

29 June 2020

Ms Francesca Ephraim  
[fyi-request-12885-055c78e2@requests.fyi.org.nz](mailto:fyi-request-12885-055c78e2@requests.fyi.org.nz)

Tēnā koe Ms Ephraim

Thank you for your email of 25 May 2020 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting the following information under the Official Information Act 1982 (the Act):

- *Please can you tell me whether all adults that an uplifted child might reside with are police checked prior to the child being placed with them?*
- *Also, can you provide the number of police checks done nationally in the last year and the number of children uplifted nationally.*
- *Lastly, how often does a police check occur after the child has been placed. Please provide the statistics for the last 5 years.*

On 29 May 2020, we contacted you regarding your second question, to clarify whether you were interested in the number of Police vetting checks carried out nationally by Oranga Tamariki, or nationally across New Zealand. On 30 May 2020, you confirmed you would like the number carried out by Oranga Tamariki.

New Zealand Police deliver a Vetting Service to provide criminal history checks and other relevant information about potential and current employees, volunteers and those who care for and work with children and other vulnerable members of society. The Police vetting service processes vetting requests in accordance with the Privacy Act 1993 and the Criminal Records (Clean Slate) Act 2004. Oranga Tamariki submits vetting requests to Police:

- as part of social work investigations into care and protection concerns for children
- to review the suitability of people applying to become caregivers, and of persons in their household
- to review an existing caregiver's approval status
- to check the suitability of prospective staff during the recruitment/appointment process
- as part of checking the suitability of contactors to work at Oranga Tamariki.

The New Zealand Police Vetting Service allows for the provision of criminal history checks (and other information relevant to the purpose of the vetting request) for current

and prospective caregivers so we can check their suitability to care for or have contact with a tamaiti. The Oranga Tamariki National Care Standards state a Police vet must be completed in order to help determine the suitability of an applicant to become a caregiver. All of our caregivers (including section 396 provider caregivers) must have a regular review of their approval status and support needs every two years, which includes renewing their police check (including family violence checks.)

You can read about the requirements for the assessment and approval of prospective caregivers (family/whānau and non-whānau) and adoptive applicants (domestic and inter-country adoption) at the following link:

<https://practice.orangatamariki.govt.nz/policy/caregiver-and-adoptive-applicant-assessment-and-approval/>

Alongside prospective caregivers, checks are also carried out for other individuals connected to the household of the applicants who might have regular contact with te tamaiti, as well as volunteers - such as someone who drives te tamaiti to school, mentors or access supervisors. Checks will also be carried out in emergency situations that require children to be placed immediately with whānau.

As an approved agency, Oranga Tamariki vetting requests are submitted by staff at our sites online via the Police Vetting Service secure website, which gives us access to composite statistics for the last two completed financial years. Your request for the statistics from the 2015 – 2017 Financial Years is refused in accordance with section 18(f) of the Act, as it is not centrally recorded by Oranga Tamariki and would require substantial manual collation. Obtaining the number of checks carried out for caregivers during this period would require a review of vetting invoice records and/or individual caregiver files.

Information regarding the numbers of Police checks carried out is reported per financial year. Please see the below table for the information you have requested. For the purposes of your request we have excluded all employee and contractor vetting. The totals per financial year include all submitted requests for which we were invoiced in respect of non-employees. Please note, the number of vetting checks provided is the total sum carried out in the reporting period, and it is not possible to differentiate between prospective and current caregivers.

**Number of vetting requests submitted by Oranga Tamariki sites between 1 July 2017 and 30 June 2019**

<b>Financial Year</b>	<b>Number of Police vetting checks carried out</b>
F2018	8,313
F2019	8,400

Oranga Tamariki is dedicated to supporting any child whose wellbeing is at risk of harm now, or in the future, and the decision to recommend bringing a child into our care is one of the most difficult decisions our staff have to make. It is not a decision we take lightly, and there are, quite rightly, a strong set of checks and balances in the process to ensure that the right decision is made. There are a range of reasons for a child coming to our attention and there are a range of different pathways for a child to come into our care as

provided for under the Oranga Tamariki Act 1989 (the Act). In every case there must be valid and verified concerns for the safety of the child, and in every case the parent and/or the Family Court must agree that those concerns warrant the child coming into our care.

