



The Pathways to Resilience Project

Pathways to Youth Resilience: Care and Protection Services in New Zealand – a policy overview

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LEGAL FRAMEWORKS

New Zealand's child care and protection system functions under a number of pieces of legislation and international conventions, in particular:

- The Children Young Persons and their Families Act 1989
- The United Nations Convention on the Rights of the Child
- The Care of Children Act 2004
- The Crimes Act 1989 (historically)

These and other related acts are described below.

Children Young Persons and their Families Act 1989 (CYPF Act)¹

The CYPF Act sets out core principles and procedures for dealing with children and young people and guides the functions of the Family Court. The overarching principles of the Act are that:

- In all matters the welfare and interests of the child are paramount
- A child's (or young person's) family, whānau, hapu, iwi and family group should participate in decision making about the child
- Where possible the relationship between the child or young person and their family, whānau, hapu, iwi and family group should be maintained and strengthened
- Decisions should consider the affect on the welfare of the child, and on the stability of the child's family
- The wishes of the child or young person should be considered with regard to decisions that affect them
- Efforts should be made to gain the support of the child and family regarding any proposed decisions / actions
- Decisions should be made within a time-frame appropriate to the child's sense of time.

The key care and protection principles of the CYPF Act are that:

- The wellbeing of children should be promoted in a culturally appropriate and community based way
- Children and young people belong with their family and whānau where possible and
- Family and whānau should take control of decision making and interventions regarding the care and protection of their children and young people.

The specific care and protection principles of the Act are that:

- Children must be protected from harm, their rights upheld, and their welfare promoted
- A child's family should play the primary role in caring for that child, and be supported as much as possible, and intervention in family life should be kept to a minimum to ensure the child's safety
- A child should where possible remain living with family and education and training be undisturbed
- Where a child is in need of care and protection that this should take place, where practicable, within the family setting and the family should be supported to provide such care

- A child should only be removed from family if they are at serious risk of harm
- If a child is removed from family where practicable the child should be returned to and protected within his/her family
- If the child cannot return immediately he/she should be placed in a family setting in the same locality as their usual home, and where their links with family/whānau can be maintained and strengthened
- If the child cannot return in the longer term, s/he should live in a new family group where s/he can form an attachment and can develop a sense of belonging and where his/her sense of continuity and personal and cultural identity are maintained. Priority should be given to a placement with a person who is a member of the child's hapu or iwi, or with the same cultural background and who lives in the same locality.

At its inception the Act was considered radical and innovative (Dalley, 1998:265), enabling better approaches to working with Maori families in particular, empowering families and communities to take responsibility for their children and young people, and enabling family based decision making through the Family Group Conference (discussed in further detail below).

The Act was developed during an era of significant political change and activism. The rights based approach to the Act was likely a response to the “70s and 80s articulation of civil rights, feminist movement, Maori cultural & political renaissance... [and] children's rights” (Dalley, 1998: 261-262).

In response to concerns about the over-representation of Maori with the then Department of Social Welfare, in 1985 the government commissioned the Ministerial Advisory Committee on a Maori perspective for the Department of Social Welfare. Led by John Rangihau, the Committee consulted broadly with Maori and the report Puao-te-Ata-tu was completed in 1986. It commented on a range of matters including institutional racism within the department and within government more generally. It provided numerous recommendations including acknowledgement of the role of whānau, hapu and iwi in the life of Maori children, and it essentially laid the foundations for the CYPF Act 1989 (Maori Perspective Advisory Committee 1988).

During the late 1970s and early 1980s there was also a government shift towards improved accountability for public spending. Neo liberal ideologies became more pervasive, with their focus on individual responsibility and reduction of the ‘nanny state’ (O’Brien, Sanders & Tennant 2009: 14). There was a push towards privatisation and a mixed economy model whereby the state, the market and the community would together provide required social services. There was a significant growth in the number and range of services provided by non-profit organisations, with the government supporting in particular those organisations which could provide services on behalf of the government (O’Brien et al 2009: 14). At the same time there was a move towards deinstitutionalisation and care based in the community (e.g. for mental health services). The merging of these

two trends resulted in cuts in state spending on social services, and the 'rolling back of the state' (Connolly and Harms, 2009; Kelsey, 1993) more generally.

The paramountcy principle was not originally included in the Act with the Act Working Party arguing that adhering to this principle "demonstrated insensitivity to Maori and Pacific Island conceptions of family well-being" (Dalley 1998: 355). This illustrates the shift the Act made toward "family integrity" (Dalley: 1998:355). In 1994 and in response to concerns about the "minimisation of children's rights...in favour of maintaining family integrity"(Dalley 1998: 360) the Act was amended and this principle was (re)introduced².

In 2007 the Act was reviewed and an amendment Bill was introduced to the House³ in 2008. The proposed care and protection amendments included raising the age of young people covered by the Act to include all children under 18 years⁴ (consistent with UNCROC), and proposed changes to enable better coordination between Child Youth and Family and non-governmental organisations. At the time of writing parliamentary processes to pass the bill had stalled⁵, and further progress was uncertain⁶ given the change of government since it was first introduced.

United Nations Convention on the Rights of the Child (UNCROC)

In 1993 New Zealand ratified the United Nations Convention on the Rights of the Child (UNCROC). UNCROC outlines a range of rights which should apply to all under 18 years. The four key principles underpinning UNCROC are that:

- "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" (www.myd.govt.nz, 12 Jan 2010).

There are a number of UNCROC articles⁷ applying to care and protection including:

- Article 2: The right to protection from discrimination or punishment on any grounds
- Article 3: The best interests of the child should be a primary consideration
- Article 4: Government should respect the rights and responsibilities of families to direct and guide their children
- Article 6: The rights to life, survival and development
- Article 9: Children should not be separated from their parents unless it is in their best interests
- Article 12: The right for children to have an opinion and for that opinion to be heard in all matters affecting the child
- Article 18: The principle that parents have primary responsibility for upbringing of a child and States are to give assistance and ensure institutions, services for care of children.

