānau in their own communities which has been successful for many whānau.¹
6. The underlying causes and issues, including intergenerational trauma, family violence, racism, colonisation, and poverty which lead to child removal need to be addressed. Systemic changes are needed to support whānau to parent successfully in their communities.
7. Now is the time for Government to implement more recommendations from the Welfare Advisory Group – Whakamana Tāngata.

¹ Point Associates Ltd, Mana Whānau Final Evaluation, 2020, p9

8. We support the subsequent child provisions continuing to apply to parents convicted of murder, manslaughter or infanticide.
9. We are concerned with the proposed amendments of sections 258 and 261 which extend the scope, function and reach of a family group conference and note the lack of discussion in the Cabinet papers regarding this issue.

Support for the Bill

10. The Methodist Alliance supports the Bill's intent to partially repeal the subsequent-child provisions and repealing the redundant information-sharing provision.

Subsequent Child Provisions

11. We note the former Children's Commissioner Judge Andrew Becroft's, description of the subsequent child provisions while giving evidence to the Waitangi Tribunal, as a "pernicious" and "totally unnecessary piece of legislation," which "should be repealed tomorrow."² Becroft highlighted the culture shift in Oranga Tamariki caused by the subsequent child provisions which shifted the onus of proof to the parents to prove their ability to care for their subsequent children.³ This reversed the earlier onus on Oranga Tamariki to prove a parent could not safely care for their subsequent children.⁴
12. This shift in the onus of proof is an added burden to parents who are themselves vulnerable.⁵ There is a significant power imbalance between the parent and the huge government organisation. The onus of proof should rightly sit with Oranga Tamariki and the courts to decide whether the subsequent child is safe or not, rather than the parent having to prove they can safely care for their subsequent child.
13. Oranga Tamariki should be supporting parents and communities to safely parent subsequent children rather than acting on the legislative presumption that a parent cannot safely parent their subsequent child.
14. Claimants to the Waitangi Tribunal noted the legislation assumes that parents were unable to change.⁶ Claimants also expressed concern that social workers would have a mindset, supported by this legislation, that the parent is likely to cause harm

² He Pāharakeke, He Rito Whakakīkinga Whāruarua; Oranga Tamariki Urgent Inquiry (WAI 2915), p116

³ Ibid

⁴ Ibid

⁵ He Pāharakeke, He Rito Whakakīkinga Whāruarua; Oranga Tamariki Urgent Inquiry (WAI 2915), p118

⁶ He Pāharakeke, He Rito Whakakīkinga Whāruarua; Oranga Tamariki Urgent Inquiry (WAI 2915), p117

or allow harm to be caused.⁷ This mindset may result in a failure to properly conduct safety assessments, which are subjective in nature.⁸

15. The current legislation removes any hope that parents may have for their future as well as creating barriers for social workers to work meaningfully with whānau, hāpu, iwi, and communities.
16. Claimants that gave evidence to the Waitangi Tribunal argued the subsequent child provisions were based on harmful presumptions and cause disproportionate prejudice to Māori.⁹ Claimants argued that this prejudice was an egregious breach of Te Tiriti o Waitangi.¹⁰ We note that Judge Becroft concluding remarks that the subsequent child provisions “constituted organisational racism.”¹¹ Minister for Children, Kelvin Davis, acknowledged the subsequent child provisions were in breach of Te Tiriti.¹²

Case Study from a Methodist Alliance Member

Hana¹³ self-referred to a Family Start service when she was 5 months pregnant. Hana’s two older children were in her sister’s care but were removed by Oranga Tamariki due to her sister being a victim of domestic violence. The father of the children was in prison serving a lengthy sentence.

Hana was a victim of severe violence from the father of her children and suffers from mental health issues. She used alcohol and drugs before she became pregnant, however since finding out she was pregnant, she has not touched drugs or alcohol since.

