



MANAAKITIA A TĀTOU TAMARIKI

Children's
Commissioner

Briefing to the incoming Commissioner

Office of the Children's Commissioner

May 2016

Table of Contents

FOREWORD FROM OUTGOING COMMISSIONER	3
PART 1: WHO WE ARE AND WHAT WE DO	4
Why we have a Children’s Commissioner	4
Your Statutory Functions	4
The Current vision	4
How are Children Doing?	5
Current Priorities	5
Current Performance Measurement Framework	6
How we work.....	7
What we do - our key products and activities	8
Monitoring of CYF Services	8
Advocacy	9
United Nations Convention on the Rights of the Child (UNCROC)	11
Communications	13
Commitment to the Treaty of Waitangi	14
Your Team	15
The people on your staff will be your greatest asset	15
The Office is divided into three teams	15
Staff Biographies	17
PART 2: BUILDING ON OUR PAST	21
Legislation	21
Themes and achievements	22
Focus and achievement of past Commissioners	22
Shifts in major themes and activities	23
Striking the right balance	24
PART 3: STRATEGIC CHALLENGES AND OPPORTUNITIES FOR YOUR TERM	25
This is an exciting time	25
There are some challenges	26
The size of the Office presents some risks	26
Pre-committed work puts some limitation on the work programme	26
There are opportunities to make a real difference for children	28
CYF transformations	28
Strengthened monitoring function	28
Youth crime and justice	29
Building on our Voices Project to increase engagement with young people	29
Other opportunities to consider	29
PART 4: FUTHER BRIEFINGS	31
Decisions you will need to make now	31
Information you will need once started	31
Appendix 1: Origins and influences on the Children’s Commissioner 2003 Act.....	32
Appendix 2: Historic Timeline.....	35
Appendix 3: Priorities and focus of Commissioners 2003 to 2016	38
Appendix 4: OCC stakeholder survey results.....	44

FOREWORD FROM OUTGOING COMMISSIONER

Welcome to the Office of the Children's Commissioner. You are taking up the role of Children's Commissioner at a very important time. The Review of Child, Youth and Family and work under the Children's Action Plan may lead to opportunities to improve the lives of vulnerable children.

To meet these challenges you will find a smart, committed and influential team in place. It has been my privilege to lead them and I'm sure you will enjoy the experience too.

You have come at a challenging time. The Office has two main functions; advocating for children and monitoring the care and protection system. The care and protection system is currently failing too many children and needs to change. The Office's role in monitoring the system must also change. The report from the Expert Advisory Panel and the Minister's subsequent announcements has indicated that it will be necessary to increase the scope of the Office's responsibilities and its resourcing. Given the significant change programme underway across the care and protection system it is important that the monitoring of the system is robust so that Parliament and the public can be confident that services for vulnerable children are improving and that children are safe. Your team will have advice on the Office's role and scope and associated resourcing implications ready for you to engage with the Minister on what an enhanced monitoring service would offer and how that would need to be funded.

To take up the opportunity to expand on the Office's monitoring activity, alongside engaging with the Minister, it will be important to engage with the officials and frontline professionals who are involved in designing the new system and the monitoring of it so that you can inform and help shape the outcome. At the same time the team must continue to deliver on its current responsibilities, keep the public and the sector informed and maintain public and professional confidence in the care and protection system.

Public support to improve children's lives has never been stronger. You will be privileged to have many conversations with people who can change children's lives, both one-to-one and to large audiences. My experience is that New Zealanders love children and believe that all children deserve a fair chance, and are appalled that this is not currently so. There are countless good people who want to make a difference.

Yours will be a complex and demanding role, but immensely rewarding. You have a team that is capable and will support you, and you have the support of the New Zealand public and the sector. Be bold. Speak truth to power and keep the discussion focused at all times on what the children and young people need and deserve.

My very best wishes

Russell Wills

Hei whakariterite te tau kotahi

Whakatōkia he mara kai

Hei whakariterite mo te ngahuru tau

Whakatōkia he rākau

Hei whakariterite mo nga rau kei tua

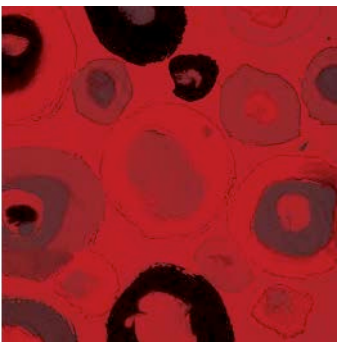
Poipoia nga tamariki

To plan for a year, plant a garden

To plan for a decade, plant trees

To plan for a future, nurture children

PART 1: WHO WE ARE AND WHAT WE DO



The Children's Commissioner is an Independent Crown entity whose primary role is to advocate for New Zealand children under the age of 18 years.

What that means in practice is that your team care about children and young people and they work hard to influence decision makers to ensure we achieve better outcomes for them, and particularly for our most vulnerable children.

WHY WE HAVE A CHILDREN'S COMMISSIONER

Children (including young people under the age of 18) are a core part of our society, but they are not included in our democratic process – they have no vote and often no voice in major decisions that impact them. Children often have limited power or influence.

It is the role of the Children's Commissioner to be their voice: to encourage organisations to take more child-centred approaches, to advocate for improving children's wellbeing, and to raise awareness of issues where children are not getting a fair go. You are also responsible for monitoring the quality of services being provided by the statutory care and protection and youth justice systems.

YOUR STATUTORY FUNCTIONS

The Children's Commissioner Act (2003) outlines the key functions of the Commissioner's statutory role and includes:

- > monitoring and assessing the policies and practices of Child, Youth and Family (CYF) and any other services provided under the Children, Young Persons, and their Families Act 1989 (CYP&F Act);
- > systemic advocacy and investigation of issues compromising the interests, rights and wellbeing of children and young people
- > raising awareness and understanding of the United Nations Convention on the Rights of the Child (UNCROC) and advancing and monitoring the application of UNCROC by the State
- > promoting the participation of children and their interests in any decisions that affect their lives or welfare.

Another key statutory function was added by the Crimes of Torture Amendment Act 2006 to monitor CYF residences as a National Preventive Mechanism (NPM) in respect of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Underpinning all of these functions is the requirement that the Commissioner develops a means of consulting with children and young people and have their views inform the Office's advice, and recommendations.

The Act also provides extensive provisions for undertaking investigations, but no investigations have been undertaken in recent years.

THE CURRENT VISION

That Aotearoa New Zealand is a place where all children thrive.

HOW ARE CHILDREN DOING?

The vast majority of New Zealand children are doing well and achieving positive outcomes -- they live in supportive homes and receive the care that they need and deserve, and benefit from the protections provided in legislation to prevent them from harm, abuse and neglect; and they are able to access universal education and health services that support them to live happy and healthy lives.

Unfortunately, a significant proportion of our children need extra support and services to enable them to thrive. We see the evidence of this in New Zealand's poor rating in international comparisons of child health and well-being and in our low level of investment in young children.

Our children's outcomes differ significantly by ethnicity. While there are children across all ethnic groups who are achieving excellent outcomes and thriving, we know that there is significant over-representation of Māori children among those experiencing poor outcomes.

CURRENT PRIORITIES

Over the past two years and as outlined in the 2014-2018 Statement of Intent the priorities the Office has been working on have been to:

- > ensure that children and young people in the care of CYF are receiving quality services that improve their outcomes and wellbeing and
- > advocate for the needs of vulnerable children at risk of poor outcomes to ensure they get the services, supports and resources they need to be kept safe and thrive.



These priorities were chosen so that we could ensure that our work was clearly focused on the most vulnerable children in New Zealand and where our work could have the biggest impact for the children that need the most support. Refining our priorities to two allowed the Office to allocate our resources more effectively so that our advice is focused and is better able to achieve results. Within these two priorities we have specifically focused on raising issues about child poverty and deprivation, inputting into the work on the Children's Action Plan, and embedding a new monitoring framework to assess CYF's performance in providing services to children and young people in their care.

As the new Commissioner you will have the opportunity to consider the expectations signaled to you by the Minister of Social Development and the final report from the Expert Advisory Panel (EAP) on Modernising Child, Youth and Family, as you set the strategic direction and priorities for your term. This includes considering how the role of the Children's Commissioner may evolve as the new operating model for care and protection is implemented.

The Office has received Ministerial agreement to delay updating the Statement of Intent so you also have the opportunity to refresh that document.

CURRENT PERFORMANCE MEASUREMENT FRAMEWORK

The following diagram outlines the Office's current main priorities for 2016/17, and the longer-term outcomes that the Office has been working to, and the impacts we have aimed to make (set within the context of the Government's broader objectives for vulnerable children).

Our Vision	New Zealand is a place where all children thrive	
Outcomes	Children and young people in the care of Child, Youth & Family and those vulnerable to poor outcomes get the services, supports and resources they need to be kept safe and thrive	
	 WIDE RANGE OF GOVERNMENT ACTIVITIES <i>(Including cross Government and non-government activity on the Better Public Service targets for vulnerable children, the Children's Action Plan and implementation of the recommendations of the Final Report from the Expert Panel on Modernising Child, Youth and Family)</i>	
		
	Monitoring and Investigations	Individual and Systemic Advocacy
Our Impacts	Our recommendations for improving CYF systems and services are agreed and implemented	Our advice is valued and sought by stakeholders and is used to shape policy and legislation for vulnerable children
Our Outputs	CYF sites and residences are visited and assessed and reports with findings and recommendations are provided to CYF for action Annual State of Care report produced	Provision of child-focused policy advice or submissions to select committees, Government departments and Ministers Child Poverty Monitor produced
What We Do	Monitor the quality of services provided to children under the CYP&F Act	Advocate for and advise on the rights and wellbeing of vulnerable children
Our Priorities	Children and Young People receiving statutory care services	Vulnerable children at risk of poor outcomes
How we Work	<i>We provide authoritative, independent advice on the wellbeing of children and young people</i>	

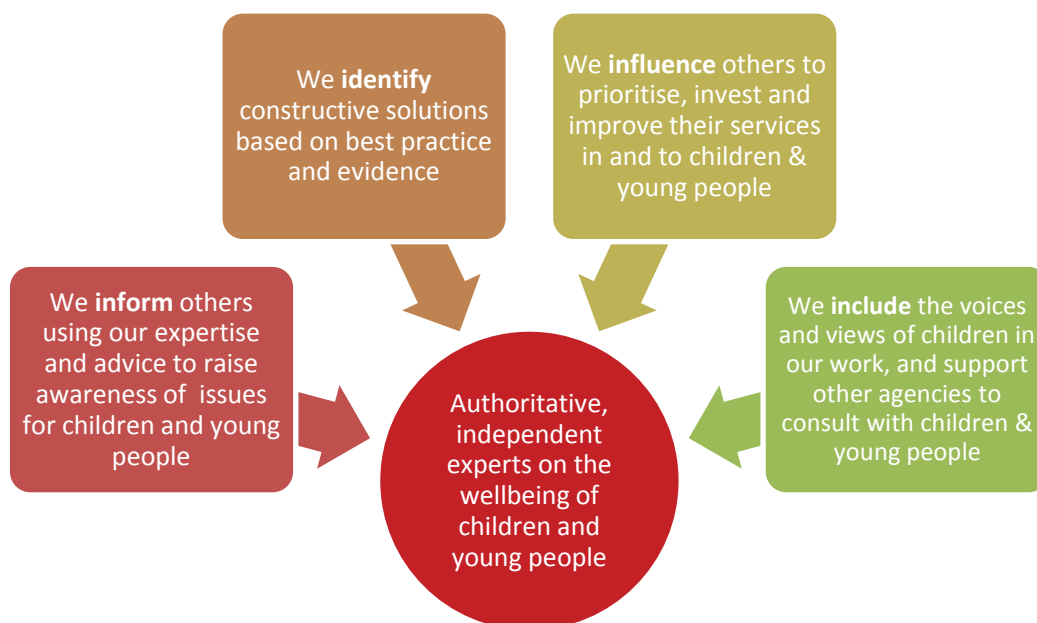
How we work

Over the past five years the office has changed how it engages on issues, the quality of the work it produces and how we work with stakeholders.

Our aim is to provide authoritative, independent advice on the wellbeing of children and young people and provide a voice for their views and best interests. Underpinning all of our work are two key platforms. The first is the United Nations Convention on the Rights of the Child (UNCROC). All of the work we do is about ensuring that children, and in particular the most vulnerable, have access to the services, supports and resources that they need to thrive. The second platform is the voice of children and ensuring that it informs the work that we do and grounds our advice as far as practicable in their views and what they know works for them.

Across both our monitoring and advocacy work we actively consider where our limited resources and time are best spent and focused. As issues arise or when we are asked to consider a particular concern, we have to assess where we can add the most value, to the benefit of the most children. We also aim to be proactive and identify the key issues, good practice and potential policy or operational solutions that could be put forward to decision makers. We have also focused on putting out information and advice proactively through our website and through social media channels such as Twitter and Facebook. Through maintaining an authoritative and evidence informed approach we try to influence a range of people and agencies to invest in or work better for children.

Ultimately the approach over the past 3-5 years has been to ensure our focus is strategic and our activities are in areas where we can achieve systemic change. We need to work constructively and positively with key decision makers to influence their investment in children. We identify ways to partner and collaborate to amplify our impact and we endeavor to produce credible, reasoned and objective advice. The diagram below shows how these components come together to drive our work and achieve the best possible outcomes.



This background provides you with an understanding of how the Office and your team currently operate and gives you a starting point for considering your own strategy and priorities for your term. It also provides a frame for considering how the core functions of the Office can be maintained while you focus on the changes that will impact the Office from the review of CYF.