While not binding, New Zealand reports to and receives feedback from the Committee on the Rights of the Child on progress against the articles within the convention. This reporting occurs on a five yearly basis.

The Care of Children Act 2004

The Care of Children Act 2004 replaces the Guardianship Act 1968, and provides guidance on care and custody of children and young people. The Act pays more regard to the rights of the child than the previous Act, encourages cooperative parenting and acknowledges today's broad range of family care arrangements. It lowers the age of guardianship (duties regarding the child's upbringing) from 20 to 18 (consistent with UNCROC recommendations).

Crimes Act 1961: Section 59

In May 2007, and amidst some controversy, section 59 of the Crimes Act 1961 was amended to give children the same legal protection against assault as given to adults. Previously, s59 included a defence to allow parents to claim they were using 'reasonable force' to discipline their children if they were charged with assaulting them. The change sent a clear signal to all parents that hitting children is 'not OK'⁸. The amendment was in line with UNCROC recommendations.

Related Legislation

New Zealand has a Children's Commissioner⁹ whose primary role is to advocate for children. The Commissioner's specific duties are outlined by the **Children's Commissioner Act 2003**. These duties include:

- Promoting the rights, health, welfare, and well-being of children and young people between the ages of 0 and 18 years
- Promoting the United Nations Convention on the Rights of the Child (UNCROC)
- Investigating matters concerning specific children and investigation of Child Youth and Family policies and practices
- Consulting with young people.

The Act directs the Commissioner to consider children's views and UNCROC principles in all work undertaken.

The **Public Finance Act 1989** was a pivotal piece of legislation shaping the operation of many public sector organisations in the early 1990s. It moved from a focus on inputs to one on outputs and accountability¹⁰. The Public Finance Act governs the use of public funds and directs government departments to keep within set budgets. This provides challenges for child protection where the volume and cost of actual work may vary from the original estimate and to stay within budget could mean placing children at risk. The CYPF Act directs Child Youth and Family's work and spending regardless of budget. As Dalley (1996: 363) notes: "Serious budgetary constraints, and potential conflict between the provisions of the Public Finance Act and the Children, Young Persons and their Families Act are very real issues within the government agencies which deliver welfare services to children" (Dalley, 1998: 363).

POLICY

There have been a number of recent policy developments affecting the care and protection of children and young people with high need levels. Child Youth and Family (CYF), a service of the Ministry of Social Development (MSD), is the central government agency which provides care and protection services in New Zealand (discussed further under 'delivery' in the next section). In the early 2000's the then Department of Child Youth and Family Services was experiencing a range of challenges including high numbers of notifications¹¹ of suspected abuse or neglect and unallocated cases¹². Public confidence in the department was low. In 2003 a Baseline Review of CYF functions was conducted¹³. This resulted in the development of a Care and Protection Blueprint, and an injection of new funding (8.5 million) to improve services (including education and mental health services for CYF clients). In 2006 CYF was merged with the Ministry of Social Development. The following section outlines current policies where CYF play a key role and where those policies impact on high needs children and young people.

High and Complex Needs Strategy

The High and Complex Needs (HCN) Strategy is an interagency strategy designed to provide funding and coordinated services to children and young people¹⁴ who demonstrate high and complex needs. These are defined as:

- “behaviours that cause a risk to the child or young person, or others
- needs so complex, or mixed up, that they cannot be met effectively by the usual local services
- ongoing and persistent needs that will take time to address
- intensive interventions are needed to make an improvement
- behaviours that place caregivers under extreme stress so they feel unable to provide care¹⁵” (www.hcn.govt.nz/factsheets/whatare.htm; 9 February 2010).

The strategy provides services to a small group of 70-150 young people across New Zealand at any one time.

The strategy was developed in 2001 as a joint initiative of the ministries of Health, Education, Social Development and the Department of Child Youth and Family Services. It recognised that local agencies sometimes lacked the resources to provide services to children and young people with the most challenging needs and aimed to improve this situation. The key philosophy behind the strategy is one of interagency collaboration.

In practice, the strategy is implemented by the High and Complex Needs Unit (www.hcn.govt.nz) which is based within Child Youth and Family in Wellington. The HCN Unit has five advisors located across New Zealand. Agencies working with a child or young person can apply to the HCN unit for funding to purchase additional services¹⁶ beyond that which local agencies are able to provide. Child Youth and Family does not need to be one of the agencies involved with the young person to apply for the funding. Each child or young person receiving HCN funding is supported by an interagency team working together towards one plan

to improve the child's wellbeing. One agency is expected to take the lead and manage any funding allocated to the child. The HCN unit supports this process, providing tools and resources.

Strengthening Families

Young people who have multiple needs will frequently have multiple agencies working with them and their families. Strengthening Families is a service designed to coordinate these agencies, usually around care and protection issues (although Child Youth and Family does not necessarily need to be involved). It was designed to coordinate agencies so there is no duplication in services and so that gaps in services can be identified and addressed. A Strengthening Families Coordinator facilitates meetings between the family and agencies concerned, with the aim of working through a single plan to meet that family's needs. The process is intended to move agencies from crisis response to early intervention to prevent situations from escalating.

Strengthening Families strives to enable family members to have a role in planning and decision making regarding their family. It is a voluntary service and differs from a Family Group Conference in that it is informal and not enshrined in law. This service tends to address a child or family's needs rather than specific safety concerns.

Strengthening Families coordinators are generally based in community agencies and the overall programme is administered by MSD (www.strengtheningfamilies.govt.nz).

