



MINISTRY OF
SOCIAL DEVELOPMENT
Te Manatū Whakahiato Ora

29 June 2011

Security Level: **SENSITIVE**

Report to: Minister for Social Development and Employment

THE MINISTRY'S RESPONSE TO MEL SMITH'S REPORT ON THE INQUIRY INTO THE SERIOUS ABUSE OF A NINE YEAR OLD GIRL

Purpose of the Report

- 1 You provided me with a copy of the Report "Following an Inquiry into the Serious Abuse of a Nine Year Old Girl and Other Matters Relating to the Welfare, Safety and Protection of Children in New Zealand" (the Report) completed by Mel Smith CNZM, on 5 April. The Report followed a Ministerial Inquiry completed by Mr Smith at your request into the serious abuse of a nine year old girl from Auckland.
- 2 You asked me for advice on the conclusions and recommendations contained in the Report.
- 3 This briefing provides you with proposals for reform which, in many instances, go considerably beyond Mr Smith's recommendations. These proposals are intended to fundamentally transform the way in which Child, Youth and Family and the wider sector responds to vulnerable children.
- 4 It also provides you with a summary of work completed or underway that is relevant to Mr Smith's recommendations.

Executive Summary

The Report

- 5 Mr Smith is a very experienced and highly respected former public servant. His experience in the public service and as an Ombudsman means he is uniquely placed to undertake an inquiry of this nature.
- 6 Mr Smith provided you with his Report on 31 March 2011. He reviewed a large amount of case specific and general information provided to him. He also conducted a number of interviews with Ministry staff members who worked on the case and with external stakeholders. Mr Smith chose not to interview me or other staff members with expertise in child protection matters. His final Report was provided to you without this Ministry seeing it or having the opportunity to comment on its content.
- 7 Mr Smith asks all people working with vulnerable children to be more child-centred in their work. His 13 recommendations, some to a very significant degree, can all be read as pursuing improvement in the way agencies, separately and together, respond to children who are at real risk of suffering abuse or neglect.

My Response to Mr Smith's Report

8 I accept all of Mr Smith's recommendations in their entirety. In this briefing I propose reforms which are intended to change the way in which vulnerable children are managed by Child, Youth and Family and the wider sector but go further. These proposals will give effect to Mr Smith's recommendations. Taken together, they are intended to effect sustainable change in the way the needs of vulnerable children are met across agencies and professionals.

9 section 9(2)(f)(iv), 9(2)(g)(i)

10 I have attached a table to this report (Appendix One) which sets out Mr Smith's recommendations in full, and my proposals in regards to those recommendations and work already underway.

This Briefing

11 This briefing covers the following matters:

- Child, Youth and Family Practice (paragraphs 18-39)
- A Child-Centred Approach (paragraphs 40-48)
- Collaboration and Information Sharing (paragraphs 49-60)
- The Wider Sector (paragraphs 61-70)
- Justice Sector and Other Matters (paragraphs 71-75).

Child, Youth and Family

12 The Chief Social Worker conducted a Practice Review of the case in question prior to Mr Smith's Report being completed. The Practice Review made a number of recommendations about how social work practice can be improved in Child, Youth and Family.

13 These recommendations were accepted and, in large part, have already been implemented. In combination with other improvements to its practice that were already in train, Child, Youth and Family has already given effect to most of Mr Smith's recommendations that apply to it. I acknowledge that, at this point, there is more to be done in improving relationships with schools.

14 Child, Youth and Family has commenced development of a Safe Strong Practice strategy, through which practice quality in Child, Youth and Family can continue to be improved and become more child-centred. The Deputy Chief Executive, Child, Youth and Family and the Chief Social Worker have commenced discussions with you about this.

