

Hon Poto Williams

MP for Christchurch East

Minister for Building and Construction

Minister of Police

Associate Minister for Children

Associate Minister of Housing (Public Housing)



Mr John Creser

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Tēnā koe Mr Creser

Thank you for your email of 23 September 2021 to my office requesting information about the process Oranga Tamariki— Ministry for Children (Oranga Tamariki) uses to gauge the threshold for prosecuting cases of child abuse.

Oranga Tamariki does not have a policy for ‘prosecuting’ child abuse. The Child Protection Protocol between Oranga Tamariki and the New Zealand Police (the Police) is the agency agreement document outlining the roles and responsibilities of the agencies when there are accusations of criminal offending.

It is the role of the Police to investigate criminal offending, hold offenders to account, and prevent future offending. It is the role of Oranga Tamariki to investigate care and protection concerns and take action to keep children safe.

This agreement – the Child Protection Protocol – is attached.

Prosecuting offenders would be a matter for the Police and the Courts. Oranga Tamariki does not prosecute or charge offenders.

Oranga Tamariki has a statutory responsibility to assess reported concerns, regardless of the number of times a similar concern was reported. It is important that Oranga Tamariki view each report of concern or information shared about a child as an opportunity to understand whether there are current concerns about safety and wellbeing that might require a response from the Ministry or others (even if the information being reported may be historical in nature). Officials use the Decision Response Tool to assess each new report of concern or information shared in order to understand whether an assessment, investigation or other service response is required.

Oranga Tamariki has a range of policies and guidance to support practitioners following a reported concern, to complete an assessment. An important part of an assessment is gathering and analysing information unique to the concerns raised, in order to establish what has happened. Assessment is a process of building understanding to inform whānau and professional decision-making. Oranga Tamariki does not make decisions in isolation. Officials work with other professionals including the Police, lawyers, health professionals, and NGOs where appropriate to assist in their understanding of the specific situation and circumstances of the child and their whānau. Oranga Tamariki work with other professionals throughout assessment regardless of whether there is an investigation being undertaken. More information on the assessment policy, practice standards and working with other professionals can be found at the following links:

<https://practice.orangatamariki.govt.nz/policy/assessment/>

IN-CONFIDENCE

<https://practice.orangatamariki.govt.nz/practice-approach/practice-standards/work-closely-in-partnership-with-others/working-with-other-professionals/>

<https://practice.orangatamariki.govt.nz/core-practice/information-sharing/>

All cases that require an investigation response are worked in consultation with Police and must follow the Child Protection Protocol. When a case of potential abuse, neglect or harm may be a criminal offence, Oranga Tamariki must work together with Police to investigate.

Cases that must follow the CPP include:

- physical abuse that meets the CPP definition
- sexual abuse
- neglect that meets the CPP definition

The CPP definitions can be found on pages 6-8 of the agreement attached.

For every report of concern made, Oranga Tamariki do not pre-determine the response to the report of concern but follow the assessment approach described above to understand whether there are current concerns about safety and wellbeing and the actual circumstances and situation of the whānau.

Nāku iti noa, nā



Hon Poto Williams
Associate Minister for Children