Government Collaboration regarding Children in Care

- In response to ministerial concerns about conflicts arising over departmental responsibilities for children in care, a statement of collaboration was signed in 2008 between MSD, Health & Education. This statement "outlines how agencies will work together for the benefit of children and young people in care. It states that agencies will, individually and collectively, assess and meet the needs of these children and young people and make a particular effort to work together to provide timely co-ordinated services. Among other things, agencies will be expected to:
 - Give special consideration to children and young people in care so they can access and receive timely, effective co-ordinated services
 - Have particular regard to working together at the critical transition points in the lives of children and young people
 - Encourage children and young people and families and caregivers to maintain relationships
 - Encourage families and whānau and caregivers to participate in decision-making with their children and young people in care" (CYF 2008: 11).

This development has the potential to better coordinate services for young people with high level needs and/or using multiple service pathways. Interagency collaboration more generally is further discussed in a subsequent report.

Youth Transition Services¹⁷

The Youth Transition Service (YTS), co-ordinated through MSD, provides funding for regional programmes to assist youth transitioning from education into work. Specifically it aims to:

- Provide at risk youth aged 15 – 19 with access to career planning and job-seeking help
- Encourage and assist youth aged 15 – 19 to take advantage of education and training opportunities
- Provide school-leavers with customised support and guidance to facilitate their pathway into work, education or training.

YTS emerged from the joint Government and Mayor's Taskforce for Jobs (2003) who set an objective that all 15-19 year olds should be in work, education, training or other activities. At the same time Cabinet identified transition services for at-risk school leavers as a priority area. During that period, New Zealand's rates of young people not in work, education or training were high by international standards. There were concerns youth inactivity needed to be addressed both for the wellbeing of individual young people¹⁸ and for the future social and economic development of New Zealand more generally.

YTS provides support for 15-17 year olds although this is not necessarily financial support. Currently young people are not eligible for financial assistance until they are 18 years unless they are able to demonstrate exceptional circumstances¹⁹. In some such circumstances young people may be eligible for the **Independent Youth Benefit (IYB)**. The IYB is designed for young people who cannot live with their parents and are not financially supported by their parents or anyone else. It is available to young people aged 16 or 17 who don't have dependent children and who are not working full time. Young people who are moving from state care into independent living are often eligible for this benefit.

Transitions from Care to Independence

Transitions from Care to Independence (TFC) is a programme funded by Child Youth and Family which operates in the Auckland region. This programme provides support specifically to young people (15-17 inclusive) exiting state care and moving into independent living²⁰. It provides services tailored to the young person and usually includes mentoring, support around living, employment and training arrangements and advocacy. It is run by two providers²¹ in the Auckland area, catering to 100 young people (total) in 2008.

Family Violence Policies

In 1999 the New Zealand Police began to refer all incidents attended by police where a child or young person had witnessed family violence to CYF for their assessment and/or intervention. CYF state these referrals (known as POL 400 referrals) have increased notifications to their agency substantially since 1999 (CYF 2008).

Community Provision of Social Services for Children and Young People

Recently government has made moves towards bolstering community-provided social services and redirecting cases previously attended to by CYF towards these services. Government has asked CYF to focus its efforts on care and protection, which it perceives as the agency's core business. Government considers that many families notified to CYF do not require a statutory response and may be more appropriately supported through a community response.

Child Youth and Family's **Differential Response** initiative is a model for deciding on responses to notifications (CYF 2008). It was developed in response to increasing notifications of suspected child abuse or neglect and concerns that CYF was not necessarily the best place to deal with many of these, particularly those requiring support services rather than statutory intervention. The Differential Response initiative enables non-government agencies to become involved in initial responses to notifications through service provision particularly at an early intervention stage.

Differential Response was originally designed so that community agencies would complete some child and family assessments; however this aspect required legislative change. The Bill containing legislative amendments designed to support the full implementation of the initiative²² stalled awaiting a second reading. A revised process (whereby Child Youth and Family is responsible for carrying out child and family assessments and decisions regarding whether CYF action is required) has allowed Differential Response to be fully rolled out (by June 30 2009) through policy and practice changes.

Assessment and investigations of serious abuse or violence cases continue to be completed by Child Youth and Family. Complementing Differential Response, MSD's **Pathway to Partnership** (PTP) initiative, introduced in 2007, injected \$446 million into community based social services for children and families. This initiative aimed to improve the effectiveness and sustainability of community services using a fully funded model²³. In 2009 the new National-led government "redirected" \$104 million of the PTP fund into a **Community Response Fund** intended to "act as an 'emergency' fund for organisations experiencing high costs or demand...The Government also signalled its intention to work with community-based social services to reshape the funding model to ensure that funding delivered best value for money, reflected the policy priorities of the Government and positioned services to effectively respond when New Zealand emerged from the downturn" (O'Brien, Sanders & Tennant 2009).

Together and based on their original philosophies and funding levels, the Differential Response and Pathway to Partnership Initiatives have the potential to bolster early and more appropriate responses to children and families through community interventions, thereby preventing children and young people from becoming high-needs multiple service users. This shift to improved use of community services would also enable CYF to place greater focus on the most high-needs, high-risk children and families. There are some concerns however

at the potential for children and young people to slip through the cracks if NGOs are not well coordinated and well versed at re-referring children to CYF if serious risks become evident. Training for NGO staff through the NGO Social Work Study Awards may assist in minimising these concerns²⁴.

Following on from Pathway to Partnership, the **High Trust Contracting Model** also seeks to bolster community based social services, while empowering particular communities to find and manage local solutions to local issues for families. High Trust Contracts are intended to be simplified contracts which minimise reporting requirements, and replace the multiple contracts that some providers hold with multiple government agencies. Funding is paid in advance in an annual instalment, and reporting focuses on outcomes to enable flexible service delivery to families in response to their particular needs. The Ministry of Social Development expected to have 24 High Trust agreements in place by June 2010²⁵.