Wider Sector

15 Child, Youth and Family will continue to improve its performance and must continue to be the agency primarily accountable for responding to the needs of children who may be in need of care or protection. However, in my view, fundamental reform of the entire sector involved in supporting vulnerable children is required. All of the agencies and professionals dealing with vulnerable children must prioritise, and be accountable for, a professional and child-centred

response to the needs of vulnerable children. These needs include the need for protection from serious harm caused by neglect and abuse.

section 9(2)(f)(iv)

Recommended Actions

I recommend that you:

Child, Youth and Family Practice

- 1 **note** that the Safe Strong Practice strategy for quality practice 2011-2013 will focus on increasing the quality and consistency of social work practice
- 2 **note** that significant work is already underway to improve social work training and practice and that training packages will be reviewed when changes arising from Mr Smith's Report come into effect
- 3 **note** that many of these improvements were underway at the time of the incident and those improvements proposed as a result of the incident have all been implemented
- 4 **note** that considerable work is underway to improve relationships between Child, Youth and Family and schools

- 5 **note** that appointing senior social workers as dedicated workers for clusters of schools may have significant fiscal and operational impacts
- 6 **note** that significant work is already underway to improve CYRAS recording
- 7 **note** that trialling of the use of mobile technology to improve CYRAS recording and time spent with clients by social workers will be evaluated by 30 June 2011

8 section 9(2)(f)(iv)

Child-Centred Approach

- 9 **note** that there is significant work underway in Child, Youth and Family to provide a more child-centred approach to all aspects of its practice
- 10 **note** that the Safe Strong Practice Strategy will provide the ongoing framework through which Child, Youth and Family social work practice will become more effective and child-centred

11 section 9(2)(f)(iv)

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section 9(2)(f)(iv)

Collaboration and Information Sharing

13 **note** that:

13.1 considerable work is underway to improve multi-agency case consultation

13.2 changes to the law on information sharing and collaboration will specifically empower and, in certain circumstances, compel case collaboration and consultation, and contribute to more child-centred meetings being held

14 **note** that there are a number of Memoranda of Understanding and related documents between Child, Youth and Family, the Ministry of Health and other agencies

15 **note** that work is underway to agree an overarching memorandum of understanding with District Health Boards and the New Zealand Police with regard to child protection and that memorandum is expected to be signed by 31 July 2011

16 **note** that, on 16 April, Cabinet approved proposals to amend the information sharing provisions of the Privacy Act

17 **note** my advice that, on their own, these proposals are not sufficient to improve information sharing on a case by case basis for vulnerable children and more is required

18 **note** that Social Policy Committee has requested further advice about broad enabling provisions which it will consider after the Law Commission publishes its Review of the Privacy Act

19 section 9(2)(f)(iv)

20 section 9(2)(g)(i)

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section 9(2)(f)(iv)

22

The Wider Sector

23 **note** that a fundamental reform of foundation years policy and practice including the Family Start programme was directed by you in March and one of the objectives of this work is to achieve more child-centred outcomes

24 section 9(2)(f)(iv)

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26 **note** that Child, Youth and Family is in discussions with ACC and the Ministry of Health on improving the governance of counselling for vulnerable children

27 section 9(2)(f)(iv)

Justice Sector Matters

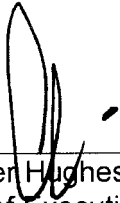
28 **note** that Mr Smith recommends that amendments to the Crimes Act be progressed as a matter of urgency and be publicised as widely as possible

29 **note** that Mr Smith's recommendation that the Minister of Justice consider a Child Protection Court can be considered within the scope of the Review of the Family Court

30 **note** that I will take responsibility for ensuring that the responsible Chief Executive is fully aware of Mr Smith's recommendations

Other Matters

31 **note** that research into family care is already underway section 9(2)(f)(iv)



Peter Hughes
Chief Executive
Ministry of Social Development

29-06-2011

Date



Hon Paula Bennett
Minister for Social Development and Employment

14/7/11

Date

Child, Youth and Family Practice

Safe Strong Practice

- 18 It is important to acknowledge the wider context in which these improvements and changes are being implemented. Child, Youth and Family is a different organisation to that merged with the Ministry of Social Development in 2006. At that time it was an organisation battling deep-seated systemic issues with long queues and children left waiting for help.
- 19 At that point there were over 3,500 at-risk children in a queue, not having even been assessed, let alone getting any help from our social workers. Our immediate focus after the merger was to get Child, Youth and Family's systems functioning effectively and to get rid of these queues.
- 20 Child, Youth and Family has achieved these critical outcomes. For the first time in more than a decade, Child, Youth and Family consistently delivered against every single service commitment last year. The best it could achieve five years ago was around 60 percent. Today there is effectively no queuing. Children are assessed as notifications come in. This is despite the fact that notifications have trebled in the past six years – from 40,000 to about 125,000.
- 21 As an organisation it has come a long way. Over the past few years, as Child, Youth and Family has gotten more in control of its business, it has been able to increasingly focus on the quality and consistency of social work practice. Child, Youth and Family has developed and implemented an entire new approach to supporting social work practice. The introduction of practice frameworks, the development of the Practice Centre, dedicated training for supervisors have all contributed to a vastly improved practice environment.