What we do - our key products and activities

We focus on three broad functions that are specified in the Children's Commissioner Act 2003: monitoring services provided under the CYP&F Act, advocacy on issues facing children, and promoting and monitoring the implementation of the UN Convention on the Rights of the Child.

In this section we outline the core functions of the Office and the approach that is currently taken to deliver the work and activities required to deliver on the statutory mandate of the Office.

MONITORING OF CYF SERVICES

The mandate of an independent Commissioner to monitor and investigate the policies and practices of Child, Youth and Family is a key element of the system in place to support high-quality policy and service delivery for our most vulnerable children and young people.

While the Children's Commissioner has a statutory responsibility to monitor and assess services provided under the CYP&F Act, it is not prescribed how the monitoring role should be carried out. The monitoring approach has evolved over time. In late 2013 we developed a new monitoring framework to ensure that our monitoring was as effective as possible within the constraints of our mandate and our limited resources.

Our monitoring framework is based on evidence regarding what works for children and young people and practice experience. It captures the range of elements that we expect to see when an organisation is delivering consistent, high quality services that will lead to better outcomes for children and young people. Underpinning our framework are two key elements that are particularly important for improving outcomes for children and young people in New Zealand:

- The extent to which CYF listens to, communicates and involves children and young people in decisions that affect them.
- How well CYF delivers services that meet the needs of mokopuna Māori.

The new framework aims to support a continuous learning culture in CYF, and encourages the sharing and implementation of best practice across the organisation.

In developing our new framework, we agreed with CYF what constitutes good practice, so when we engage with staff on our visits and give feedback on their performance we are working from a shared understanding of what best practice looks like.

The framework introduces three levels of monitoring: at the individual CYF site and residence level, at the system level, and at the sector level. The approach is premised on increased data collection to select sites for visits and to inform the focus of the visits, and a more systematic approach including children and young people's voices. However, limitations in the level of data and information from CYF have hindered the intended sampling method to select sites. We hope to see improvements in the availability of data as a result of the CYF reforms.

The framework also allows us to consider a range of factors that impact on the performance of a site or residence. These include domains such as the quality of leadership, direction, operational management and social work practice. Importantly it provides us with the ability to undertake thematic assessments of performance. The shift from a site-by-site, point-in-time assessment to a more strategic view across a number of sites give us a better understanding of CYF's ability to provide quality services to children and young people in their care.

In practice, our monitoring involves visiting CYF sites and residences, and talking with staff, agency and community stakeholders, family, whanau and children. Currently we visit the 9 care and protection and youth justice residences once every 18 months. We assess their practice

under the Office's new framework and we also undertake an assessment against the OPCAT framework. Our reviews of CYF sites are done thematically as we assess a sample of 4-5 sites under a theme or particular issue. Limited resources prevent us reviewing and assessing the performance of NGOs delivering services to children and young people under section 396 of the CYP&F Act.

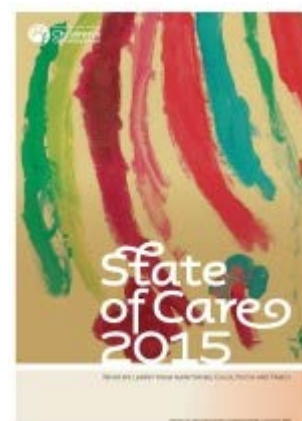
The framework also sets out a revised approach to reporting on the results, to strengthen public confidence in the performance of the care and protection system. Last year we began the annual release of a public report (*State of Care*) to increase transparency about our work and the work of CYF. Public reporting at an aggregate level also responds to concerns that we do not release our detailed monitoring findings under the Official Information Act.

We provide detailed reports to CYF and the Minister on all our monitoring, and you will have responsibility for signing out these reports.

State of Care Report

We released our first annual public report on our monitoring of CYF, the *State of Care* report, in August 2015. The report aggregated the findings of our monitoring activities between January 2014 and June 2015. Along with our monitoring findings, it included the voices and experiences of children in care, and what we know about their outcomes.

This report brought a public focus to the needs of children in the care of CYF and increased the transparency of our monitoring work. The Office intends to release another *State of Care* report in June 2016. The report will cover the findings from two thematic reviews undertaken in 2015/2016 and the visits we made to care and protection, and youth justice residences over the same period.



ADVOCACY

A significant part of the Children's Commissioner Act covers the Commissioner's advocacy function. The range of work of the Advocacy Team includes:

- > fulfilling our legislative requirement to promote and monitor the implementation of UNCROC;
- > supporting individual advocacy via our child rights advice line;
- > fulfilling our legislative requirement to undertake consultation with children so their views and voices inform all the work of the Commissioner, as well as demonstrate the value of engaging with children to other agencies;
- > providing advice on improving child wellbeing to government agencies, for example, by participating on relevant steering or working groups;
- > making submissions to government consultation and select committee processes on matters related to child wellbeing.

In the last few years, we have focused on developing strong relationships with Government agencies so that we can influence the policy and legislative development process early. We have been invited to be part of early discussions on a range of policy issues facing children, for example the Government's work to invest in the 0-5 year age group in the 2016 Budget. However, there is more work to do to build the trust and confidence of the public service so that we can continue to be at the table early.

Working with officials early in the policy development process is not straightforward. The Office needs to balance the Commissioner's independence with the perception that working with government might compromise his or her ability to provide an objective view on policy or legislation. To date we consider that this balance has been achieved well. We have engaged with the children's rights and wellbeing sectors so that they understand the approach being taken and can address any concerns about perceived loss of independence. It is a balancing act that requires finesse and judgment.

We have also achieved a wider reach and had greater impact working in collaboration with other agencies and organisations. However this approach does require considerable time and input from Office staff to develop and maintain relationships, and ensure that the work makes the best contribution it can. Some examples of partnerships we have been involved include:

- > partnering with JR McKenzie Trust and Otago University to produce the annual Child Poverty Monitor
- > partnering with Philanthropy New Zealand to develop and share advice to business, philanthropic and community organisations on how to invest in improving outcomes for children to have the greatest impact, including our *Giving2Kids* online resources.
- > partnering with the Privacy Commissioner to create guidelines on information sharing for professionals working with vulnerable children.

We strive to integrate a focus on both children's rights and improving their outcomes in all our advocacy work. While we maintain a broad 'watching brief' across a wide range of issues impacting child wellbeing, our small team means we need to make some tough decisions about what we work on. Some specific elements of the advocacy work programme are outlined below.

Child Poverty Monitor

We released the third annual Child Poverty Monitor in December 2015, and this initiative has been funded to continue through to 2017. This project is a partnership between the Office, the JR McKenzie Trust as the funder, and Otago University's New Zealand Child and Youth Epidemiology Service who analyses the health and other relevant data. Arising from the 2012 Expert Advisory Group's report on *Solutions to Child Poverty*, this project tracks progress and provides reliable information about child poverty across four key measures. The data presented is all official data released by the Ministry of Social Development. Our primary role in the partnership has been to present the information in an accessible and informative way. To date the information has been web-based using infographics and key messages, with a full technical report supporting the data. We host a separate website that holds this material along with other relevant resources. We have utilized social media channels including Facebook and Twitter to promote the Child Poverty Monitor.



The Child Poverty Monitor has been an effective platform for sharing basic measures of child poverty, and has been widely quoted by media and others, and used as a proxy for an official measure.

Consulting with Children

A key activity for the Advocacy Team is to collect the views of children and young people on a range of issues, and use their voices to influence policy and inform public debate.

In 2014 we reviewed how we engaged with children and young people. A Youth Advisory Group of 12 young people from across the country met 3-4 times per year to give us their views on a range of issues. At the end of the last group's two year term in December 2014, we concluded it was time for a new approach. The young people had been very insightful, but the size and age range of the group limited our ability to get a broader understanding of issues important to children, including the views of younger and primary school aged children. Resourcing constraints prevented us increasing the membership of this to address these issues. A new fit-for-purpose approach, the Children and Young People's Voices Project (Voices Project), was designed and tested, and has been in place since mid-2015.

The Voices Project allows us to get views and feedback on topical issues from a larger and more diverse group of children, in partnership with a network of primary, intermediate and secondary schools. The present network is predominately based in the Wellington to allow us to develop and test the model within our existing resources.

Since September last year, the Voices Project has collected the views of more than 1,300 students on survey topics such as:

- > their choice for the NZ Flag referendum;
- > if they want to learn our national languages in school;
- > what types of out-of-school activities they participate in;
- > who children ask for help/support; and
- > what ages they believe young people are capable of doing different things, such as living independent of an adult.

The responses have informed our advocacy work, and the process is modeling to other agencies how easy and useful engaging with children can be. We actively encourage government agencies to engage with children, and have developed an online resource, *Listening2Kids*, that provides useful guides, tools and advice on how to do that well.

We believe there is further potential to develop the Voices Project to support government consultation with children, by providing this service on a cost recovery basis. This is discussed as a strategic opportunity in Part 3 of this briefing.

Supporting the Minister with Youth Advice

Last year the Minister gave us extra funding to support the Review of CYF by convening a specialist Youth Advisory Panel (YAP) of young people who were, or had been, in state care. They gave their views on options for reform based on their lived experiences. The YAP was highly valued by the Minister and helped ensure the work focused on what would work for the children and young people receiving the service.

As a result of the Minister's positive experience of the YAP, we have been asked to coordinate another group to advise her on the transformation of the care system. This work, the Youth Advice on the Care System (YACS), is just beginning. We have been provided additional funding for this activity. The overall project is being managed as part of the Advocacy work programme and we are in the process of recruiting a contractor to undertake the facilitation and engagement work.

Advisory Committee on Assisted Reproductive Technology (ACART)

The Advisory Committee on Assisted Reproductive Technology (ACART) is established under the Human Assisted Reproductive Technology Act 2004 to provide the Minister of Health with advice on issues related to reproductive technology. The Children's Commissioner (or his or her delegate) is a statutory appointee to the ACART Committee to advocate for the interests of children born from assisted reproduction (e.g. in-vitro fertilisation). ACART cover costs associated with participation.

The current appointment to ACART representing the Children's Commissioner is staff member Dr Kathleen Logan. Kathleen brings extensive children's rights knowledge and scientific expertise to this role. Her term began in April 2015 and is for three years.

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCROC)

The 2003 Act made UNCROC a fundamental consideration for the Commissioner and confirmed the mandate to promote the rights of all children. This work is led by the Advocacy Team and underpins all the work of our Office.

New Zealand's commitment to UNCROC

The Commissioner has a statutory mandate to undertake a range of functions that will lead to the improved wellbeing of children, including consulting with children, promoting children's rights and the implementation of UNCROC, and working with other agencies to promote child-centred approaches as part of our UNCROC activity.



UNCROC was adopted by the UN in 1989 and defines universal principles and standards for the status and treatment of children worldwide. New Zealand signed UNCROC in 1990, and ratified it in 1993, the 131st country to do so. It has now been agreed to by 197 countries, and is overseen by the UN Committee on the Rights of the Child.

UNCROC is made up of 54 articles that set out a range of human rights standards for the treatment of children and young people. Four articles capture the general principles underpinning the Convention. These are:

- > all children have the right to protection from discrimination on any grounds
- > the best interests of the child should be the primary consideration in all matters affecting the child
- > children have the rights to life, survival and development
- > all children have the right to an opinion and for that opinion to be heard in all contexts.

Countries which have ratified UNCROC (abbreviated as CRC in UN documents) must take part in a five yearly reporting cycle. The cycle facilitates on-going discussion between Government and NGOs and other parties with interests in children's wellbeing, and requires the Government to report on commitment and progress to UNCROC issues. This reporting process is led by the Government's UNCROC co-ordinating body, the Social Sector Board Deputy Chief Executives (SSB DCEs). The Government's UNCROC work programme is led by the Ministry of Social Development.

The Office's commitment to UNCROC

Part of your legislative mandate is to raise awareness and understanding of children's rights generally, and of the UN Convention on the Rights of the Child specifically. You also have a role to advocate for children's rights and to monitor how well the Government is implementing the Convention (section 12 of the Children's Commissioner Act 2003).

The Office's approach to carrying out this mandate has evolved over time. Traditionally, the Children's Commissioner has taken an active part in the UN reporting cycle, reporting to the UN Committee on the Rights of the Child with an independent view of New Zealand's application of the Convention, and attending sessions of the Committee in person. In the past, the Office has conducted child rights training to various Government agencies and NGOs, and produced print and online resources about the Convention, as well as advocating for children's rights both individually and nationally.

Since 2011 we have undertaken the role of monitoring the Convention by establishing and convening the UNCROC Monitoring Group (UMG), which consists of representatives from UNICEF New Zealand, Save the Children, Action for Children and Youth Aotearoa (ACYA) and the Human Rights Commission. The UMG meets regularly to assess the Government's progress on the UNCROC, and has recently formalised its relationship with the SSB DCEs.

The UMG submitted to the UN Committee on the Rights of the Child in the recent reporting cycle, and works with the SSB DCEs to monitor progress on the Government's UNCROC work programme.

The Office is always looking to advance children's rights in our broader advocacy work, though the focus on the Convention is not always explicit. We look for opportunities to advocate for improved outcomes for children where the need is greatest and where progress on the issues we have identified would also enhance children's rights. For example, our current advocacy work programme is focused on child poverty, children in care, and engaging with children. All of these have strong links to rights guaranteed in the UNCROC (the right to an adequate standard of living, the right not to be separated from parents unless it is in the child's best interest and the right to have an opinion and that opinion to be heard, for example).