Whānau Ora

Introduced in 2010, Whānau Ora is “an inclusive, culturally-anchored approach to provide services and opportunities to whānau and families across New Zealand” (TPK 2010:1). Underlying this approach are the six goals identified by the Taskforce on Whānau -Centred Initiatives which suggested that whānau outcomes will be met when whānau are: self-managing; living healthy lifestyles; participating fully in society; confidently participating in Te Ao Māori; economically secure and successfully involved in wealth creation; and cohesive, resilient and nurturing (Taskforce on Whānau Centred Initiatives 2010).

Whānau Ora seeks to empower whānau as a whole rather than have multiple agencies “focusing separately on individual whānau members and their problems” (TPK 2010:1). Like High Trust Contracting, the Whānau Ora model is designed to be flexible in its approach to meet the particular needs of a whānau, and intends that agencies should work together to meet the whānau’s needs. Whānau will have a whānau ora practitioner who will “act as navigators or champions for whānau, helping them to develop a whānau plan and to access seamless health and social services (TPK 2010:2).

Whānau Ora is currently in early stages of development and implementation. In October 2010, Minister Turia announced the names of the 25 successful Whānau Ora providers who collectively had been awarded two million dollars from the Family Violence Whānau Ora Fund. Minister Turia also announced the launch of the \$6.6 million Whānau Integration, Innovation and Engagement Fund.

Future Developments

In 2007 and 2008 CYF identified the following as priorities for future development in working with high needs young people:

- Youth Offending: Addressing youth offending (CYF 2007) and improving outcomes for children and young people who offend (CYF 2008)

- Permanency: Achieving permanency for children (CYF 2007) and specialising foster care and using CYF carers as short term transition care, with earlier moves to permanency (CYF 2008)
- Outcome-focused residential facilities (CYF 2007)
- Enhancing leadership (CYF 2007)
- Improving transitions for children and young people through transition plans for all youth aged between 15 and 17 years in CYF care (CYF 2008).

DELIVERY

New Zealand's care and protection services are delivered by both statutory and community (NGO) agencies with NGO services playing an increasingly large role in this sector.

Child Youth and Family (CYF)

CYF, a service of the Ministry of Social Development, is responsible for providing and coordinating care and protection services, and meeting the requirements of the CYPF Act more generally. The CYPF Act gives CYF a 'duty of care' over all cases that come to its attention. CYF provides its own social work services. It also coordinates other providers and delivers some residential services. Increasingly CYF has placed its focus on cases involving serious child abuse/neglect and those requiring statutory intervention. The focus of CYF's service delivery²⁶ tends to be on the statutory functions of the CYPF Act²⁷ and CYF currently considers itself to be "primarily a care organisation" (CYF 2008:12). CYF also funds non-government providers to deliver services on their behalf.

NGO and Iwi Providers

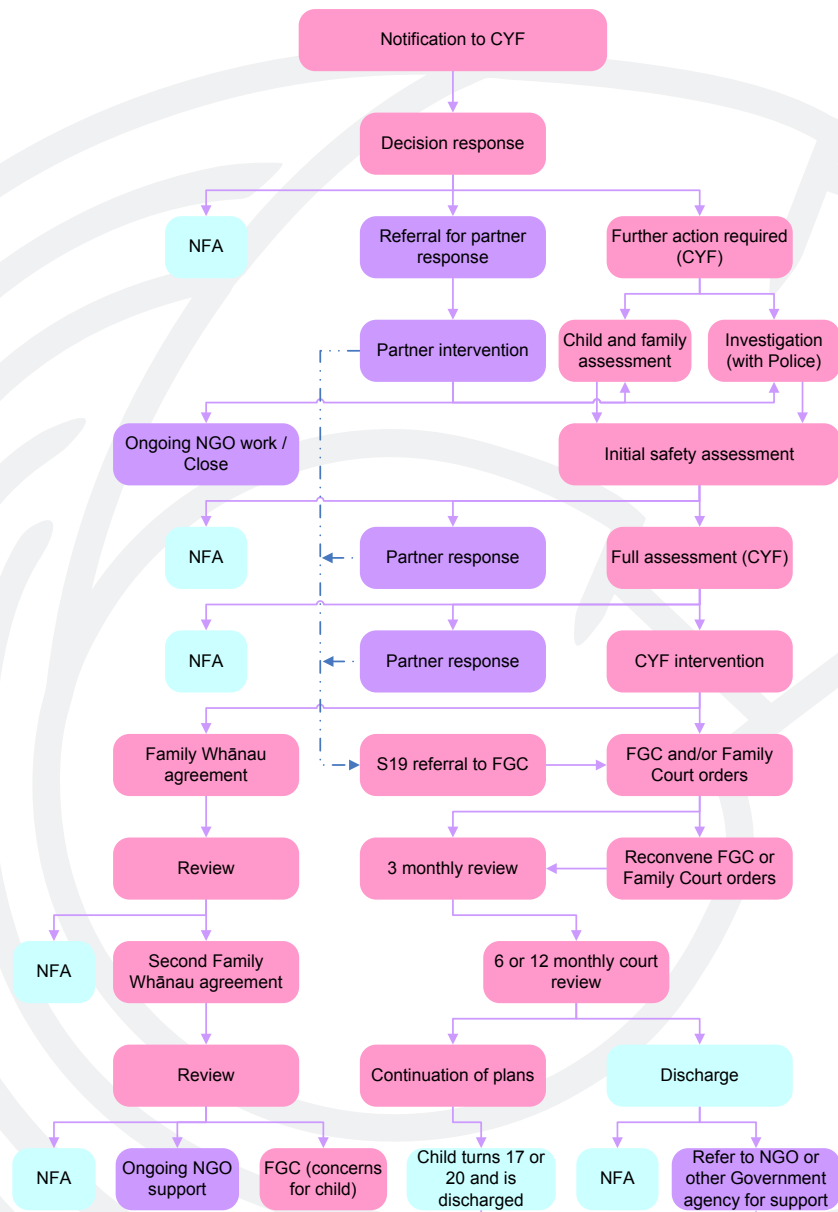
Non-statutory agencies, in particular community and iwi social services²⁸, play an increasingly larger role in the delivery of care and protection services in New Zealand. In 2004, there were 10,060²⁹ social service non-profit institutions operating in New Zealand. These agencies deliver a range of services including family and individual child/youth support, counselling services, mentoring and residential services. As CYF focuses increasingly on its statutory functions, this sector takes increasing responsibility for care and protection support services in particular.