Hana had support from Probation, mental health services, and alcohol and drug counsellors. Hana wanted to keep this baby and said she would do whatever it takes to keep the new baby and get her older children back.

Hana was actively engaged in seven wrap around support services, and representatives from all services attended a Family Group Conference and were supportive of Hana keeping the new baby noting the significant changes she had made.

A Strengthening Families hui arranged prior to the FGC, provided a robust plan to support Hana prior to and after the birth of her pēpi. The plan included Hana living in

⁷ Ibid.

⁸ Ibid.

⁹ He Pāharakeke, He Rito Whakakīkinga Whāruarua; Oranga Tamariki Urgent Inquiry (WAI 2915), p116

¹⁰ Ibid.

¹¹ He Pāharakeke, He Rito Whakakīkinga Whāruarua; Oranga Tamariki Urgent Inquiry (WAI 2915), p117

¹² Kelvin Davis, Press Release, 25 November 2021 <https://www.beehive.govt.nz/release/subsequent-children-legislation-change-0>

¹³ Names were change to provide confidentiality.

supported accommodation for three months after the birth. Oranga Tamariki were invited to the Strengthening Families hui but did not attend.

At the Family Group Conference, the Oranga Tamariki Social Worker did not look at the plan that all the services had agreed to for keeping Hana and her child safe. Despite all services reporting on the remarkable life changes Hana had made, Oranga Tamariki indicated the timeframe of these changes was not long enough and a decision to uplift at birth was made.

17. The Methodist Alliance supports removing the subsequent child provisions. We strongly believe that the Bill could and should go further by placing an obligation on Oranga Tamariki to work with the parents for the best interests of a subsequent child. Oranga Tamariki should put the whānau wishes at the core of the care for the child. This obligation would see Oranga Tamariki working with other government and non-government agencies to provide a suite of wrap around support services to the parents and whānau to ensure that the subsequent child will be safe.
18. Mana Whānau is a successful six-month intensive in-home parenting support programme specifically designed to keep tamariki who are at risk of moving into care, or have been removed by Oranga Tamariki, to live safely with their own whānau in their own communities.¹⁴ This programme is whānau-led and based on neuroscientific research.¹⁵ When toxic stressors are removed, parents are able to think beyond immediate issues and build new skills and capabilities.¹⁶ Whānau identify the stressors, as well as the goals, priorities and work, including the pace of the work.¹⁷
19. The programme supports strong and responsive relationships between tamariki and their whānau and build natural whānau and community supports to ensure long-term resilience.¹⁸ Parent graduates of the programme have reported,

“Imagine if all parents who needed it got the support they needed. I now know I wasn’t a bad parent – my mum probably wasn’t either. We were just parents who needed help. In our family, taking kids off their parents stops here and now. No more. It is going to stop with us.”¹⁹

¹⁴ Point Associates Ltd, Mana Whānau Final Evaluation, 2020, p9

¹⁵ Ibid

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Point Associates Ltd, Mana Whānau Final Evaluation, 2020, p10

¹⁹ Point Associates Ltd, Mana Whānau Final Evaluation, 2020, p3



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"I felt so stressed and overwhelmed. My life felt out of control. I had no space to think. It all kept piling up. Sorting some of the stuff out calmed everything right down. I felt like I could take a step back from it all and start thinking again."²⁰

"OT looks at the past – they never let it go. All I wanted was the dream – my baby daddy taking them to the sports, always involved, but that was a dream. I chose my kids over the baby daddy. He was abusive. That was used against me even though I chose my kids and my heart hurt."²¹