Another way we are promoting child rights is by working with other agencies to promote child-centred approaches, using child impact assessment in policy and encouraging them to engage directly with children and young people so their views can influence decisions.

New Zealand's 5th Periodic Review

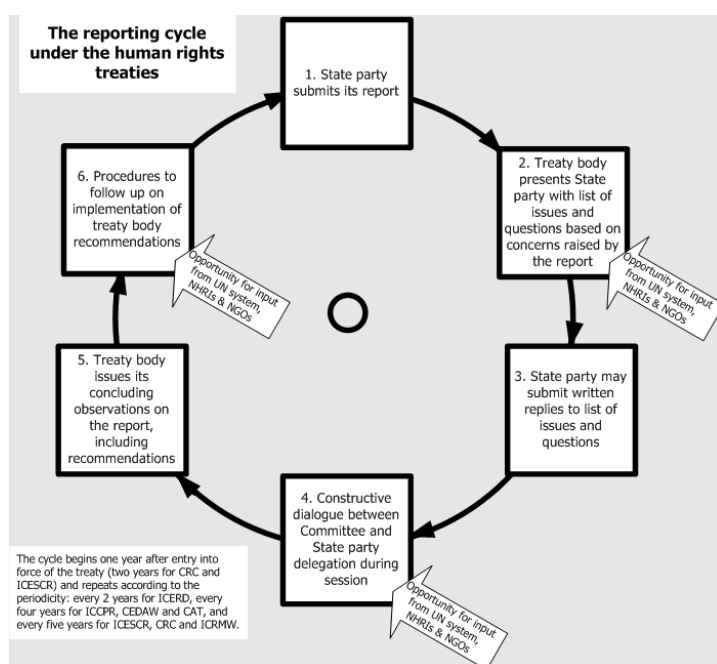
The current cycle (the fifth) started in May 2015 with the submission of the NZ Government report. An official alternative report from the NGO sector group was submitted in November 2015 by ACYA. ACYA also presented to the UN pre-sessional working group in February of this year. The Children's Commissioner also made a submission last November and had an informal discussion via video link with the UN pre-sessional working group in February.

The UN Committee then prepared a "list of issues" for the Government to respond to (stage 2). Officials are currently compiling responses that will be sent to the UN by June 2016 (stage 3). They should give a reasonable indication of the areas the Committee is likely to focus on when it examines the NZ Government in September 2016 (stage 4).

Minister Anne Tolley will lead the New Zealand delegation to the UN hearings in Geneva in September. As Children's Commissioner you will be expected to participate in the hearings. Formally the Human Rights Commission (HRC) have the right to speak at UN hearings but can delegate that right to the Children's Commissioner for the purposes of the UNCROC hearing. We have allocated \$10,000 for travel, accommodation and meals in the 2016/17 budget to enable one person to attend the UN hearing alongside the wider NGO and HRC delegation.

Following the hearings in September, the UN will issue its next set of Concluding Observations (stage 5). Then the reporting cycle will begin again.

UN reporting cycle under the human rights treaties (5 yearly for UNCROC)



COMMUNICATIONS

Our communication work aims to ensure the Commissioner is seen as a credible and authoritative voice for children in New Zealand. Effective and engaging communications is a key activity and commitment of the Office. We continue to build on good existing relationships with media and other stakeholders, and have sought out new audiences.

The main activities include:

- > media liaison for all enquiries to the Commissioner and Office, and proactive media from the Commissioner;
- > input into strategic planning, to ensure consistent messaging and direction;
- > support the Commissioner in development of speeches, statements and presentations;
- > website management, including new content development;

- > social media strategy, managing Twitter and Facebook accounts;
- > relationship management with communications stakeholders;
- > supporting advocacy activities.

An example of communications activity to support the advocacy work was the development and promotion of the *Giving2Kids* project. This project was designed with in-house communications support, including the creation of a new website section.

Communications support for other projects has also been significant, including the development of the annual *Child Poverty Monitor* and the *State of Care* report. These projects were successfully communicated to our stakeholders and received good coverage by the media, increasing the effectiveness of this work.

New audiences have been reached with the continued and growing emphasis on social media. The Office now has an active Twitter account (@occnz) and a strong following on Facebook (over 3,000 followers). Presentations at conferences and other events have also reached new audiences, including business, local government and religious organisations.

Media interest in the work of the Office, and its position on various child-related issues, continues to be strong. The Commissioner is frequently approached for comment by the media and has an excellent relationship with key media outlets and individual journalists.

COMMITMENT TO THE TREATY OF WAITANGI

The Treaty of Waitangi continues to be central to the work of the Office and within our tikanga framework. One way this is demonstrated is through our tikanga values, which set out how we do our work.

Our commitment has also been demonstrated through the practice of holding powhiri or mihi whakatau to welcome new staff and poroporoaki to farewell staff.

Our monitoring team has focused on continuously developing and extending their cultural capability, to ensure effective engagement and interaction with mokopuna Māori and whanau, Māori staff within CYF sites and residences, and Iwi and Māori service providers across the communities we visit.

All staff have been involved in exploration of how we can best uphold the intention of the Treaty in our work. While this is an ongoing process, tangible actions have been identified by each team to enhance both their knowledge and how their work and approach can better reflect a commitment to the Treaty. Depending on the level of resources available in the Office there is value in investing further into an ongoing programme of work with the support of external experts as well as renewing and strengthening the Office’s relationship with Mana Whenua.

OUR TIKANGA VALUES

Aroha: Children are sacred beings, they are Taonga. They are born perfect and innocent. They are shaped by those who care for them. We always act with compassion and empathy, adapting readily to respond to their needs.

Pono: We believe honesty and integrity are key to doing our job well. We always report things as we see them and never as how others want them to be seen. We stay true to one important thing: we do as we say we will.

Matauranga: Children are our reason for being. They are involved, participate and have input into things we do. We act from a place of knowledge. We work from evidence and advise others based on the things we learn.

Tika: We are always about the best possible results for children. We empower others to bring about the best for them. We’re independent and always speak out for their interests. We consider the range of needs we have to meet, and make every attempt to get it right.

Your Team

As the Children's Commissioner you will be supported by a small but dedicated team of 15 full and part time, permanent and fixed term staff.

THE PEOPLE ON YOUR STAFF WILL BE YOUR GREATEST ASSET

The Office staff are dedicated, professional, and bring an in depth knowledge of child wellbeing and of the key issues facing children in Aotearoa/New Zealand.

At the start of the current Commissioner's term the Office had a flat structure and the work programme was based around staff's areas of expertise rather than being aligned to an overall strategic direction. In 2013 the Office was restructured to put in place clearer lines of accountability and to ensure that the work being undertaken across the Office was aligned to the Commissioner's priorities.

In late 2014 the Auckland Office was closed and the two FTE positions based there were transferred to the Wellington Office. The change served to consolidate the teams and ensure alignment across all of our work. While there was some concern from the children's rights sector about the loss of the Auckland office the change has gone smoothly and relationships have been managed effectively from Wellington.

Other changes over the past three years have included putting in place a Personal Development Planning process with managers required to undertake regular reviews and end of year assessments with all staff. A Lominger based competency framework was developed for the Office outlining the core competencies expected for advisory and management staff. Recruitment processes were improved to ensure that people could demonstrate that they met the standards required by the Office.

THE OFFICE IS DIVIDED INTO THREE TEAMS

One of the key changes to the office since 2013 has included the establishment of a management team to lead the 3 core functions of the Office – Advocacy, Monitoring, and Corporate functions. In brief, the:

- > Advocacy team supports the Commissioner's statutory function to advocate on topics related to children's interests, rights or welfare, the work to monitor the implementation of UNCROC, co-ordinate the UNCROC Monitoring Group and the statutory requirement to engage and consult with children and young people on issues that impact on them.
- > Monitoring team supports the Commissioner's statutory monitoring and investigations function and undertake the regular monitoring of Child, Youth and Family sites and residences, support the Commissioner in his role in the CYF Residence Grievance Panels and undertake investigations of CYF practice if required.
- > Corporate team manage all of the reporting and business functions of the office including administrative functions, Facilities, HR, Payroll, Accounts, Budgets, quarterly reporting, preparation of the Statement of Intent, Statement of Performance Expectations and Annual Report, managing the audit processes, contracts for services and procurement processes.

Each team has a manager who reports directly to you. The Communication function sits across all these activities, but is most closely aligned to the advocacy team. The Principal Advisor (Communications and Media) reports directly to you.

Due to ongoing budget constraints the Office has had to reduce contracted and permanent staffing levels. As a result, each team is small and each of the three managers are required to undertake both team management tasks as well as deliver core work in their team. Each manager is also responsible for holding key stakeholder relationships on behalf of the Office in their area of responsibility. Staff are remunerated in line with comparable public sector agencies.

Base pay has not been increased since 2013, but in 2015 staff received a one off payment of 1% of their salary, to acknowledge their hard work and commitment to the Office.

The organisational chart below indicates where they fit within the organization, their lines of accountability, their FTE hours per week, and also indicates which staff members are on a fixed term. In January 2016, one permanent full-time FTE vacancy was split into two 0.6 FTE fixed-term appointments (one for child and engagement and one for monitoring) to take into account the uncertainty about the future role and functions of the Office. Once there is greater certainty regarding future priorities, we would advise switching these positions to permanent roles.

ORGANISATIONAL CHART AS AT 1 JULY 2016



STAFF BIOGRAPHIES

A brief biography for each of the staff in the Office by team is outlined below.

ADVOCACY TEAM

Donna Provoost – Advocacy Manager

Donna manages the 5 person advocacy team. This includes providing management and intellectual leadership to the team to ensure the Office fulfills its legislative mandate to advocate issues related to the welfare and wellbeing of children, our obligation under the UNCROC, and consultation with children. Key areas of advocacy include children's rights, poverty, health, education, care and protection, and legal issues. The team works closely with a range of stakeholders including government, NGOs, academics, philanthropic organizations and businesses.

Donna has a Masters in Economics and has over fifteen years of experience as a researcher, policy analyst and manager. She joined the Office in April 2012 as a Principal Advisor leading the secretariat to the Expert Advisory Group on solutions to child poverty. She was appointed as Manager of the advocacy team in 2013. She has experience working across the NZ social sector, with past roles including Senior Economist at Ministry of Science and Innovation; Strategic Policy Manager at the Ministry of Justice, and Senior Advisor at the Ministry of Education.

Prior to moving to New Zealand in 2004, Donna was a partner in a private consulting firm, worked in the Canadian public sector and lectured in economics at Mount Saint Vincent University.

Holly Walker – Principal Advisor (Advocacy)

Holly joined the advocacy team in November 2014. She provides child-centred advice on a range of topics, leads the Office's work on the United Nations Convention on the Rights of the Child and associated processes, is a specialist writer, and provides peer review and leadership to the advocacy team and wider office. In 2015, Holly led the writing of our first annual *State of Care* report.

Before joining the Office, Holly was a Member of Parliament from 2011-14, and has previously worked as a political advisor, Treaty Settlements negotiator, writer and editor. She has a Masters in Development Studies from Oxford University (completed on a Rhodes Scholarship in 2009), and is knowledgeable about inequality, housing, child rights and literature.

Dr Kathleen Logan – Senior Advisor (Advocacy)

Kathleen came to the Office in December 2013. Her focus is on the research and evidence base that supports the Commissioner's advocacy role. She maintains relationships across government agencies such as the Ministries of Health, Education, and Social Development, to ensure children are considered properly during policy development. In addition, she engages with academic and government researchers, and agencies such as Statistics New Zealand, to monitor the evidence base relating to children. These information sources are used for submissions to government on policy and legislative processes.

In April 2015, Kathleen was appointed by the Minister of Health for a term of three years to the ACART, as the Children's Commissioner's representative to advocate for the interests of children born from assisted reproduction (e.g. in-vitro fertilisation).

Kathleen has experience from the Ministry of Research, Science and Technology (now MBIE) in government science strategy and investment policy, as well as experience in science advocacy with the Royal Society of New Zealand. Prior to this she was a research scientist for over a dozen years, in the fields of brain anatomy and behaviour, reproductive biology, reproductive technology, physiology and genetics.

Emma Hope – Senior Advisor (Child and Youth Voice)

Emma recently joined the Office in January 2016 as a Senior Advisor with the Advocacy team, specialising in engaging with children and young people about the issues that impact on their everyday lives. Her role involves building a network of schools to participate in the Voices Project, designing on-line surveys for children and young people, holding focus groups with young people, and analyzing and reporting on all results.

Emma has worked in a range of child focused roles at Wellington City Council, Taranaki District Health Board's Health Promotion Unit and The Red Cross since completing a Bachelor of Science (Health Promotion) degree in Perth, Western Australia, in 2004. She works at the Office on Mondays, Wednesdays and Fridays.

Alister Newton– Advisor

Alister provides support across all areas of the Office – monitoring, advocacy, communications and corporate functions. Alister first started at the Office at the end of 2013 after an OE year teaching English in France. Before that he completed an honours degree in International Relations, and worked as a researcher on the secretariat for the EAG child poverty project with the office in 2012. Alister recently finished a Post Graduate Diploma in Communications.

In the advocacy team Alister mainly undertakes research and writing for select committee reports, and helps with editing other team members' work. The role also includes general correspondence with the public and other agencies, OIA responses and quarterly / annual reports. In his communications work he helps coordinate the Child Poverty Monitor and co-manages our social media and website platforms.

Maggie Wear – Child's Rights Advisor (Advocacy)

Maggie manages calls to our Child Rights Line and has held this position since 2012. The line receives a wide variety of queries from callers (primarily parents rather than children themselves) throughout the country, primarily involving issues with Child Youth and Family and Education. The line also receives calls on legal matters, health and media issues. Education related issues are referred to a specialist service run by the Wellington Community Law Centre.