More recently, non-government and iwi agencies have become involved early service provision for cases³⁰ which CYF has deemed suitable (i.e. not those reporting high levels of risk or violence).

Non government and iwi agencies also provide services to children, young people and their families who have never been in contact with CYF, although they are obliged³¹ to make referrals to CYF should the child or young person be in need of care and protection.

Delivery Processes

Care and protection services in New Zealand are delivered both by statutory and non-statutory agencies and there are a range of responses to children and families depending on their level of need. The flow chart below provides an overview of delivery processes in New Zealand. Further details follow the flow chart.



If a member of the public (including the child in question, their family member(s) or professionals involved with the child) has a concern about the abuse, neglect, self harm or behaviour of a child, they would most likely make a referral to CYF regarding their concern (referred to as a notification). In some instances notifications come to CYF through the police who may have become aware of a

child protection matter through their work. Families or professionals may also make a referral directly to an NGO/Iwi social service/support agency to provide support to a family with less immediate child protection concerns and in turn NGOs are able to make referrals to CYF where these arise from their involvement with a family. NGOs are also able to make a direct referral (s19 referral) to CYF for a family group conference.

Once a child has been notified, CYF uses a decision response tool and agency knowledge to inform their decision about what response is required, whether CYF should respond and within what timeframe, or if the family should be referred to an NGO for services through the Differential Response pathway.

If a decision is made that CYF should respond a social worker conducts a safety assessment within the required timeframes. Once safety is established (which may involve the social worker taking action to ensure a child's safety) a social worker will go on to either conduct a full assessment or investigation³²; to refer the case to an external agency if support is required and risk to the child is minimal; or to recommend no further action (NFA) be taken.

CYF investigations and assessments incorporate use of a range of practice tools and processes³³ and result in a decision about whether allegations of physical abuse, sexual abuse, emotional abuse, neglect and/or behavioural problems are substantiated. Social Workers then decide on the appropriate intervention which can (regardless of substantiation status) range from no action, a referral to an NGO or a FGC and/or family court orders.

Lower level interventions with families often entail a family whānau agreement, which is an informal agreement between the family and CYF over a fixed period of time and involving specific tasks. Higher level interventions with families require an FGC to decide whether the child or young person is in need of care and protection.

An FGC (family group conference) is a meeting to facilitate family decision making regarding a child or young person. Family/whānau (with family broadly defined to include extended family), and involved professionals (teachers, counsellors, social workers etc) are invited to attend. The conference must first decide if a child or young person is in need of care and protection. Once that is agreed a plan is agreed to concerning how the needs of the child or young person (including their safety needs) will be met by all parties. In some situations cases may proceed to the Family Court particularly where a custody order for the child is needed. If the FGC cannot reach an agreement yet the social services involved believe there are care and protection concerns, the social worker determines whether the conference can be reconvened or whether the decision should be made by the Family Court.

At any stage from the point at which the safety assessment is made, children or young people may be placed away from their families either in family/whānau

care or in CYF care³⁴. CYF owns 79 family homes (foster type settings) that accommodate approximately 400 children. It also operates eight residences with 186 beds in total, although a large proportion of those beds are allocated to youth justice services³⁵ and it is uncommon for a child to be placed in a residential home for care and protection reasons. NGOs also provide residential services, some of which can be accessed without CYF involvement, and some of which CYF purchases from NGOs to accommodate children they are working with.

In all cases interventions with families should be reviewed regularly, where court plans are in place these need to be reviewed six monthly for children under seven year and yearly for children seven plus.

Police and specialist police teams play a significant role in the delivery of care and protection services. Police make referrals to Child Youth and Family for a range of reasons. Police have specialised Child Protection Teams that commonly work alongside CYF social workers in investigations, and specialised police staff may be involved in conducting evidential and diagnostic interviews with young people (CYF staff also carry out these interviews).

In New Zealand cases involving care and protection matters are heard before the Family Court, although criminal proceedings (e.g. if police decide to press charges against someone for child abuse) may be heard in the District or High Courts.

STATISTICS

The following section outlines key statistics³⁶ regarding care and protection services to young people in New Zealand, focussing on those aged 13-17 years.

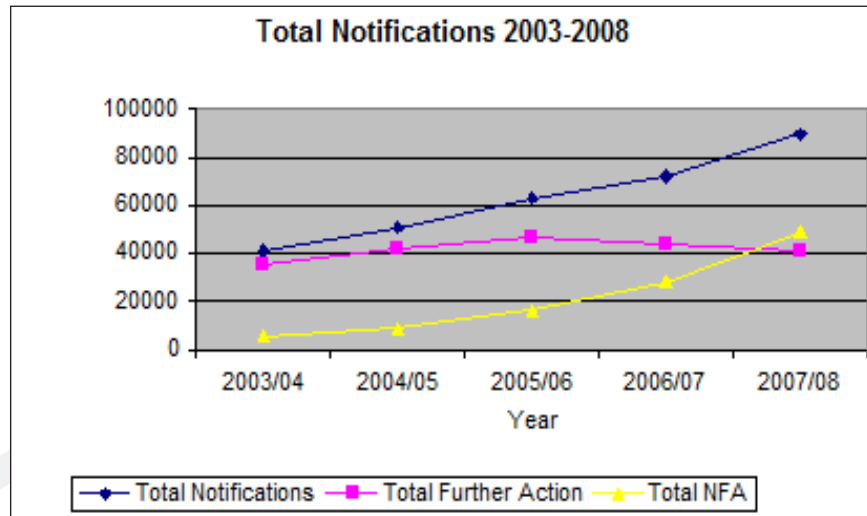
CYF Clients

In 2008 CYF had 27562 clients (including both care and protection and youth justice clients).