Wherever it is safe and possible to do so, the child's parent(s), whānau and other people supporting the whānau will be involved in decisions around the child's care and custody. Unless there is a clear need for fast and decisive action to protect a child from immediate and imminent danger, all interim custody order applications are made 'on notice' to ensure the family/whānau are given the opportunity to have their say before the Family Court makes its decision. When staff do need to act faster to keep a child safe, we may seek interim custody orders on an ex parte 'without notice' basis. This involves the Family Court making a custody decision without representation from the child's parent(s) or guardians. 'Without notice' applications require additional checks to ensure we have followed a robust process in making the decision to apply for a custody order without notice by a Regional Legal Manager, Site Manager and Practice Leader, before they can be signed off. The Family Court will then need to decide, on the balance of probabilities, whether the risk to the child is such that it would be unsafe to defer making an interim custody decision.

There are a number of different warrants and legal orders under the Act, each of which can apply in a range of different settings. All custody orders for unborn and newborn babies are made on an interim basis. Permanent orders are only made after planning around the needs, risks and strengths of the parent(s), whānau and baby has been completed, after the baby is born. The different warrants and custody orders are detailed below. These can be broadly grouped into three categories – care agreements, urgent entry to care or custody, and arranged entry to care or custody:

#### *Care Agreements:*

When a child enters care through a voluntary agreement with the parents, guardians or usual persons having care of the child for a specific period of time – from 28 days to 2 years. The outcome is for the child to return home, unless they transition to independence.

- Section 139 – Temporary Care Agreement
- Section 140 – Extended Care Agreement

#### *Urgent Entry to Care or Custody:*

These are interim orders/warrants that result in the transfer of the custody of a child to Oranga Tamariki until a final decision on the child's care can be made. These orders should only be used to secure the safety and wellbeing of tamariki when all other intervention options have been considered and there is an immediate safety concern. Police and Oranga Tamariki have different powers that can be used. Both Police and Oranga Tamariki can apply to the Family Court for these orders. The Police can also take urgent action without a warrant from the Family Court. Oranga Tamariki always needs to apply to the Family Court before it can take urgent action. A section 78 order can be used to bring a child into our custody urgently because we believe there are real and immediate safety concerns; but equally can be used in a situation where a caregiver, family or whānau have agreed an interim custody order is required to ensure a child is safe. For this reason, we report section 78 care entries separately.

#### *1. Urgent applications to Family Court for warrant*

- Section 39 – Place of Safety Warrant (by Oranga Tamariki or NZ Police)

- Section 40 – Warrant to remove a child or young person (Oranga Tamariki)
2. *Interim custody order applications to the Family Court*
    - Section 78 – Custody of child or young person pending determination of proceedings (by Oranga Tamariki or NZ Police)
  3. *Urgent action by the NZ Police to place a child or young person in the custody of Oranga Tamariki*
    - Section 42 – Warrant (NZ Police) Search without Warrant
    - Section 48 – Warrant (NZ Police) Unaccompanied children or young persons

*Arranged Entry to Care or Custody:*

Wherever possible, tamariki enter care in a planned and measured way. An arranged entry to custody will usually occur after a Family Group Conference has been held. Oranga Tamariki needs to apply to the Family Court in order to gain these custody orders.

- Section 101 – Custody order
- Section 102 – Interim Custody order
- Section 110(2)(a) – Sole guardianship order

We have interpreted your request for the number of children ‘*uplifted nationally*’ as asking for the number of children and young people who have entered the care or custody of the Chief Executive of Oranga Tamariki. Your request is declined in accordance with section 18(d) of the Act, as the information is publicly available. Please see the second table of page nine at the following link, which shows all entries to care via pathway - Urgent Entry, Section 78, Care Agreement and Arranged Entry:

<https://www.orangatamariki.govt.nz/assets/Uploads/Statistics/data-about-how-we-work-with-children/Babies-and-children-entering-Oranga-Tamariki-care.pdf>

Oranga Tamariki intends to make the information contained in this letter available to the wider public shortly. We will do this by publishing this letter on our website. Your personal details will be deleted and we will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@ot.govt.nz](mailto:OIA_Requests@ot.govt.nz). If you are not satisfied with this response, you have the right to ask an Ombudsman to review this decision. Information about this is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or by contacting them on 0800 802 602.

Nāku noa, nā



Steve Groom  
**General Manager Public, Ministerial and Executive Services**