Maggie has a social work background which assists her to manage the inquiries that this Office receives. She works Monday to Thursday, and the line is available between 9am to 5pm on those days.

MONITORING AND INVESTIGATIONS TEAM

Liz Kinley – Manager Monitoring and Investigations

Liz joined the Office in 2013. She has the responsibility for delivering the Commissioner's monitoring of CYF policies and practices. Her work includes: national and local relationship management with relevant CYF, government, iwi and community stakeholders; team management; oversight of the scoping, design, planning, fieldwork, analysis, reporting and follow-up for each monitoring review; management of specific case related investigations; and, oversight of the support to the Commissioner on the Grievance Panel Stakeholder Committee.

Liz has over thirty years social work practice, management and leadership experience working in child and family centred social services within both statutory and community agencies. She has led the design of a range of strategies, systems, interventions, tools and resources that have assisted organisations, professionals, families and communities to protect children. A registered social worker, Liz has maintained a small professional supervision and management coaching practice alongside her work for the Office. She works nine days a fortnight.

Dr Sarah Hayward – Principal Advisor (Monitoring and Investigations)

Sarah works as a Principal Advisor in the monitoring team and is responsible for monitoring CYF sites and residences to improve policy and practice for vulnerable children and their families and whānau. She joined the Office in 2013. Prior to this, she worked in principal advisor and

management roles at the Ministry of Health and Ministry of Justice, where she led policy and service development in the areas of child and youth mental health, primary mental health care, and addressing the drivers of crime.

Sarah is also an experienced child and family psychologist and runs a small private practice in Wellington and offers supervision to psychology students. She specialises in working with all parents, step-parents, foster parents and couples to strengthen their relationships with their children and each other, and to support children to develop to their potential. Prior to moving to New Zealand in 2005, she worked as a therapist and researcher for the Parenting and Family Support Centre in Brisbane for over 10 years and is an accredited trainer for Triple P-Positive Parenting Program. She has also completed training in emotionally focused couples therapy.

Brian Gardner – Senior Advisor (Monitoring and Investigations)

Brian has over twenty years' social work experience, including management, policy and leadership roles at local and national level with community and government agencies. His areas of practice experience include adult mental health, children, young people and family mental health, and family violence prevention. Prior to joining the Office he worked as a Senior Advisor in the Ministry of Social Development's Family Violence Unit.

As a Senior Advisor in the monitoring and investigation team Brian focuses on monitoring, analyzing and reporting on the practices and processes of CYF, to promote quality improvements in the services provided to children, young people, families and whānau. He began work at the Office in 2013, taking up the role permanently in 2014.

Awhina Buchanan– Senior Advisor (Monitoring and Investigations)

Awhina Buchanan has worked in the office for three years. In her initial role she provided advice across the Office about ways to engage with children and young people. She was responsible for coordinating the Office's Young People's Advisory Group and in 2015 she was seconded into the Expert Advisory Panel's secretariat to facilitate the Minister for Social Development's Youth Advisory Panel. She supported the development of the Children and Young People's Voices Project and the *Listening2Kids* resource on the Office's website.

Awhina was appointed to her current role within the Monitoring and Investigations team in December 2015. She is one of the team members responsible for overseeing the grievance process for CYF residences on behalf of the Children's Commissioner. She also monitors sites and residences and prepares reports to CYF. She brings a child-centred approach to her monitoring role and has developed a number of resources to support the Office's engagement with children and young people.

Karen Palliser – Advisor (Monitoring and Investigations)

Karen is a registered social worker and her background is predominately in statutory social work. She has worked in various roles for CYF over the last 10 years including frontline social work, child specialist witness interviewing, as an after-hours intake social worker at the National Contact Centre and as the CYF representative on the Family Safety Team.

Karen is the newest staff member, joining the Office in January.

CORPORATE SERVICES TEAM

Patrick Labotsky – Corporate Services Manager

Patrick has been with the Office since October 2013. He is responsible for all the corporate functions across the Office and is part of the Management Team. The role includes responsibilities for managing the development of the strategic direction and business plan under the direction of the Commissioner, including the oversight and development of all accountability documents. He manages the reporting requirements associated with the machinery of government and service contracts, as well as managing the financial and physical resources of the Office. He also provides administrative and related business support services

for the Commissioner and senior staff, and supervises two staff members: the Business Advisor and Personal Assistant/Administrator to the Commissioner.

Patrick worked as a Business Manager in various Departments in the New Zealand public sector in the 6 years before joining the Office. Prior to that, he was a Deputy Director in the Gauteng Health Services in South Africa, managing the office of the Chief Executive.

Carina Owen – Business Support Advisor

Carina joined the Office in January 2012 as the PA/Administrator to the Commissioner and Deputy Commissioner. In July 2015 she became the Business Support Advisor responsible for co-ordinating and administering Office wide systems, tools and processes to support best practice in a wide range of corporate areas and responsibilities and contribute to the overall performance of the Office. This includes finance, human resources and payroll, procurement, commission and contracts, reporting, project management and business continuity.

Previously Carina has worked as an Executive Assistant with extensive experience in all administrative and secretarial tasks. She has held positions in the wool, banking, entertainment and Government sectors in Wellington and in London.

Karen McKechnie – Executive Assistant/Administrator

Karen began working for the Children’s Commissioner’s Office in 2000. Her work over this period has included taking a lead role in administrative support of the Office, liaising with facilities management, and maintaining the Reception Desk. In January 2015, Karen shifted to take up the role of EA to both the former Commissioner and Deputy Commissioner.

Prior to coming to the Office Karen worked for fifteen years at Parliament. She commenced working in the Opposition Whips Office for the Chief Whip, Don McKinnon. Two years later she was seconded to the National Party Research Unit, then to work for the Rt. Hon Don McKinnon in the Deputy Prime Minister’s Office.

Karen is the longest standing member of the Office, and holds a wealth of corporate history and insights.

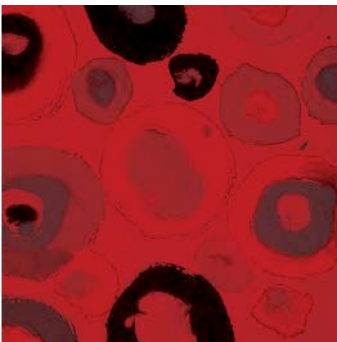
Anna Santos – Principal Advisor (Communications and Media)

Anna has worked in public sector communications roles for over ten years in New Zealand and the United Kingdom. This includes roles as a senior media communications advisor for the NZ Department of Labour (with a focus on immigration policy and marketing) and a press officer for the UK Department for Transport. Prior to the move to communications she was a producer for local television and radio in her hometown of Christchurch.

Starting at the Office in 2009 as a contractor, Anna took a permanent role in May 2010. Her role in the Office is to manage all communications functions but also to provide wider strategic advice to the Commissioner. She has an advisory role to the management team and participates in management strategy meetings and planning days.

Anna’s responsibility is to ensure the work of the Commissioner and the Office is well communicated to stakeholders, media and the wider community. This is a broad role that encompasses strategic planning, media liaison, internal communications, website management, social media strategy and relationship management. She also updates the website, posts regularly on four social media accounts, creates online newsletters and designs visual material for projects.

PART 2: BUILDING ON OUR PAST



You are the seventh Children's Commissioner. This section provides an overview of the changing focus and priorities of past Commissioners. This history has shaped the political, sector and public expectations of this role, and also offers some insights for you to consider as you lead the office through this period of change.

Legislation

The role of the Commissioner for Children was established as part of the 1989 Children, Young Persons, and Their Families Act (CYP&F Act). The primary purpose for the role was to be an accountability mechanism for the new CYP Service. Provisions for the Commissioner were added to the Bill at a very late stage, as a way to help address concerns that the newly formed CYPS gave insufficient weight to professional accountability and individual children's welfare, as it made the significant move toward more family responsibility.

The functions of the Commissioner set out in the 1989 Act were to:

- > Investigate any decision or recommendation made with regard to the CYPF Act.
- > Monitor and assess the policies and practices of the Department and encourage polices and services within it which promoted the welfare of children and young persons.
- > Undertake and promote research.
- > Receive and invite representations from the public on any matter.
- > Increase public awareness.
- > Advise the Minister on any matter relating to the administration of the Act.

UNCROC was not part of this legislation - it had only just been adopted by the UN in 1989, and was not ratified by NZ until 1993.

The 2003 Act re-enacted the functions of 1989 Act with regard to CYP&F, but established a stand-alone statutory basis for the Commissioner, explicitly focused on UNCROC which was included as a schedule in the Act. The new Act expanded the Commissioner's mandate to advocate for children in a wide range of situations and added the role of promoting their participation in decision making.

The current Children's Commissioner Act 2003 is included in the Government's legislative change programme, and amendments could be introduced in October 2016 as part of the Child, Youth and Family transformation. Some of the suggestions and rationale from past changes may be useful in shaping your advice. A discussion of the origins and influences on the 2003 Act, including calls for increased autonomy of the role, is included in Appendix 1.

Appendix 2 is a timeline showing various key events, covering Commissioners' terms, Governments, Ministers, UNCROC reporting cycle and various relevant events. Personal circumstances and administrative issues have meant that Commissioner's terms have not necessarily been the standard five years and do not synchronise with the UN reporting cycle. Likewise, political change, especially after the introduction of MMP, have often meant that Commissioners have spent limited time working with the Government or Minister by whom they were appointed and more with their successors.

Themes and achievements

Each Children’s Commissioner has brought different strengths to the role, and has had different challenges and priorities for their term.

FOCUS AND ACHIEVEMENT OF PAST COMMISSIONERS

Features of the work undertaken by previous Commissioners may provide some insight into the challenges you face in setting the Office’s work programme for your term.

John Barrington’s 2004 book *A Voice for Children* provides a detailed account of the Office and the priorities and achievements of the first three Commissioners, beginning in 1989 through to 2003. Following this in 2003 the new, UNCROC focused Act was passed, and three other Commissioners have served terms. To bring you up to date on the work of the subsequent Commissioners, Appendix 3 includes summary lists of the priorities and actions of the Commissioners from 2003 to 2016, based on Annual Reports.

With regard to working style and achievements, there is clearly an interaction between the personality and background of the Commissioner, priorities and policies of the Government of the day, and trends and high profile events. Notably, several times the violent death of a child was a watershed moment which has led to significant changes to CYF structure and practice.

It is possible to characterise the sequence of Commissioners as alternating between an “insider”, system focused style and a more public facing, advocacy approach. Behind the scenes, research work and publications have been a constant focus for the Office, but the level of public presence and outreach has varied, depending on the incumbent Commissioner’s personality and background. For example Cindy Kiro often appeared on morning magazine-style television shows, while other Commissioners have stayed with more formal communication channels.

The following table sets out the key features of each Commissioner’s term (the first three are summarised from Barrington and the last three from the material compiled in Appendix 3).

Commissioner	Key features of the term
Dr Ian Hassall Paediatrician (1989-1994)	Child health; Children’s legal rights, CYPS monitoring – established frameworks and improved data collection systems, more “insider” approach with government agencies.
Laurie O’Reilly Family Court Lawyer, Foster parent, worked with “street kids” (1994-1997)	Child’s Legal Rights in education and justice systems; public criticism of and individual advocacy with Police, Family and Criminal Courts, schools and CYPS; increased the public focus – big increase in inquiry line calls.
Roger McClay Teacher and Politician (1998-2003)	“Anti-smacking” – s.59 repeal; bullying; building NGO and Parliamentary alliances – “Littlies Lobby”; more policy focus and engagement in policy development process; community focus with regional training sessions; set up of Youth Reference Group.
Dr Cindy Kiro Academic, social work, community and Māori development (2003-2008)	Family violence; “Anti-smacking” section 59 repeal; child poverty; international linkages, early intervention programme – outcome focused; established monitoring framework for CYFS; opened Auckland Office 2005 (5 FTEs at largest); promoted children’s interests in the Auckland Local Government review.

Dr John Angus Social Worker, Social Policy Advisor (2009-2010)	Shorter period – initially appointed for 6 months, this was extended twice, to a total of 2 years 3 months. “Insider” style; review of CYF; UNCROC Report; continuation of research-style publications; Auckland Office decreased to 2 FTEs.
Dr Russell Wills Paediatrician (2011-2016)	Part-time (with Deputy to support); child poverty; systematic monitoring of CYF; elevated children’s voices; championed Government’s Children’s Action Plan; ‘fit for purpose changes’ to engaging with children, <i>Guidelines for food in schools programmes</i> , revamping the website, increased social media and reduced hardcopy resources; Auckland Office closed.

SHIFTS IN MAJOR THEMES AND ACTIVITIES

Another way to consider the changing priorities of the Commissioner is to look at trends in themes and activities. Over the life of the Office, activities which have increased include:

- > Focus on influencing policy rather than critiquing practise.
- > Increasing NGO, philanthropic and private sector alliances, including funding and leverage of effort (for example, JR Mackenzie Trust support of the Child Poverty Monitor, and pro-bono and in-kind support of the Experts Advisory Group on Child Poverty)
- > Increasing advocacy for children’s wellbeing with regard to a range of government services beyond social welfare services. (Commissioner O’Reilly was particularly controversial with schools and the Ministry of Education concerning pupils’ legal rights.)
- > Systematic monitoring of CYFS services rather than visits by the Commissioner and Chief Youth Court and Family Court Judges, and on-going evolution of reporting systems.
- > Increasing development of management systems within the Office, with growing expectations, accountabilities, and compliance costs.