- Young people aged 10-13 comprised just under 20% of total CYF clients
- Young people aged 14-17 comprised 26% of total CYF clients
- Young people 18+ comprised 6% of total CYF clients
- Young people 10-18+ comprised a total of 52% of CYF clients³⁷ (MSD 2008b).

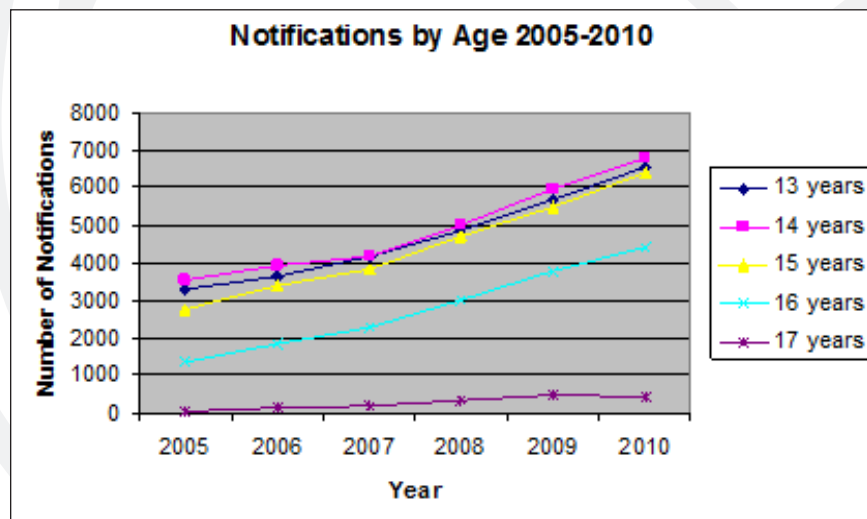
Notifications

Child abuse and neglect notifications to CYF for all age groups (zero to sixteen years) trended steadily upwards from 2000 to 2008 (CYF 2008). There was a significant increase (31%) in notifications from 2007-2008. CYF says this reflects a significant increase (27%) in the proportion of family violence POL400 notifications from Police (CYF 2008).



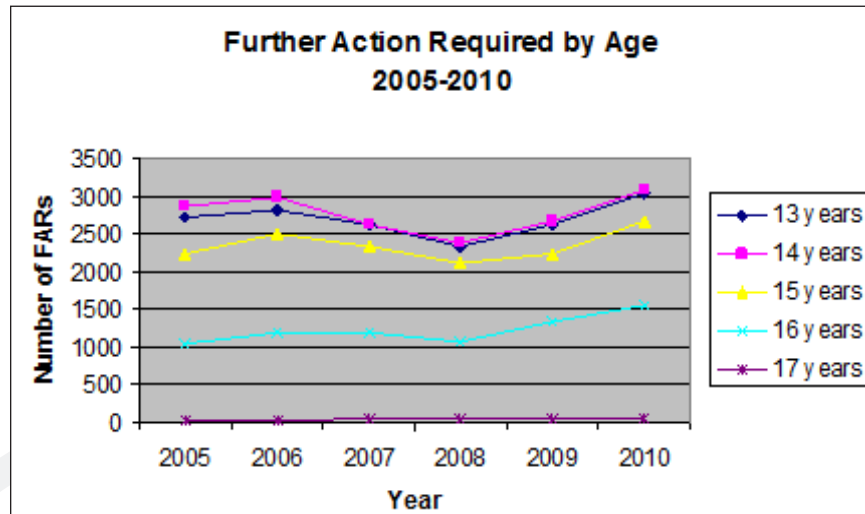
Source: CYF 2008

The figure below depicts the number of notifications for thirteen to seventeen year olds between 2005 and 2010, broken down by age. This shows an increase over time consistent with the overall statistics. Notifications for fourteen year olds were highest, followed by thirteen year olds. Notifications for seventeen year olds were much lower over this period.



Source: CYF CEI data

Between 2005 and 2010, the number of notifications on young people (thirteen to seventeen years) assessed as requiring CYF intervention (further action required or FAR) has also increased, although there was a slight decrease in 2008.



Source: CYF CEI data

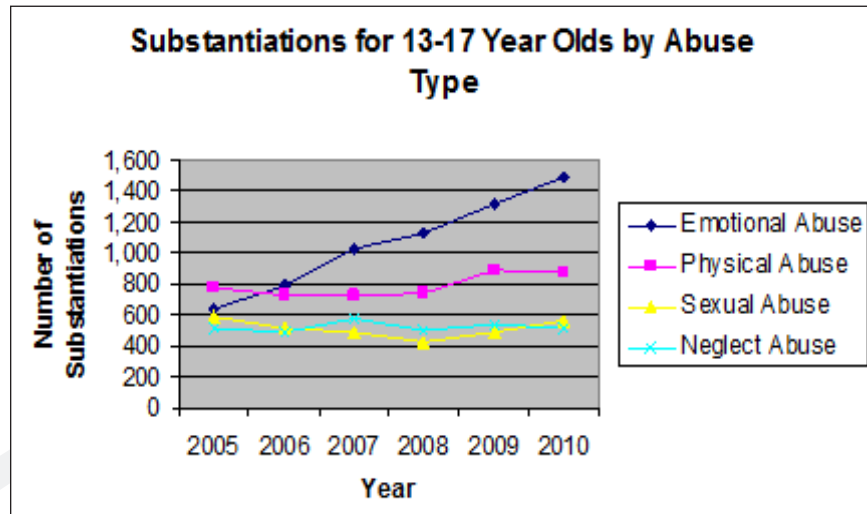
The data shows the proportion of notifications which CYF takes action on is higher for younger adolescents. In 2010:

- 46% of notifications on thirteen year olds required further action
- 45% of notifications on fourteen year olds required further action
- 42% of notifications on fifteen year olds required further action
- 35% of notifications on sixteen year olds required further action
- 9% of notifications on seventeen year olds required further action³⁸.