The Safe Strong Practice Strategy

- 22 Safe Strong Practice, Child, Youth and Family's strategy for quality practice 2011-2013, will be focused on increasing the quality and consistency of social work practice. Child, Youth and Family is in control over how it responds to demand and over its financial and management systems. It is now well placed to focus on lifting the performance of its social work practice.
- 23 The Strategy will incorporate a number of activities already underway and will highlight all the activities that contribute to strengthening Child, Youth and Family's practice. It is intended that it cover key areas that help drive change and performance. These include clarifying accountabilities, increasing the visibility of children and young people, and a shift to measuring outcomes as well as processes.
- 24 As part of the Strategy, the Chief Social Worker will review specific management accountabilities of both operational managers and practice experts. This includes consideration of supervision practice and how supervisors as first line managers can support practice that is consistent with policy and focused on child safety.

25 section 9(2)(f)(iv)

Chief Social Worker's Practice Review

26 The Chief Social Worker conducted a Practice Review of the case involving this nine year old girl. This was done and completed prior to initiation of Mr Smith's Inquiry. The Practice Review highlighted several areas where Child, Youth and Family can strengthen its practice with children and young people, particularly when children are returning to or remaining in the care of their parents. The Practice Review focused on the following key areas:

- re-emphasising the need to place the child at the centre of decision-making at all times and intensifying contact with children and young people at designated key points
- strengthening collaboration with other professionals and agencies involved with children
- strengthening Child, Youth and Family's leadership role amongst professionals and agencies working with families
- increasing government and non-government agencies' knowledge of how to recognise and report child abuse and neglect.

Child, Youth and Family's Response to the Practice Review

27 Child, Youth and Family responded to the Practice Review by making a number of changes (all of which have now been implemented) to its practice. These changes include:

- a mandatory requirement that, in all cases when a child is returned home, the social worker will visit the home, at a minimum, once a week for four weeks
- a mandatory requirement that social workers initiate and lead a planning and progress meeting with all professionals involved with the child and family within four weeks of a child returning home. They will use the Group Consult Tool as a framework for the meeting
- a mandatory requirement that social workers will initiate and lead three-monthly professionals' meetings following the return home of a child. These will include input from any contracted service providers, eg nursing bureau staff or counsellors.

28 At the time of the events relating to this case, a significant programme of work was already in place in Child, Youth and Family to improve the quality of its practice. This programme has now been strengthened as a result of the Practice Review. The practice improvements already in train include:

- the publication of the interagency guide on identifying and reporting abuse (published in December 2010)
- rolling out specialist social work training for all Child, Youth and Family practitioners and advanced supervision training
- strengthened policies, practice guidance and monitoring on visiting children in care
- implementation of a new Critical Risk Checks monitoring system
- delivery of the Child Matters Training Programme for 2011 on recognising and reporting child abuse.