Many activities have declined as they have become outmoded, or have been picked up by other agencies. For example:

- > Many areas of children’s legal rights of concern to earlier Commissioners, e.g. protection from illegal searches, are now more widely understood and respected, and/or covered by formal complaints processes within agencies.
- > “Hitting Children” – legislative campaigns over corporal punishment in schools and by parents (s. 59) ended successfully, with real shifts in social attitudes.

Some activities have been cut in order to manage within available funding and others have been stopped to focus on areas of greater impact.

- > Young Peoples Reference Group set up in 2002; became the Young Peoples Advisory Group, then discontinued in 2014 and replaced by Children’s Voices programme (a survey model). The Youth Panel which was set up to contribute to the CYF review illustrates the possibility of pulling together ad hoc groups for consultation and information.
- > Hosting of events: over time, the Commissioner has played leading roles in Children’s Day; Hoodie Day; Children’s Symposiums; and the Littlies Lobby (Parliamentary breakfasts, newsletters, website run jointly with Plunket from 2003 till 2010). Such events are resource intensive and have been taken up by other agencies or come to an end.
- > Community / regional training sessions on children’s rights. Two-day workshops were started in August 2000 with Ministry of Education (MoE) funding. They ended in 2009, as MoE funding shifted to other approaches.
- > Phone advice service on education issues run by Wellington Community Law Centre was initially funded by the Office, and then picked up by MoE.
- > Investigations focused on individual cases have declined in favour of systematic reviews, and encouraging agencies to set up their own complaints resolution processes.

-
- > Reviews of children's deaths and processing of child death notifications. These are now managed within the health system.
 - > Published Resources – pamphlets and the quarterly journal *Children* which were decreasingly cost effective were replaced by online resources (2012/13). Some still popular items are now produced by the agencies that made most use of them.
 - > An Auckland Office was opened and contributed to various regional and local government issues in 2005, but reduced in size, and eventually closed in 2012, due to changing demands and priorities, and budget constraints.

STRIKING THE RIGHT BALANCE

Summing up what can be built on from the past, it is clear that over time Commissioners' roles and actions have encompassed contrasting priorities and approaches. These can be seen as balancing over time, and being complementary rather than contrary to each other.

UNCROC focuses on a fundamental framework of Children's Rights, but on-going advocacy has often been most effective when promoted in terms of improving children's outcomes. The Commissioner has a role to guard the interests of all children, as well as a particular mandate for children in the care of the state, and other vulnerable children. The coverage of broad systemic issues is informed by knowledge derived from specific investigations and monitoring.

At different times Commissioners have variously emphasised monitoring or advocacy; independence or influence; and public leadership versus "insider" lobbying. The Office also serves as an interface between the Government sector and the community and NGOs.

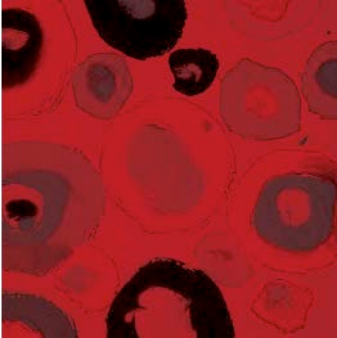
There is an inherent tension in the Commissioner's role as an independent advocate funded by Government. All Commissioners have experienced this tension to some degree, and have managed it in a number of ways. Approaches have included:

- > being non-partisan;
- > being constructive rather than adversarial;
- > combining sound evidence and good communications;
- > building relationships in key agencies; and
- > managing a broad constituency of support with other advocacy groups, sector partners and the general public.

The role of Children's Commissioner provides a unique position, precariously straddling the fence between government and civil society. The Office of the Children's Commissioner can engage with community stakeholders without the stigma faced by many government organisations, and with agencies as peers operating under the Public Sector Code of Conduct. The broad mandate of the Office means you can maintain an overall view on issues impacting children, without being limited to particular elements of wellbeing or institutional boundaries. And the statutory mandate to promote UNCROC gives the Commissioner a distinct and internationally recognised reference point for assessing children's interests and rights.

These are all factors for you to consider as you take up your role as Commissioner, and establish the work programme for the Office for your term. While the current environment and the significant transformation of CYF are major factors that will influence your choices, there is also much to learn from the efforts of and challenges faced by your predecessors.

PART 3: STRATEGIC CHALLENGES AND OPPORTUNITIES FOR YOUR TERM



You are taking up this role in a very exciting time. This section outlines some of the challenges and opportunities you can expect to face in the next two years.

This is an exciting time

There is increasing interest in an investment approach to the social sector, with a particular concern for children. The pending transformations to the care and protection and youth justice systems mean you can have an impact on the design and implementation of system-wide change, as well as the evolving role of the Children's Commissioner.

The level of interest in improving outcomes for children has never been higher. Government agencies are being encouraged to collaborate to identify issues across the health, education, social welfare, and justice sectors that are leading to poor outcomes in childhood and later in life. There is a particular focus on targeted interventions for vulnerable children. There is also a wider constituency of concern for children's issues, with more community, business and philanthropic organizations signaling they are willing to be part of the solutions.

The Office enjoys a strong reputation with its stakeholders. This is evidenced in the Office's stakeholder survey results included in Appendix 4. We are seen as an organization that delivers results even with limited resources. Although we are small, we are also experienced, agile and adaptive.

While the Office is well-placed to play a role in improving children's outcomes and ensuring their rights are upheld, there are some challenges you need to consider before determining your strategic priorities.

There are some challenges

The small size of the Office and the responsive nature of some of the work present some challenges to manage through.

THE SIZE OF THE OFFICE PRESENTS SOME RISKS

The size of the Office means that there is a level of critical person dependency that you need to be aware of. While this issue is being actively managed, without further resourcing ongoing focus and management is required. The critical person dependency lies across the Office. Some issues in each team are outlined here.

Corporate Team

Critical person dependency is a risk in the Corporate Team with the Office very reliant on the Corporate Services Manager to drive the core functions of the Office including payroll, reporting and finance. While we have an external accountant and a contracted part-time accounts person who supports the processing of our accounts, it is important that there is a second person in the Office capable of managing these tasks. This risk has been reduced by redeploying a staff member into the role of business support advisor and having the Advocacy Manager provide backup for oversight of the online accounting system.

Monitoring Team

The Monitoring Team is heavily reliant on all staff being available to deliver on the monitoring work programme. Even short disruptions in staffing (arising from staff turnover, leave or illness) challenge the team's ability to deliver and require considerable commitment on the part of team members to complete their work. The Manager of the team currently does field work with her staff as they develop their capability, but also to ensure there is sufficient staffing to undertake this work. Ideally, the Manager would be responsible for oversight and co-ordination and would not undertake the amount of fieldwork she currently does.

More resources for the team would alleviate this over time, and reduce the critical person dependency and delivery risk within this function. However additional support would be required to build up the specialist skills of any new staff to undertake the sensitive field work and interviewing required. It will be critical to maintain a strong and stable monitoring team as the foundation for any enhancement in the monitoring function.

Advocacy Team

The Advocacy Team has a very broad scope to its work programme, and its capability relies on the diverse experience and backgrounds of the team members. Their institutional knowledge and wide contacts are vital to providing rapid and quality responses to unexpected demands, as well as maintaining the on-going quality of the advocacy material, communications and Child's Rights Line services expected of the Office. Each person in the team brings specialist skills.

The Advocacy Team led the analysis and writing to translate the monitoring reports into the first aggregate annual public report, the *State of Care 2015*, and continues to lead the production of *State of Care 2016*. The manager also provides back-up oversight for the accounting system. These responsibilities reduce capacity for advocacy work and ideally would be undertaken by the Monitoring and Business Teams respectively.

PRE-COMMITTED WORK PUTS SOME LIMITATION ON THE WORK PROGRAMME

Undertaking all the work required to ensure we are legislatively compliant means there is limited resource remaining to work on new priorities.

The Advocacy Team is already committed to some major pieces of work, including:

- > Briefings for the UNCROC Hearings (September 2016)
- > Child and Youth Voices Project surveys in schools (June-December 2016)
- > Minister's Youth Advice on Care System (YACS) Project (June-March 2017)
- > Child Poverty Monitor 2016 release (December 2016)

In addition, the Team undertakes reactive work based on what relevant Select Committee processes or other formal reviews come up. Within the next six months, we anticipate that the following work will need a response from the Advocacy Team:

- > Select Committee hearings for significant amendments to the Education Act (September tbc)
- > Review of decile funding of the education system (June tbc)
- > Healthy Homes Bill at Select Committee (tbc)

There will be significant opportunities arising from the CYF Transformations. These are outlined in the following section, but will likely require formal responses for:

- > Phase 1 changes to the CFY&P Act at Select Committee (June tbc)
- > Phase 2 changes to the CFY&P Act at Select Committee (October tbc)
- > Changes to the Children's Commissioner Act at Select Committee (October tbc)

The Monitoring Team has an agreed work programme set each year. This includes one or more thematic reviews and monitoring of CP and YJ residences. There is a short window of opportunity now to influence the topic for the thematic reviews for 2016-17. Possible topics are being identified to help support current transformation of CYF, and these will be discussed with you.

There are opportunities to make a real difference for children

There are some clear opportunities arising from current government activities. You and the Office have an obvious role in providing expert input and advice to the CYF transformation, and related changes in the youth justice area. There are also some potential opportunities where the Office could have an impact to improve children's outcomes building on our current wider work.

CYF TRANSFORMATIONS

The pending transformation of CYF offers many opportunities for shaping better future systems for children and young people in the care and justice systems. You and this Office have a comprehensive statutory responsibility to ensure that anything done under the auspices of the current CYP&F act promotes the welfare of children and young people. The Office has unique access to children in state care as well as frontline social work staff, and understanding of their perspectives and circumstances. The value of the work undertaken by the Office to fulfil these responsibilities was recognised by the EAP in the recommendation to look at further resourcing for the Office for monitoring the system, and potentially to expand our functions.

However the size and scale of the transformations means that some strategic choices will have to be made about which elements you and the Office will have the capacity and capability engage with.

In response to the report MSD has established two broad programmes of work. The first work stream will deliver the policy and legislative changes (as signaled in 'Cabinet Paper 2' that was released with the EAP report in April). The second programme of work is the establishment of a transformation team within MSD to lead the work to implement a new agency and operating model by April 2017.

We have begun discussions with the head of the transformation programme. Once the work streams are established and once more detailed information is available, we can work with you to identify those areas where the Office can be most effective.

Additionally, we have begun work to ensure the new YACS that we are to convene on behalf of the Minister will be connected to the appropriate work streams.

You will need to consider the level and extent of the Office's involvement and investment in the transformation process and how this would be best achieved from within current resourcing levels and in light of the Office's core work programme.

CYF transformation related policy and legislative topics we believe the Office should actively engage on include:

- > lifting the age for youth offenders from 17 to 18 years
- > the functions of the advocacy support service for children in the care system, and how it links to systematic advocacy, complaints and monitoring
- > roles and functions of the Children's Commissioner
- > creation of National Care Standards

There will also be opportunities to contribute to a range of other policy areas, as well as to provide a submission on the two Bills, scheduled for introduction in July and October 2016 respectively.

STRENGTHENED MONITORING FUNCTION

The EAP report notes the value of multiple levels of independent monitoring which will hold to account both the future department and the wider care and protection and youth justice systems. The report supports a continuation of the Office's statutory role to monitor and

provide independent reporting on the performance of the statutory system. It also proposes that the focus of the Office's monitoring function be broadened, recognising that this would need to be supported by a review of the Office's resourcing.

The transformation of the care and protection and youth justice systems announced by Government in response to the EAPs report present a number of challenges for the Office. We are preparing separate advice for you on how the monitoring function of the Office could be strengthened to increase its effectiveness and contribute more towards achieving improved outcomes from the child and protection and youth justice systems. This advice will include a range of options from a consolidated status quo to a future monitoring function which would more actively support the child-centred, collaborative operating model that the Government is pursuing.

Our advice will also include an assessment of the investment (e.g. people, skills, resources, funding) and other possible changes (e.g. policy or legislative change) needed to successfully deliver the options presented. A broad sense of timing and critical dependencies will also be provided.

This advice is intended as an input to your thinking prior to your wider engagement with the Minister and other key stakeholders.

YOUTH CRIME AND JUSTICE

Youth crime and justice issues are an obvious area of opportunity, given your interests and expertise, and the close linkages of this area with the care and protection system, and CYF transformation. We have had some involvement with youth crime and justice from our monitoring activities and from involvement in policy activities such as the Youth Crime Action Plan.

We look forward to addressing gaps and issues you have identified in the youth crime and justice areas.

BUILDING ON OUR VOICES PROJECT TO INCREASE ENGAGEMENT WITH YOUNG PEOPLE

There is a need for a speciality service to engage with children and young people in New Zealand.

A fundamental component of UNCROC is enabling children to speak for themselves. Children have insights that society will gain from, and that will improve the effectiveness of policy, and reduce unintended consequences.

The Office has considerable knowledge and expertise on how to engage effectively with children. Our children's Voices Project has developed online survey and focus group mechanisms to support our own advocacy work. We are often asked for advice on how to "find" or "talk to" young people by agencies.

There is an opportunity for us to expand our Voices Project and provide child and youth engagement services to other agencies on a cost-recovery basis. This conduit for other agencies to engage with children would mean that children have a greater say in decisions that affect them, and policy development and service design processes are improved.

OTHER OPPORTUNITIES TO CONSIDER

There are many opportunities to improve the wellbeing of children. Choosing what issues to prioritise and how to utilize the resources available to you will be an ongoing challenge.