CYF note their rate of repeat renotifications (for all ages) at 67% is “too high” (CYF 2008: 22). This statistic refers to the number of notifications received over a 10 month period (1 July 2007 – end of May 2008) which was a second or subsequent notification made about a particular child, at any point in that child’s life. In other words, of the 90,128 notifications received by CYF in 2008, 67% (60,225) of these were about children who had, at some point during their lives, already been known to CYF. It should be noted these numbers refer to the number of notifications made rather than the number of children, that notifications are not always found to be true, that notifications can be made about a child that CYF is already working with, and that a child may receive multiple notifications about the same incident or over the same period (1 July 2007 – end of May 2008). It would be more enlightening to know how many children and young people with closed files had been re-notified to CYF over a one year period.

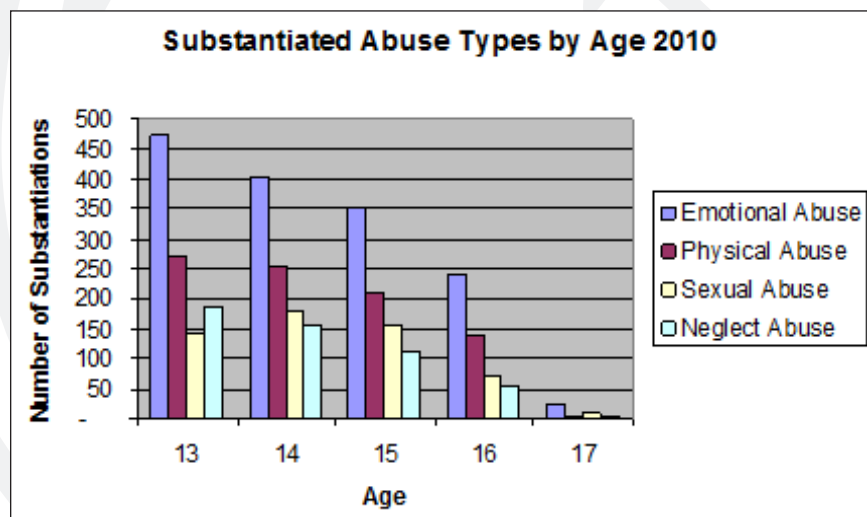
Investigation Findings

Between 2005 and 2010 there was a large increase in the number of substantiated cases of emotional abuse of young people aged thirteen to seventeen. This is consistent with an increase in substantiations of emotional abuse across all age groups from 2003 (CYF 2008). Substantiated cases of physical abuse also increased, while substantiations for sexual abuse and neglect remained relatively consistent over time.



Source: CYF CEI data

This increase may be due to changes in social work practice or data recording. It should be noted that multiple forms of abuse may be recorded against one incident, and it is common for social workers to make a finding of emotional abuse alongside other types of abuse or neglect. The figure below looks at substantiated abuse types by age in 2010.



Source: CYF CEI data

Emotional and physical abuse were most commonly substantiated, followed by sexual abuse (except for thirteen year olds where neglect was more common). There are some differences³⁹ in the types of abuse experienced by young people according to their age. Looking at abuse type (emotional, physical, sexual or neglect) as a proportion of the total number of substantiated cases for each age from thirteen to seventeen in 2010:

- Emotional abuse was most common for 17 year olds, comprising 62% of all substantiations for that age group. Emotional abuse comprised 48% of substantiations for sixteen year olds, 45% for thirteen year olds, 42% for fifteen year olds and 40% for fourteen year olds
- Physical abuse was most commonly substantiated for sixteen year olds at 27%, although made up very similar proportions for thirteen to fifteen year olds (25% for thirteen year olds, 26% for fourteen year olds and 25% for fifteen year olds). Seventeen year olds had a much smaller proportion of physical abuse substantiations at 11%
- Sexual abuse was more commonly substantiated for seventeen year olds (22%), followed by fifteen year olds (19%), fourteen year olds (18%), sixteen year olds (14%) and thirteen year olds (13%)
- Proportions of substantiated neglect decreased with age, comprising 17% of all substantiations for thirteen year olds, 16% for fourteen year olds, 14% for fifteen year olds, 11% for sixteen year olds and 5% for seventeen year olds.

There are some interesting differences⁴⁰ in the types of abuse experienced by young people (13-17) according to their ethnicity. Looking at abuse type (emotional, physical, sexual or neglect) as a proportion of the total number of substantiated cases for Maori, Pakeha/European and Pacific thirteen to seventeen year olds in 2010:

- Emotional abuse was more commonly substantiated for Maori young people (52%) than Pakeha (45%) and Pacific (45%) young people. This was also true in 2009 (although figures differed)
- Physical abuse was more commonly substantiated for Pacific young people (29%) followed by Pakeha (23%) then Maori (21%) (though noting that in 2009 substantiations were higher for Maori (24%) than Pakeha (20%))
- Sexual abuse was more commonly substantiated for Pakeha young people (16%) than Maori (10%) and Pacific (11%) young people. This was also true in 2009 although figures differed
- Rates of substantiated neglect were similar across ethnicities in 2010 (Maori 17%, Pakeha/European 16%, Pacific 15%), although in 2009 substantiations were lower for Pacific young people (15% compared to 21% for Pakeha and 20% for Maori)

It is important to note that some young people are involved with CYF for reasons other than the substantiated forms of abuse reviewed here; for example the data supplied by CYF did not include information on cases where CYF is involved because of a young person's behaviour or relationship problems with their caregivers, nor did it include data on concerns for a young person's risk of self harm or suicide.