Information Recording

- 29 Mr Smith's Report and the Practice Review noted problems with information being recorded accurately and in a timely fashion. This challenge has been noted in child protection organisations the world over.
- 30 The Operational Response to the Practice Review required new training for CYRAS use to be implemented. While training will be helpful I am of the view that more is required to improve information recording in Child, Youth and Family, and exploration of solutions in the using of mobile technology is underway.
- 31 In November 2010, Child, Youth and Family started a Mobility Pilot in the Rotorua site to trial making laptops with 3G wireless connections and other technologies available to all front line social workers at the site. The purpose of this was to gauge the impact of the use of this technology on social work practice. Comprehensive training on the use of the new equipment was provided.
- 32 The pilot will determine whether providing staff with mobility technology that enables them to work away from the office would result in an increase in the time spent directly with clients. In addition, it will assess whether enabling information to be recorded closer to the time of the event results in CYRAS records being more complete, accurate and timely.
- 33 Social workers involved in the pilot have reported they have been able to enter case-related data immediately following their engagement with clients and have commented that this is incredibly useful and makes case management much easier. One benefit has been a reduction (and therefore time saving) in the need to re-work case management information. Child, Youth and Family has also found the reduction in time spent in the office is leading to increased opportunity to spend time with clients, and that mobile technology supports flexible working styles.
- 34 Child, Youth and Family is now looking at how this initiative could be used in other parts of the country, with the first area being the provision of mobility services to staff affected by the Canterbury earthquakes.
- 35 The results of the pilot will be evaluated by 31 July 2011. Child, Youth and Family will then be in a position to decide how improved mobile technology can best sustain improved CYRAS recording and client responsiveness.

Mr Smith's Recommendations about Child, Youth and Family

- 36 As a result of the response to the Practice Review and ongoing improvements to practice quality referred to above, Mr Smith's recommendations specific to Child, Youth and Family are, in large part, already being implemented. As he did not interview Ministry staff outside of the case he may not have been aware of this. I comment separately about Child, Youth and Family's relationship with schools immediately below.

Relationship with Schools

- 37 I acknowledge that Child, Youth and Family's relationship with schools needs to be improved. Mr Smith recommends that senior social workers be appointed as dedicated workers for clusters of schools. This may have significant fiscal and operational impacts and I propose to report to you about options for improving these relationships by 30 July 2011. Child, Youth and Family is currently looking at ways to strengthen the relationship between Social Workers

in Schools and local Child, Youth and Family sites and consideration of this will also be included in that report.

- 38 Child, Youth and Family has required all Site Managers (who are accountable for managing relationships with schools) to meet with primary and intermediate school principals to launch the "Working Together Guide".
- 39 This guide is a much improved version of the interagency guide on recognising signs of abuse and neglect. It is aimed specifically at government and non-government agencies and assists these agencies in recognising signs of abuse and vulnerable families, and provides information on when and how to talk with Child, Youth and Family. To date, Child, Youth and Family Site Managers have met with over 1,000 primary and intermediate school principals as part of the national implementation of the Working Together Guide.

A Child-Centred Approach

40 section 9(2)(f)(iv)

- 41 Mr Smith's Report strongly emphasises the "incontrovertible" need for all those involved in the sector to have a child-centred perspective. The recommendations in his Report have been written in support of this proposition. I agree with him that this is essential for *all* agencies and *all* professionals working with children.
- 42 As noted above, Child, Youth and Family has significantly improved its control of its work and has, for some time, been able to focus on improving the quality of its work with children who enter the care and protection system. The Safe Strong Practice Strategy noted above will provide the ongoing framework through which Child, Youth and Family social work practice can become more effective and child-centred.
- 43 However, improvement of Child, Youth and Family social work practice will not, in and of itself, be sufficient to provide a consistent and child-centred approach for all vulnerable children. This requires all agencies and all practitioners working with vulnerable children to be subject to the same imperative.

44 section 9(2)(f)(iv), 9(2)(g)(i)

- 45 The Chief Social Worker performs a crucial role in ensuring practice standards in Child, Youth and Family are child-centred and reflect international standards of best practice.

section 9(2)(f)(iv)

- 46 Mr Smith's report illustrates the pressures that are often applied on a statutory social worker dealing not only with complex family dynamics, manipulative adults and uncertain facts, but also other agencies and professionals with different perspectives on a child's circumstances. There is no such thing as a simple case. The decisions a social worker is expected to make in these circumstances are often, if not always, life-changing for the child who is the subject of the decisions.

section 9(2)(f)(iv)

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Collaboration and Information Sharing

49 section 9(2)(f)(iv)

50 I strongly endorse the theme running throughout Mr Smith's Report concerning the need for better information sharing and more effective collaboration across relevant agencies. Child, Youth and Family cannot do it all on its own and cannot be all things to all vulnerable children; its primary function in terms of vulnerable children must be the delivery of care and protection services to abused and neglected children.