Some ideas to consider are outlined here. We can work with you to further refine the scope any area of interest.

Children with disabilities: There is a case to be made that greater advocacy focus is needed to address issues for children with disabilities. These children are disproportionately represented

statutory care and in poverty statistics. They also face a range of health and education challenges, and often lack the ability or opportunity to speak for themselves.

There is a comprehensive disability strategy in place, and there are organizations that advocate for people with disabilities. Unfortunately, children with disabilities are often 'lost' in the overall picture. There may be an opportunity to partner with the disability sector to amplify the messages and support system improvements for children with disabilities.

Issues in education: Educational achievement is fundamental for children to achieve their potential. There are many areas within the education sector that should be improved, and focus and advocacy on one or more of these issues may be what is needed to bring about some change. These issues include (but are not limited to):

- > poor educational outcomes for children in State care;
- > difficulties accessing appropriate supports for children with disabilities, and the inequitable treatment between children with diagnosed mental illness or disability and those with a range of spectrum disorders and behavioural issues;
- > failure or unwillingness of local schools to provide places for children with complex disabilities or behaviour needs;
- > ongoing involvement in the Bullying Prevention Advisory Group and Online Safety Advisory group
- > lack of 'tribunal' type mediation for parents and students when they cannot resolve issues with their local Board of Trustees.

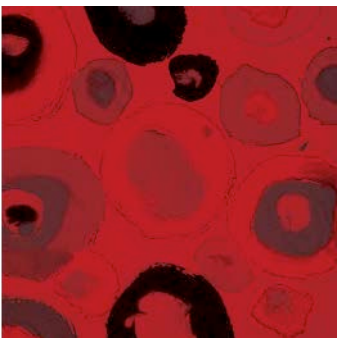
Doing better for Māori children: Māori children and whānau experience deeply entrenched inequity that is evident across the board, including in health, justice, employment, housing, education and social outcomes. This persistent disadvantage is unacceptable. We need culturally relevant responses to the complex socio-economic factors facing many Māori whānau and children.

The issues are daunting. We already take steps across both monitoring and advocacy to give attention to the issues facing Māori children. And as an Office, we have been exploring of how we can best uphold the intention of the Treaty in our work. We welcome discussions with you on this work.

Children living in hardship: Growing up in low income and material hardship is a powerful driver of a range of poor outcomes for children in New Zealand. While we have worked on some aspects of this issue, there is much more that could be done.

We can discuss with you the strengths of the existing teams, the point of difference we can bring to different areas, and the level of impact we might be able to have alongside other stakeholders.

PART 4: FUTURE BRIEFINGS



We will provide further detail on specific elements of the Office and the work programme as required.

DECISIONS YOU WILL NEED TO MAKE NOW

We will provide you with further briefings on decisions you need to make before or during your first 30 days as Commissioner. This will include a full briefing on the budget position and operational requirements, decisions on levels of delegation to your Managers and a copy of the detailed work programme across the Office.

Several key planning and accountability agreements for the new financial year are well underway, as required by statutory timetables, and we will brief you on these. An annual Statement of Performance Expectations (SPE) for 2016/17 has been drafted, and following consultation with the Ministry of Social Development (as our Crown Agency monitor) and Audit New Zealand, the SPE is now with the Minister for her agreement and sign-off. The Office has received Ministerial agreement to delay updating the Statement of Intent so you can have the opportunity to refresh that document by June 2017 for the following 4 years.

The Monitoring Team are currently confirming their monitoring activities for 2016/17 including topics for thematic reviews. We would like your ideas and input on the areas for focus as soon as possible.

We have already been receiving requests for you to attend speaking engagements and meeting invitations. Closer to your start date, we will brief you on these, and also seek your preference in responding to invitations and for establishing regular meetings with stakeholders.

INFORMATION YOU WILL NEED ONCE STARTED

You will need up-to-date information on the status of work in a number of areas, such as:

- > our interactions with the CYF transformations,
- > UNCROC,
- > the Voices Project, and
- > the Minister's YACS.

We recommend separate face-to-face briefing on these topics. However, if there is a topic you would like further information on, please let us know.

Appendix 1: Origins and influences on the Children's Commissioner 2003 Act

EXPANDING THE CONCEPT FROM THE 1989 ACT

The role of Commissioner specified in the 1989 Act was quite narrowly focused on the operation of CYF services. However the possibility of a children's commissioner or ombudsman had been discussed in NZ in the context of advocacy for children's rights from the 1960s. UNCROC was part of the same international movement, and adopted by the UN in 1989. NZ signed it in 1990 and ratified it in 1993. It was an obvious step for the Commissioner to take a leading role in promoting UNCROC, and the wider rights of children even though it was not an explicit part of the 1989 Act.

The development of the 2003 Act illustrates some of the dynamics of the shifting ideas and priorities for the Office and the role of the Commissioner at that time. They were founded in calls for increased autonomy of the Commissioner and related to:

- > Compliance with UNCROC
- > Independence and Advocacy
- > Focus on critique and review of government services to children
- > Review of deaths – "sentinel events".

1996 GOVERNMENT CHANGE FROM NATIONAL TO NATIONAL/NZ FIRST COALITION

- > UNCROC report had questioned the ability of the Commissioner to be independent when its budget was coming through the department it was monitoring. Mr O'Reilly discussed this in the 1996 Annual Report and, in a separate briefing paper to the Minister, suggested greater autonomy and broader links than the welfare sector focus. He cited the Norwegian Children's Ombudsman as a model of greater autonomy and wider powers.
- > Mr O'Reilly's conception focused on need to advocate with a wider range of agencies than DSW – more than 60% of complaints and even more enquiries related to NGOs or government agencies other than DSW. He proposed a national wide advocacy scheme, linked with established groups such as Auckland Youth Law Project and Community Law Centres.

1997 - 1999 PRIVATE MEMBERS BILLS

- > In 1997 Anne Batten (NZ First) introduced a Private Members Bill to give greater independence to the Commissioner – it was defeated 68 to 50. Minister Sowry did acknowledge that it might be timely to review the status and functions of the Commissioner. [Barrington 2004, pp76, 77]
- > Throughout 1998 Roger McClay further expanded the public advocacy role giving more speeches and presentations. In November 1998 Opposition Social Welfare spokesperson Steve Maharey promulgated Children's Commissioner (Convention Rights) Bill, which enabled issuing of directions, and direct reporting to the Prime Minister. [Barrington 2004 p105]
- > In March 1999 there was a Parliamentary Commissioner for Children Bill introduced by Alliance MP, making the Commissioner an Officer of Parliament, like the Ombudsman, bypassing Ministerial control of budget or performance agreements. Both Ian Hassall (past Commissioner) and Roger McClay (current Commissioner) made submissions in favour of this Bill, with Dr Hassall recommending that UNCROC should be made the main frame of reference for the Office. Some greater autonomy followed the restructuring of DSW in 1999, with funding now coming through the Ministry of Social Policy, separate from the new Department of Child, Youth and Family Services.

2000 NEW LABOUR/ ALLIANCE GOVERNMENT INCREASES FUNDING AND PRIORITY

- > In August 2000 Ministry of Education funding was allocated to child advocacy training. Two-day workshops, and community focused meetings were held around the country and by March 2002 around 1000 people had taken part.
- > In 2001 the Commissioner received a major funding increase in Budget (an extra \$2.8m over 4 years), "to better promote the rights of children and to monitor our compliance with the UN Convention on the Rights of the Child" (Maharey press release 22 May 2001).
- > Features of new legislation were to have been promoted at UN Special Session on Children 19 -21 Sept 2001. The Special Session was cancelled on 12 Sept, following the Twin Towers attack, and Minister Maharey's press statement contained elements from his intended speech:

"In particular I think other countries will be interested to hear that the Labour-Alliance Government is:

- o developing an Agenda for Children setting out our vision for children, drawing on more than 3500 submissions made by New Zealand children;
- o increasing the powers and resources of the Commissioner for Children to raise the profile of human rights for children and give them a more effective advocate; and,
- o providing significant additional funding for Child, Youth and Family to enable them to provide professional services to children and families in crisis and to support organisations working to build strong communities.

"New Zealand will also support UN Secretary-General Kofi Annan's call for the UN General Assembly to immediately adopt the draft programme of action for children which the Special Session was to consider."¹

- > The Commissioner for Children Bill was introduced a few weeks later in October 2001. The Special Session on Children was eventually held in May 2002, and the Minister's speech to the Session (9 May) made no mention of the Office, or the new legislation which was still before the House.

COMMISSIONER FOR CHILDREN BILL

- > 10 October 2001: The First Reading speeches from all parties were generally positive, but National Opposition members highlighted the shift from Labour's manifesto commitment to make the Commissioner an Officer of Parliament. The rationale given by Select Committee members for doing this was that such a status was incompatible with, and would hinder, the Commissioner's advocacy function.
- > Other issues raised in the first reading speeches covered independence and the appearance of independence from the Government of the day:
 - o More consultative appointment process was asked for, to ensure more independence and broader support: there were complaints about lack of consultation over Dr Kiro's appointment.
 - o A need for funding of the Commissioner to be independent of influence from the agency (CYPF) being monitored.
- > Second Reading 5 Nov 2003: The Bill came back before the House two years later. The main changes agreed by the Select Committee (as highlighted by the Minister) were:
 - o Title changed to "Children's Commissioner" rather than Commissioner for Children. (Places more emphasis on "Children", and consistent with similar titles e.g. Human Rights Commissioner.)

¹ <https://www.beehive.govt.nz/release/maharey-backs-un-decision-postpone-children039s-summit-reiterates-government039s-commitment->

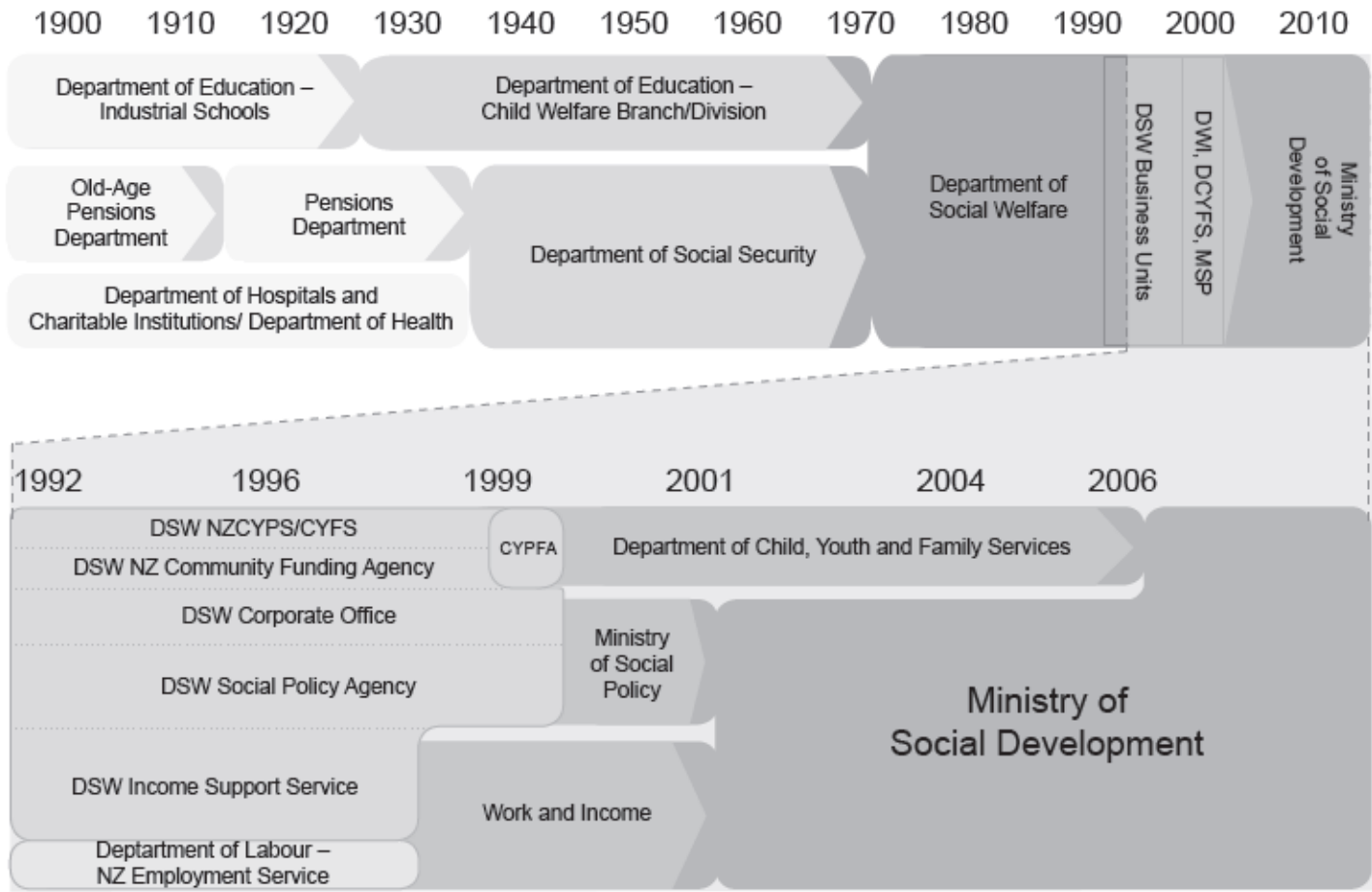
-
- More transparent process for appointment; the role to be advertised, and Minister “to have regard for desirability of consulting with organisations or persons who have a special interest in the functions of the commissioner”
 - The Commissioner was required to develop means of consulting children.
- > A Supplementary Order Paper (SOP) added new clauses (30A to 30C) giving the Minister the ability to review operations and performance, and demand information.
- > Several members of the Select Committee expressed concern that submissions had illustrated that people mistakenly thought the Commissioner did function as an Ombudsman – sorting out individual’s problems and able to call government agencies to account.
- > The Bill was eventually passed in December 2003. 2003 had been a tumultuous year for CYFS, which is likely to have affected the process of the Bill.² The last few months of 2003 – which were the first few months of Dr Kiro’s term - were particularly difficult, with widespread highly critical publicity about several very tragic child deaths involving CYFS. CYFS was immediately heavily criticised following the death of Coral Burrows in September. The damning results of a First Principles Baseline Review commissioned in late 2002 were released in October, followed by the resignation of the CE. In November a report on the 2001 murders of Saliel Aplin and Olympia Jetson was published, confirming serious failings by CYFS.
- > These events possibly explain why the SOP concerned the performance and operations of the Office and its handling of sensitive information, focusing on its role as a monitoring and investigative agency rather than strategic level issues such as UNCROC or advocacy functions.

