# Provisional Terms of Reference

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| **Professional Practice Group Review** **Hastings case** |

## Background

Oranga Tamariki, Ministry for Children, was granted interim custody of a baby in early May 2019, following the Court making an order pursuant to section 78 Oranga Tamariki Act 1989. The interim custody order was made due to safety concerns for the baby should mother and baby be discharged from hospital. Circumstances regarding the decision to bring the baby into care, including Oranga Tamariki staff’s interaction with the mother, whānau and other professionals whilst at hospital have been the subject of significant scrutiny and public comment.

## Purpose of review

The purpose of the review is to examine the actions of Oranga Tamariki in relation to the baby and the baby’s mother prior to, and immediately following, the birth of the baby. The review will have a particular focus on the engagement with the mother, father, whānau, iwi, other professionals and key stakeholders. It will examine the quality of the assessment and planning, how Oranga Tamariki worked as part of a wider interagency group involved with the baby, and the manner and method of the processes undertaken.

Decisions around the custody of the baby are currently subject to Family Court proceedings. The review will consider whether the communication relating to the custody application was sufficient and whether it was appropriate for this to be made ‘without notice’. The specific content of the section 78 application, the decision of the Court to grant an interim order and all other matters currently being considered by the Family Court are not within scope of the review and may not be considered.

The review will have three objectives:

* to understand what has occurred from the perspective of the mother, father, whānau, our staff, iwi and other professionals involved
* to identify what can be learnt from a local and national perspective
* to promote restorative actions to address and strengthen local relationships and ways of working.

## Independence of the review process

The review will be led by senior staff from the Oranga Tamariki Practice Advice and Māori Practice Advice teams (the PPG reviewers) with the oversight of the Chief Social Worker/Deputy Chief Executive Professional Practice.

PPG is worked collaboratively with Ngāti Kahungunu on this review based on a shared commitment to the three objectives of the review above.

This includes the appointment of an independent person(s) with the appropriate expertise, standing and connection within the community and partner agencies to provide independent oversight to the review. The role of the independent person(s) will be to:

* provide an independent level of assurance across the internal review process, methodology, analysis and findings
* support the engagement of reviewers with external stakeholders
* provide an independent point of contact for key stakeholders and review participants
* support any restorative actions arising from the review, where appropriate.

The PPG reviewers and the independent person(s) will adopt a principled-based approach to the design and undertaking of the review. The independent person(s) will have direct access to the Chief Executive and Chief Social Worker of Oranga Tamariki / Deputy Chief Executive, Professional Practice as required throughout the review process.

The Children’s Commissioner is also being consulted on the review and will provide input into the design, progress and findings from the review.

## Whānau engagement

The baby’s mother, father and whānau representatives have been consulted on the purpose and overall approach to the review set out in these terms of reference.

The review will provide the opportunity for the mother, father and whānau to have their view of events leading up to and following the birth of the baby to be heard and considered, and to have those views inform the findings from the review. Current case work decisions around the baby will be outside of the scope of these engagements as will matters being considered by the Family Court.

We are in discussion with whānau representatives and Ngati Kahungunu about the best way in which to support engagement of the mother, father and whānau in this work and the appropriate analysis of parental and whānau voices.

## Stakeholder engagement

A stakeholder engagement plan will be developed as part of the review planning in consultation with the independent person.

The approach to engagement will include:

* initial phone and then written contact by Chief Social Worker / Deputy Chief Executive, Professional Practice explaining purpose and approach, co-existence of other processes and role of independent person(s)
* face-to-face engagement to be undertaken by PPG Reviewers
* a process to provide feedback to participants on findings.

Ideally the review process will conclude with a resolution / restorative focussed interagency hui with a focus on future ways of working. Whether and how this occurs will be informed by the engagement undertaken during the course of the review.

## Scope

The focus of the review is the quality of Oranga Tamariki engagement, assessment and planning and our approach to inter-agency working.

The period covered by the review will be from 12 February 2019 when Oranga Tamariki became aware that the mother was pregnant with the baby to 9 May 2019 when the baby and mother were discharged from hospital. The review is limited to the period outlined above.

Prior involvement with the mother, father and whānau, and in particular the baby’s sibling, will be considered only to the extent it is relevant to the nature of the relationship between Oranga Tamariki the baby’s mother and the quality of the assessment and planning for the baby.

The following is out-of-scope of the review:

* formal complaints processes associated with these events.
* day-to-day management of the plan for the baby. This remains the responsibility of the Oranga Tamariki Services for Children and Families team in Hastings.
* matters that are subject to proceedings before the Family Court (although the process and quality of assessment and planning informing court action may be relevant to the review).

## Methodology

We will use a combination of direct interviews, practice workshops and visual recording to build an understanding of what has occurred. Practice will be explored through the lens of the Oranga Tamariki practice standards with a particular focus on whakamana te tamaiti practice.

Final outputs from the review will be confirmed through the detailed design phase but will include a summary report of key findings, areas of learning and any further proposed resolution actions. Decisions around any public release of general findings from the review will be made in consultation with the mother, father, whānau and Ngāti Kahungunu.

We intend to complete the review towards the middle to end of July, recognising however that this work will need to progress at a pace appropriate to the needs of the whānau, our partners and the community.

The review will include the following phases.

*Phase One: Detailed design, gathering information, preparation and initial engagement*

* review and clarification of practice analysis provided by the site / region
* review of information recorded in Oranga Tamariki case management system
* development of a working timeline of case events
* design of practice workshop for Oranga Tamariki staff
* initial engagement with whānau, other key participants and scheduling of interviews
* design of plan for securing whānau voice through review process.

*Phase Two: Engagement with participants*

* engagement with mother, father, whānau / whānau representatives
* face-to-face discussion with key Oranga Tamariki staff
* face-to-face discussion with key representatives of:
	+ DHB maternity staff
	+ NZ Police
	+ lawyer for the mother
	+ lawyer for child
	+ midwives
	+ relevant community providers
	+ Ngāti Kahungunu
	+ any others identified in the course of the review
* practice workshop with Oranga Tamariki staff.

*Phase Three: Review, analysis and writing*

* review and analysis of information gathering
* draft findings report prepared.

*Phase Four: Feedback and forward-planning*

* feedback of findings to participants and other key stakeholders as appropriate
* finalise report
* identification of further resolution / restorative actions.