20. Whānau graduates of the Mana Whānau programme report that the most critical components of the programme is the kaimahi's faith in the whānau's ability to parent and holding that hope, even when at times the whānau or Oranga Tamariki do not.²²
21. The Methodist Alliance strongly believes that repealing the subsequent child provisions will provide this hope to whānau who have had children permanently removed by Oranga Tamariki. The current legislations provides no hope for whānau and increases their feelings of helplessness and stress.
22. Removal of tamariki is traumatic for both parents and the children. Parents experience profound grief and loss. Siblings are often separated and often children have attachment issues. Research shows that birth mothers who have had their subsequent children removed have themselves experienced significant and multiple adverse experiences in their childhood, and over half of these women had spent a period in and out of home care.²³
23. This may result in unresolved trauma which can lead to problems with substance misuse, and mental health issues.²⁴ The fear of having a subsequent child removed, which at present is a real possibility, compounds this grief, loss and trauma. The removal of these provisions will take away this fear and provide a sense of hope for these parents.
24. The underlying causes of issues which lead to care and protection issues resulting in child removal need to be addressed. These include intergenerational trauma, family violence, racism, colonisation, and poverty.
25. Systemic changes are needed to support whānau to parent successfully. Examples include: a whānau living in a motel unit was not permitted to have their tamariki

²⁰ Point Associates Ltd, Mana Whānau Final Evaluation, 2020, p32

²¹ Point Associates Ltd, Mana Whānau Final Evaluation, 2020, p35

²² Point Associates Ltd, Mana Whānau Final Evaluation, 2020, p41

²³ Broadhurst et al, Vulnerable birth mothers and recurrent care proceedings, Nuffield Foundation, 2017, p8

²⁴ Broadhurst et al, Vulnerable birth mothers and recurrent care proceedings, Nuffield Foundation, 2017, p10

returned until they were in a Kāinga Ora home. However, they were not prioritised for a Kāinga Ora home because the tamariki were not living with them.²⁵

26. Another example is where whānau have tamariki transitioning home but they lack the finances and resources to support the additional costs incurred when their tamariki stay.²⁶ The whānau had no additional benefit entitlements to provide food or transportation costs.²⁷ In these circumstances, the visits themselves became an additional stressor.²⁸
27. We encourage the Government to implement more recommendations from the Welfare Advisory Group – Whakamana Tāngata. We note that this report is now three years old and the figures used in it do not reflect today's increase in the costs of living and inflation.
28. We support the subsequent child provisions continuing to apply to parents convicted of murder, manslaughter or infanticide. However, we believe there is a role for Oranga Tamariki to support safe interactions between the convicted parent and their child. These relationships are important as the child's welfare and interests are inextricably linked to their family and whānau.

Information Sharing Provisions

29. We support the repealing of section 66D relating to the dataset provisions. However we recognise and support the continued information sharing between government and non-government agencies to promote the health, wellbeing and safety of tamariki.
30. We note that information sharing is only beneficial if it leads to more timely and effective interventions for tamariki and their whānau. Sharing of full relevant information is essential to successful collaborative early interventions to help tamariki and rangatahi at risk of poor outcomes and their whānau.

Technical Amendments of Concern

31. We note that the proposed amendments of sections 258 and 261 extend the scope, function and reach of a family group conference previously limited to care and protection of a child or young person to also include "or in need of assistance." This wording is very broad and we question whether there is the need to extend the scope of a family group conference this wide. It would be useful to understand

²⁵ Point Associates Ltd, Mana Whānau Final Evaluation, 2020, p44

²⁶ Ibid

²⁷ Ibid

²⁸ Ibid

when “in need of assistance” would fall outside the scope of the current “care and protection.”

32. This has the potential to increase the workload of an already stretched care and protection and youth justice sectors. We are concerned that this increase in scope risks professionals taking over a family group conference at the expense of the voices of the whānau. We strongly recommend more training for people working in this sector to ensure that the voices of the whānau are heard, and their wishes given full consideration, in accordance with s5(1)(c) Oranga Tamariki Act 1989.
33. If this increase in scope is enacted, there will need to be an increase in services and subsequent funding provided to the non-government agencies who provide the wrap around support services for tamariki, rangatahi and their whānau.
34. We note the lack of discussion in the Cabinet papers regarding this issue.

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