² Legislation establishing the Families Commission was also passed in December 2003, and would have required attention from some of the same policy and legislative development teams.

Appendix 2: Historic Timeline

Year	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Commissioner	Dr Ian Hassall, 1989–1994 (5 years)					Laurie O'Reilly, 1994–1997 (4 years)				Roger McClay 1998 – Aug 2003 (5 years)				
Minister	Michael Cullen	Jenny Shipley			Peter Gresham			Roger Sowry			Steve Maharey			
Government	Labour	National							National/New Zealand First Coalition			Labour/Alliance		
UNCROC reporting cycle			UNCROC signed		UNCROC ratified		State Party Report I						State party report II	
Issues and Events (<i>Issue headings from Barrington</i>)	Getting Started Monitoring and Reviewing the 1989 Act Children and Young People's Rights Other Functions Related to the Act Researching Children, Young People and the Act Autonomy for the Office The Education Sector Abuse Advocating a No-hitting Approach The Health Sector Reviewing Child Deaths The United Nations Convention on the Rights of the Child (UNCROC) Policies for Children and Families * May 92 CYPS becomes a DSW business unit					The Work of the Office The Legal/Justice System New Zealand Law and UNCROC Care and Protection Research Other Matters UNCROC The Education Sector No Hitting of Children Fathers Child Mortality and Health The Office Advocating for Children * Children, Young Persons and their Families Agency within MSD (CYPFA)				A Nationwide Education Advocacy Service New Zealand Children's Day No Hitting of Children Monitoring the Act The Education Sector The Justice/ Legal System The Health Sector Fathers Films, Videos, TV and Publications The Office and Role of the Commissioner The Office and Politics International Links Greater Independence * October 1999 - Child, Youth and Family Services (CYFS) established independently of MSD.				

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	
Commissioner	Dr Cindy Kiro <i>Sept 2003 — Sept 2008; extended to April 2009 (5.5 years)</i>						Dr John Angus (2.25 years) <i>(appointed for 6 months from April 2009, reappointed for 13 months to Dec 2010)</i>			Dr Russell Wills (from July 2011 - 5 years) Deputy Commissioner Jo Cribb (Sept 2011 – Oct 2012); Justine Cornwall (March 2013 – June 2016)					
Minister	Steve Maharey (Nania Mahuta – Youth Affairs)					Paula Bennett						Anne Tolley Oct			
Government	Labour/Progressive Coalition					National-led Government									
UNCROC reporting cycle						State party report III & IV							State party report V		
Issues and Events	New Act passed Dec 2003 Child abuse and family violence Child Poverty Early Intervention programme <i>Te Ara Tukutuku</i> Youth Justice Bullying and violence in schools Child's Rights training continued 2005 Opened Auckland Office 2006 Auckland staff increased to total 5 FTE July 2006 - CYFS returned to the Ministry of Social Development Increased CYF monitoring Feb 2007 <i>Respectful Schools: Restorative Practices in Education</i> May 2007 Repeal of section 59 of Crimes Act						Referendum to overturn s59 repeal Auckland Office reduced Co-location with Families Commission Financial tightening <i>Children in Care: A report into the quality of services provided to children in care</i>			March 2012 Appointed expert group on child poverty; Child Poverty Stocktake; publication of working papers and two major reports Vulnerable Children work / Children's Action Plan 2014 <i>Guidelines for food in schools programmes</i> Closure of Auckland Office Review of publications leads to ending of quarterly <i>Children</i> , revamp of website and move to on-line publications August 2015 first <i>State of Care</i> report					



Overview of organisational changes for welfare.

From Tim Garlick, 2012, *Social Developments: An organisational history of the Ministry of Social Development and its predecessors, 1860 – 2011*. Page 19, <http://www.msd.govt.nz/documents/about-msd-and-our-work/about-msd/history/social-developments.pdf> The current organisational structure is the same as 2010.

Appendix 3: Priorities and focus of Commissioners 2003 to 2016

SEPTEMBER 2003 – APRIL 2008 DR CINDY KIRO

Dr Cindy Kiro gives a good summary of how she saw herself and her predecessors in her comments in her first annual report (2002/2003).

“The office began with Dr Ian Hassall, a leader in NZ Plunket and paediatrician who championed the CYPF Act and establishment of the Office....Laurie O’Reilly followed, bringing his legal expertise to the role. Roger McClay has brought his political expertise to the role, increasing the media profile of the Office and using cases such as Whakarua and Witika to highlight unacceptable behaviour and practice against children in New Zealand. ...As the Office has increased in its effectiveness, additional work has been generated.I look forward to bringing a greater focus on the important work of stopping violence towards children and in preventing child poverty. There is a huge opportunity to involve the NGO, Iwi and Māori communities and local government in addressing these issues.”

A summary from the end of Dr Kiro’s term concludes: “Some of the issues adversely affecting children and young people in NZ have been the same over the years, although awareness of them has increased. These issues include, in order of public debate and political interest: physical punishment of children, child abuse and other family violence, youth offending, bullying, child poverty, child health issues, and education issues including suspension/exclusion.”³

Office structure and working style

Dr Kiro had a background in social work, community and Māori development, and had most recently been an Associate Professor in a Research Centre based at Massey University in Auckland. The Office was restructured to focus on its roles of investigations and advocacy, and had an average of 13 staff over Dr Kiro’s term. An Auckland Office was opened in 2005 with two staff, increased to 5 FTE by the following year. Auckland was home base for Dr Kiro, home for almost one third of NZ’s children, and facing major local government reforms at that time.

Dr Kiro undertook (and was criticised for) a lot of international travel, particularly as part of a strong international movement promoting the concept of Children’s Ombudsmen. The Office was also designated a National Prevention Mechanism (NPM) to examine and make recommendations for improvements to places of detention, following NZ’s ratification of Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading treatment (OPCAT) in March 2007.⁴ This gave a new focus to monitoring of CYF residences.

Dr Kiro continued Mr McClay’s strategy of working with NGO groups, although seems to have been less successful in maintaining cordial links with government. This period saw a wider growth of public interest in children’s issues and advocacy for change. A number of new child lobby groups began (e.g. Child Poverty Action Group, Action for Children and Youth Aotearoa, EPOCH NZ, Every Child Counts), and there was increasing public advocacy from professional organisations – Paediatric Society and Public Health Association, and service providers such as Barnardos and Plunket.

³ Beth Wood, Children Issue 68, Autumn 2009

⁴ Other NZ NPMs are the Ombudsman, Judge Advocate General of the Armed Forces, and Police Complaints Authority.

Strategic Themes

Dr Kiro's initial Strategic plan focused on preventing violence against children; reducing child poverty and promoting UNCROC. Work on CYF monitoring also became a major focus as her term evolved.

The 2007/2008 Annual report set out a Vision statement that "The rights of every child and young person in New Zealand are recognised and each enjoys good health, education, safety and economic wellbeing." This vision was supported by three Outcomes:

- > Every child is safe and nurtured
- > Every child has adequate resources and opportunities to develop
- > Society's attitudes and behaviour change to become more child-focused

Major issues

Addressing violence against children was a dominating theme of Dr Kiro's term. She was a key figure in the on-going public debate on **repeal of s59**. The section was repealed in May 2007, but intense lobbying against the change continued. A campaign for a citizens-initiated referendum supporting "a smack as part of good parental correction" had been launched in February 2007, and a referendum held in late 2009. In her final editorial in *Children* (Autumn 2009) Dr Kiro described the \$10million referendum as "a waste of money", and criticised "scare mongering" that parents who 'smack' will be criminalised. Through this period there was huge demand from frontline services for two particular resources: *Children are Unbeatable - 7 Very Good Reasons not to Hit Children, and Choose to Hug*.

While the child homicide rate declined each year during Dr Kiro's term, there were several children's deaths that caused much public criticism of CYF, and set some of the tone for her term. A key report on 2001 murders of Saliel and Olympia Aplin was published in Nov 2003 – one of first issues Dr Kiro worked on. At the same time, Carol Burrows was murdered by her step father, despite her biological father having sought CYF intervention for her. Dr Kiro participated in a Ministerial Family Violence Task Force. Notable publications on this topic included a review of NZ police data from 1991 to 2000 identifying the characteristics of the children who died and the people who killed them, and how services responded to child homicides (Connolly and Doolan, Dec 2007, *Lives Cut Short, Child death by maltreatment*), and *Death and serious injury from assault of children aged under 5 years in Aotearoa New Zealand* June 2009. The office also reviewed six year's data covering 271 children "known to CYF" who died.

Attention to **child abuse and neglect** included work with the Paediatric Society of NZ, encouraging health sector to take more responsibility for child protection and sharing information and resources to protect children at risk.

The office gave attention to on-going **Youth Justice** issues: continuing concern about young people being held in police cells; liaison with judiciary, especially the Principal Youth Court Judge; and submissions on proposed law changes in 2007 and 2008. This included Ron Mark's 2007 private member's bill to lower the age of criminal responsibility to 12 years old.

Education topics featured increasing numbers of complaints from parents about young people being excluded. A 2009 publication *School Safety, An inquiry into the safety of students at school*, addressed bullying and violence, as an issue that was raised in almost every consultation with children and young people. Funding of a Parents Legal Information Line (PLINFO) through Wellington Community Law Centre began, receiving around 1900 calls per year concerning education concerns. This service is now called "Students Rights Service", and funded by MoE.

A universal outcomes focus for all children was developed, featuring an **Early Intervention** model "*Te Ara Tukutuku: An Integrated Approach to early intervention*" framework for 0 – 17 years, based on Scottish model *Getting it Right for Every Child*. This proposed a health, education and safety plan for every child, and support for their families. A review commissioned from AUT published in June 2006 set out an agenda for improving **child health outcomes** - *More than an apple a day: Children's right to good health*.⁵ In 2006 the office stopped producing a yearly report card, given that MSD had started producing *Child and Young People: Indicators of Wellbeing in New Zealand*

Work on CYF issues: A systematic mechanism was agreed with CYF to facilitate access to CYF information via a shared portal, and quarterly reports were sent to the Minister, based on this and a regular visiting programme. Site visits by the Commissioner and Chief Youth Court and Family Court Judges were replaced by a more systematic audit-based monitoring of CYFS services with increased dedicated staff positions from 2006/07. These positions also supported newly established Grievance Panels for CYF residences, a Charter of children's rights for all children in care, and a robust complaints process.

A comprehensive report on **child poverty** *A Fair go for all children, Actions to address child poverty in NZ (Dwyer and Fletcher, 2008)* found 22% of children in "unacceptable poverty". This report was useful within the sector but did not achieve the level of public or governmental engagement reached by subsequent work in Dr Will's term.

Regional **Child Rights** training and education rights training begun by Mr McClay continued in 6 locations per year. In February 2004, a children's rights symposium *Children Call: For an Aotearoa/New Zealand Fit For Us*, was attended by 150 children, and contributed to children's rights chapter of the *National Plan of Action on Human Rights*. The **Auckland** office was significantly engaged in advocating for children's interests in Auckland local government reforms during this time, as well as major regional health and welfare initiatives.

Dr Kiro's term also saw the emphasis moving from individual cases to wider advocacy and monitoring. Nevertheless, the office continued to deal with 850 – 1000 individual public enquiries a year through the Child Rights Line.

APRIL 2009 – DECEMBER 2010 DR JOHN ANGUS

A replacement for Dr Kiro had not been appointed by the time her term concluded, despite a 6 month extension) and Dr Angus was initially appointed for a six month term while the search continued.⁶ His term was extended twice, eventually covering two and a quarter years.

Office structure and working style

The interim nature of Dr Angus's appointment undoubtedly affected his achievements, but he was also a much less publically oriented figure. He had spent 10 years as a social worker with CYF, before becoming a policy advisor. As a principal adviser in the Ministry of Social Development from 2001 to 2006 he lead work on preventing child abuse for the Taskforce on Action on Violence within Families, was part of a ministerial task force on the Community and Voluntary Sector, and helped write the Green Paper for Vulnerable Children. Given this background, it was unsurprisingly that he focused on rebuilding relationships with government agencies, which had become very fractious by the end of Dr Kiro's term.

The Auckland Office was reduced to 2 advisors, and the Wellington structure was flattened leaving Principal Advisors reporting directly to the Commissioner. Resourcing for CYF monitoring was increased, as agreed with the Minister. The Office moved to joint premises with the Families Commission, and tight controls improved the financial position of the Office.