51 The Ministry of Justice is proposing amendments to the Privacy Act 1993, which will improve information sharing for vulnerable children. section 9(2)(f)(iv)

I believe, as you do, that most New Zealanders want real change in the way this country deals with child abuse and will acknowledge that individual rights to privacy, while important, must be balanced against the need to protect children from serious abuse and neglect.

52 section 9(2)(f)(iv)

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54 Mr Smith recommends that Memoranda of Understanding with health agencies are renewed as a matter of urgency. An overarching memorandum of understanding with District Health Boards and the New Zealand Police with regard to child protection and that memorandum is expected to be signed by 31 July 2011.

Mandatory Reporting

55 You have already indicated that the issue of mandatory reporting will be explored through the Green Paper on Children.

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section 9(2)(f)(iv)

57 In my view, this case vividly illustrates that the fact that we are not yet in a position where the wider sector recognises a duty to report abuse and neglect to Child, Youth and Family, despite the fact that Child, Youth and Family is the agency empowered to investigate and intervene in child protection cases.

section 18(c)(i)

58 In this case, the Counsellor's decision not to report the [redacted] abuse allegations provided to her by the child's mother was, decisively, a lost opportunity and that decision had terrible ramifications for the young girl. That concerns me deeply; section 9(2)(g)(i)

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section 9(2)(f)(iv)

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The Wider Sector

Foundation Years Policy and Practice

- 61 In March 2011, you directed the Ministry to implement a package of changes to the governance, design and implementation of the Family Start programme. The purpose of the changes is to lift the programme's effectiveness in preventing child abuse and neglect, and to ensure that it gets to the right families and makes a measurable difference to children's lives.
- 62 This offers a major opportunity to reform an important part of the sector. Changes to foundation years policy and practice will include variation of Family Start contracts (most of which are to be renewed 30 June 2011) to require:
- new performance measures around child maltreatment and quality social work practice, to be added into contracts. These measures will be reviewed annually. Failure to meet minimum performance standards around keeping children safe will affect decisions whether to re-contract with the provider or not
 - new contractual bottom lines. For example, where any worker employed by a provider breaches minimum standards of social work practice, the contract with the provider will be immediately reviewed. Termination of contract will be the most significant of a range of options where the actions of the provider clearly contributed to the breach of minimum standards by the worker, or where the provider failed to take the appropriate action in response to that breach.

Counsellors

- 63 I have referred to my concerns about the Counsellor's failure to report the section 18(c)(i) abuse allegations made to her by the child's mother in this case.
- 64 Child, Youth and Family is in discussion with ACC and the Ministry of Health about accreditation standards used by ACC. As Mr Smith notes, these standards are out of date and were not written with vulnerable children in mind. This situation needs to be remedied forthwith.
- 65 Moreover, in New Zealand, counsellors are an unregulated occupation. Anyone can choose to provide counselling services and be answerable to no regulating authority. Bearing in mind that counsellors are often dealing with highly vulnerable people, including highly vulnerable children, immediate attention needs to be given to this matter. section 9(2)(f)(iv)
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Wider Sector Reform

66 section 9(2)(f)(iv)

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68 However, the wider sector is an enormously complex environment involving all schools, early childhood education providers, all general practitioners, District Health Boards, many other health providers, large government organisations (eg the Police), and hundreds if not thousands of non-government agencies. Many services are devolved, some are nationally delivered, some are contracted by government and some are delivered privately in a competitive marketplace.

69 section 9(2)(f)(iv)

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Justice Sector and Other Matters

Justice Sector

- 71 Some of the recommendations urge action in areas which are outside my responsibility as Chief Executive of the Ministry of Social Development.
- 72 Mr Smith recommends that amendments to the Crimes Act should proceed as a matter of urgency and should be publicised as widely as possible. section 9(2)(f)(iv)
- 73 He also recommends the establishment of a Child Protection Court which may be a matter that can be addressed in the Review of the Family Court currently being undertaken by the Ministry of Justice.
- 74 In respect of these recommendations, I will take responsibility for ensuring that the responsible Chief Executive is fully aware of Mr Smith's recommendations.

Other Matters

- 75 Mr Smith recommends that evaluative research into kinship care be undertaken. Work was underway in this area prior to his Report being received by the Ministry. section 9(2)(f)(iv)