5 <http://thehub.superu.govt.nz/project/more-apple-day-children%E2%80%99s-right-good-health>

6 Reportedly anti-child abuse campaigner Christine Rankin turned down the job because she didn't want to move to Wellington. http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10577501

Funding from the Ministry of Education which supported regional children's rights training ended in 2009.

Strategic Themes

Dr Angus' initial priorities were listed in the 2009/10 Annual Report as:

- > Monitor, assess and make recommendations on services to children in care
- > Preventing child abuse and neglect in families, and violence in other settings
- > Advocate for children in Auckland local government restructuring
- > Monitor and assess interests of young children in provision of ECE
- > Monitor impact of recession on children's economic position and advocate for policies that mitigate long term adverse effects
- > Promote mechanisms for children's participation and access to review and grievance procedures

The 2010/2011 Annual report repeated those priorities, along with additional priorities of:

- > Promoting inclusive education (inclusion of children with various disabilities into mainstream education)
- > Transition out of care provisions of the CYPF Act
- > Responses to child neglect
- > How the interests of children might be given more weight in policy work
- > Sexual health of young people
- > Child injury prevention.

Main areas of activity, and major publications

Through Dr Angus' term the work continued to be organised under the outputs established during Dr Kiro's term.

Output 1: Monitoring and Investigation

- > Child, Youth and Family: consideration of "exceptions" reporting – complaints, reports on serious incidents, serious offending, deaths.
- > Treatment of children and young people in detention: site visits
- > Detention of young people in police cells
- > Publication of *Children in Care: A report into the quality of services provided to children in care*

Output 2: Individual and Systematic Advocacy

- > Individual cases
- > Legislative and Policy Change: submissions to Welfare Working Group on long-term benefit dependency; Child Support scheme; "Through their lens: an inquiry into non-parental education and care of infants and toddlers" (March 2011)
- > General advocacy for a more child-focused and responsive society: advocacy training courses for Māori Wardens in 7 centres; attachment theory and advocacy for trauma
- > Young People's Reference Group
- > UNCROC – August 2010 Report to UN

JULY 2011 – JUNE 2016 DR RUSSELL WILLS

Dr Wills, a paediatrician at Hawke's Bay District Health Board, with interests and experience in autism, family violence, child abuse and medical aspects of children in Child, Youth and Family care, became the sixth commissioner in July 2012. Because Dr Wills was appointed on a half-time basis, and had less experience in government policy work, a Deputy Commissioner position was instituted to ensure continuity of strong relationships with government and the NGO sector. Dr Jo Cribb held the role from September 2011 to October 2012, and Dr Justine Cornwall from March 2013 to June 2016.

Office structure and working style

Co-location with the Families Commission continued, with cost savings used to add one FTE to monitoring team (going from 1.8 to 2.8). The Expert Advisory Group formed to support the child poverty work was made possible by significant pro-bono support and several secondments from other agencies (notably MSD and Otago and Victoria Universities), and use of reserves built up during Dr Angus's term.

The Office was restructured into three groups: Advocacy, Monitoring and Corporate. Auckland Office was closed to consolidate resources in Wellington. Roles were revised to allow Managers time for coaching, the focus of the Office was somewhat narrowed to achieve more on fewer topics, and new accountability tools including an Outcomes framework were devised.

Strategic Themes

The first outcomes framework featured four priorities: children's health, child poverty, early childhood education, and child abuse and neglect. (Statement of Intent, May 2012). These carried over for a second year, albeit in a revised order. In 2014 the outcomes were regrouped into just two areas:

- > Ensuring that children and young people in the care of Child, Youth and Family are receiving quality services that improve their outcomes and wellbeing, and
- > Advocating for the needs of vulnerable children to ensure they get the services, supports and resources they need to be kept safe and thrive.

Main areas of activity, and major publications

Dr Wills initially established four priorities. These priorities and examples of the work activities for 2012/2013 and 2013/14 follow.

- > Priority Outcome 1: More children are safe and free from all forms of abuse and neglect
 - o CYF Monitoring – aligned reporting with CYF's self-assessment framework; move to more regular meetings and site visits and meeting OPCAT requirements
 - o Work with faith communities on statement to end family violence – National Statement signed by 40 communities and Forums with 290 faith community leaders in four different centres (hosted or participated)
 - o Development of thematic review approach for CYF monitoring, designed to produce recommendations on core systemic issues rather than particular smaller elements; eleven site visits
- > Priority Outcome 2: More children grow up with access to adequate resources
 - o Establishment of Expert Advisory Group on Solutions to Child Poverty, issues and options paper; 24 working papers and 2 consultation reports; final report in Dec 2012; formal response from Ministerial Committee on Poverty in May 2013; continued work to progress the recommendations.
 - o Contribution to Budget 2013 inclusions: extension of Warm Up NZ home insulation; expansion of Kick Start school breakfast programme; microfinance loans scheme; warrant of fitness scheme for rental properties; increasing the number of larger Housing NZ properties; increased support for budget advice services.
 - o Developed and published Guidelines for School Food Programmes.
 - o Established the Child Poverty Monitor (Dec 2013) in partnership with J R McKenzie Trust and University of Otago, to run for five years.

- Initiating work with philanthropic and business sector to increase their role in addressing poverty, presentations to over 70 events
- > Priority Outcome 3: More children grow up healthy
 - Child and Youth Health Compass project – baseline established with all 20 DHBs and self-assessments against good practice guidelines completed. Elements of the project have been continued within some DHBs, and within programmes with MoH.
 - Support of Children’s Action Plan implementation
 - Commissioner awarded NZMA Chairman’s Award for outstanding contribution to health of NZ
- > Priority Outcome 4: More children achieve their educational potential
 - Advocacy for improved quality ECE services; concluded that enough work already going on concerning participation so focused on work on improving home learning environment. Published work on parents role in supporting their children education success.
 - Submissions on Education Amendment Bill – focused on partnership (Charter) schools and effectiveness for Māori, Pasifika and children from low SES backgrounds
 - Commissioner actively involved in the advisory group that developed and published on Bullying Prevention and Response guidelines.
- > Underpinning strategies and other achievements:
 - UNCROC – contribution to UN Human Rights Council Universal Periodic Review; continued to convene UNCROC Monitoring Group (UMG).
 - Redevelopment of website, move to all publication online only.
 - Young People’s Advisory Group led independent activities including: survey of school students, submissions on Vulnerable children, Tobacco packaging, Cyberbullying.

In 2014/15, the focus was narrowed to two priority areas. These continued for 2015/16 as well..

- > Priority Outcome 1: Ensuring that children and young people in the care of Child, Youth and Family are receiving quality services that improve their outcomes and wellbeing
 - Embedding new monitoring framework of CYF.
 - First “State of Care” report, a major step change in reporting on CYF in a more publically focused and accessible form.
 - Convene a Youth Advisory Panel for the Minister to inform CYF modernization.
- > Priority Outcome 2: Advocating for the needs of vulnerable children to ensure they get the services, supports and resources they need to be kept safe and thrive
 - Child Poverty Monitor published in December each year.
 - Giving2Kids resource set up on web site to support a range of stakeholders (especially philanthropic and business) to take action to address child poverty.
 - Publication of *Guidelines for food in schools programmes*.
 - Consistent feedback that the Commissioner’s focus on child poverty over the 5-year term has been instrumental in raising public concern, and in getting increased activity from government, philanthropic, business and communities to address poverty.
- > Underpinning strategies and other achievements:
 - Child and Young People’s Voices Project (with online surveys in partnership with schools) replaced the Young People’s Advisory Group.
 - Alongside UNCROC work, developing resources and expertise on child-centred thinking, engaging with children (e.g. developing the *Listening2Kids* resources on the website, published *Being Child-Centred*).
 - Interactions with government agencies on many topics, notably the Children’s Action Plan, Youth Crime Action Plan, Better Public Service targets.

Appendix 4: OCC stakeholder survey results

How do our stakeholders rate us?

Results of OCC stakeholder survey in December 2014

What we asked

We undertook a survey of stakeholders asking for feedback on their overall satisfaction of their engagement with us and usefulness of our submissions, reports and advice.

Who responded?

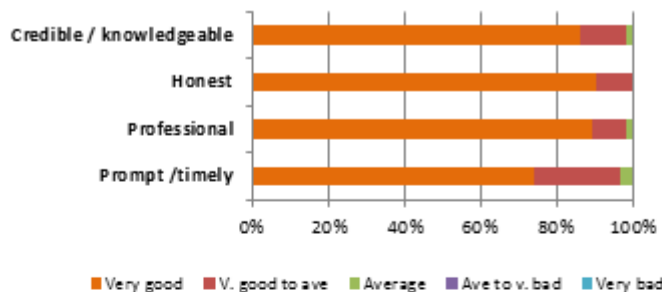
We asked 101 stakeholders to complete an online survey, and had 65 responses. Note that this survey was targeted at stakeholders involved primarily with our advocacy work.

Respondents were mainly in the social sector, either in government agencies or roles (n=25) or NGOs (n=26), as well as academics (n=8), consultants and private sector advisors (n=4) and business (n=2).

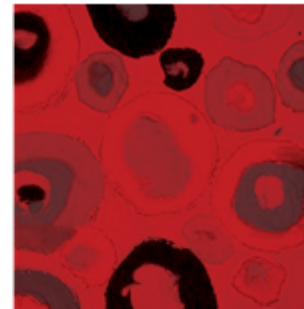
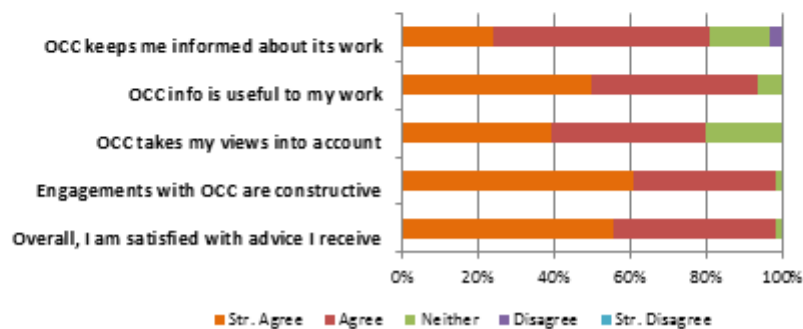
How are we doing?

The results showed that staff are demonstrating OCC values in our work with between 97% and 100% of responding stakeholders agreeing that staff demonstrate credibility (knowledgeability), professionalism, honesty and timeliness.

People I have dealt with at OCC are:



There is widespread agreement that engagements with the Office are constructive and that stakeholders are satisfied with the advice they receive, as shown below:



Our Values:

Aroha: Compassion, care and empathy for other also for the self

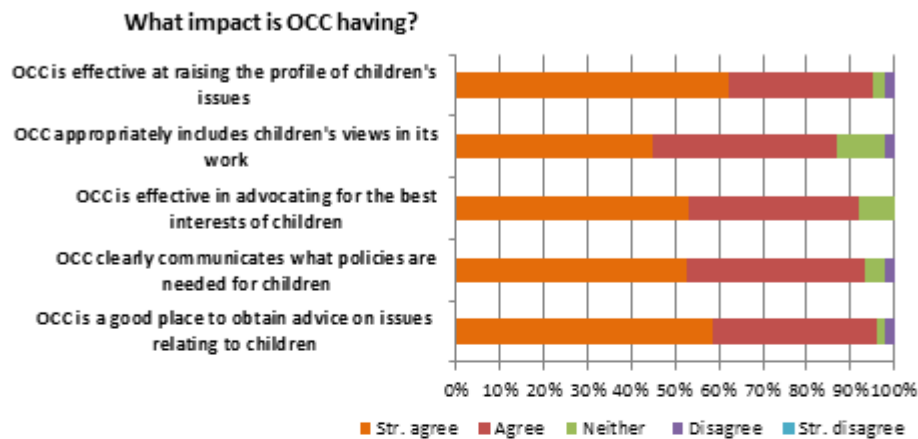
Tika: Doing things right, for the right reasons, for the long term benefit of the collective

Pono: Being truthful and acting with integrity

Mātauranga: Knowledge comprehension or understanding

Do stakeholders think we are making a difference for children?

Stakeholders were asked to what extent they agree/disagree with statements about our overall effectiveness and impact. While the responses are very positive, the slight difference in perceptions of us including children's voices and advocating for best interests of the child is worth considering how we might improve.



Examples of impacts

When asked to describe any impacts they would attribute (wholly or partly) to the work of the OCC, 48 provided specific examples of impact they saw from our work.

28 respondents specifically mentioned our work on child poverty, with some also noting the EAG and Child Poverty Monitor.

Other impacts noted included generally raising awareness of children's issues, being a credible brand and voice in the media, and turning research evidence into practical solutions for children.

43 respondents also provided us some specific advice on what more they might like to see OCC do to increase our effectiveness. We will consider all these suggestions. Many mentioned our important leadership role, and that we might do more to bring together organisations that are involved with supporting children, to agree shared messages and coordinate advocacy activities.

Stakeholders Told Us ...

"The office should be congratulated for its ability to not just talk about - but actually work in a consultative and collaborative manner - it is making a difference"

"The OCC significantly contributed to the now widespread awareness of child poverty and political commitment to do something about the issue"

"I think the Commissioner and his staff has been very successful in lifting the quality of debate in NZ around issues affecting children, and especially children living in poverty"

"Dr Wills in particular has raised the profile of children more than I've witnessed any other Commissioner"

"I really admire OCC's courage and high profile. For a small outfit you make a big mark!"



MANAAKITIA A TĀTOU TAMARIKI

Children's Commissioner

Office of the Children's Commissioner

Level 7, 110 Featherston Street

Wellington 6011

Find us on Facebook: [Children's Commissioner NZ](#)