Children in Care

At 30 June 2008 there were 4522 children and young people in care and protection placements through CYF. This was a slight decrease from 2007 when the number of children and young people in care and protection was 5044.

- In 2007 the number of young people aged 10-13 in care was 1248 (24.7%), and in 2008 it was 1204 (26.6%)
- In 2007 the number of young people aged 14-18 or over was 1230 (24.3%). In 2008 it was 1063 (23.5%)
- In 2007 and 2008 approximately 53% of children and young people in care and protection placements were male (MSD 2008b).

Over 2007 and 2008, approximately 43% of children in care were in a family/whānau (kin-care) placement⁴¹, and 35% were placed with CYF caregivers. The remainder were in placements funded by CYF bednights (approximately 14%), in family home placements (approximately 4%), CYF residences (approximately 0.1%) or 'other' care (1.5-3%).

COSTS OF SERVICE

Calculating the costs of care and protection services in New Zealand is a challenging task. In doing so we need to consider how care and protection is defined, what to exclude and what to include. Should we only consider the current spend on providing services to children and young people who have experienced child abuse and neglect? Should we include costs of preventative services? Should we think beyond service provision to the broader economic cost of child abuse and future/opportunity costs?

Identifying the distinct costs of care and protection services can also be problematic. While some agencies deal with care and protection matters as part of their regular work (Police, Health Services, Work and Income) the costs of these services are not readily available or are subsumed within general operating costs. Similarly non-government agencies that raise their own funds (through donations or otherwise) do not always provide details of their spending on care and protection distinct from other social service provision.

In a report commissioned by Every Child Counts, Infometrics (2008) estimated child abuse and neglect generated a cost of \$2 billion per year to New Zealand. This was based on international cost estimates and included:

- Direct consequences of child abuse and neglect (e.g. health care, child welfare services, justice system costs) making up approximately 32% of the total
- Ongoing health, education and criminal consequences for child abuse victims in later life which made up approximately 36% of the total
- Future costs resulting in a decline in productivity "as victims fail to meet their potential", which comprised approximately 32% of the total (Infometrics 2008:3).

Government Spending

The following tables outline estimates of appropriation⁴² for care and protection services reported in Treasury documents. It is very difficult to calculate exact figures for proposed government expenditure on these service types. Money is allocated from a number of different Votes and within Votes it is allocated across a number of categories. These figures are therefore indicative only.

Category	Vote	Amount Appropriated 09/10 \$000
Care and Protection Services	Social Development ⁴³	\$303,310
Family and Community Services	Social Development	\$29,827
Social Policy Advice	Social Development	\$52,474
Prevention Services ⁴⁴	Social Development	\$5,104
Education and Prevention Services (purchased in) ⁴⁵	Social Development	\$8,766
Counselling and rehabilitation services (for children, young people and families – purchased in) ⁴⁶	Social Development	\$16,906
Family Wellbeing Services ⁴⁷	Social Development	\$52,816
Strong Families ⁴⁸	Social Development	\$100,769
TOTAL		\$569,972

Notes

Included:

- The Family and Community Services figure may include funding for services not solely dedicated to care and protection issues (and thus will overestimate the overall care and protection spend)
- The Social Policy Advice figure may include advice on policy issues outside of care and protection (and thus will overestimate the overall care and protection spend)
- The Family Wellbeing Services figure will include funding for services not solely dedicated to care and protection issues (and thus may overestimate the overall care and protection spend)
- The Strong Families figure may include some services to families not currently experiencing care and protection concerns.

Excluded:

- Vote Social Development figures do not include the following (which may support social service responses to care and protection issues)
 - Development and Funding of Community services (Management of government funding of community based social and welfare services) appropriation (\$7.761m)
 - Children's Commission appropriation (\$1.757m)
 - Families Commission appropriation (\$8.170m)
 - Connected Communities appropriation (\$4.644m)
 - Strengthening Providers and Communities appropriations (\$5.803m)
 - Independent Youth Benefit (\$19.376m)
 - Orphan's/Unsupported Child's Benefit (\$97.056)
- Health costs (medical treatment, funding of child abuse medical specialists etc.) incurred as a result of care and protection matters
- Police costs incurred as a result of care and protection matters (funding for specialist child abuse teams etc)

- Court costs related to care and protection matters (noting Family Court costs are not distinguished from District Court Costs in Treasury Appropriations and thus have been excluded from this list)
- Costs incurred by the Education system in dealing with care and protection matters (e.g. training on child protection; working with CYF on investigations etc)

Other Notes:

- Child Youth and family note that provision of care services for children and young people in their custody is the most costly aspect of their work and that high needs young people account for 20% of the total cost of children in care (CYF 2008: 19)
- \$407.028 million budgeted for CYF in 2008/09. Of this, \$122.587 million (31%) budgeted for spending on providers (NGOs) (CYF 2008: 19)

NGO Spending

While difficult to calculate dollar costs of the community sector's financial contribution to the care and protection sector alone, the following facts suggest it should not be underestimated:

- New Zealand's non profit sector contributes 2.6% to New Zealand's Gross Domestic Product. Social Service Not for Profit Institutions (including social services, emergency & relief organisations, income support & maintenance organisations and support and ancillary services) contribute 22.6% to this 2.6%. (OCVS 2010)
- Over a 12 month period:
 - 401,000 people supported children's welfare (volunteered, donated or other)
 - 416,000 supported family support services (volunteered, donated or other)
 - 301,000 supported youth services and welfare (volunteered, donated or other) (OCVS 2010)
- The 2004 Value Added by Voluntary Agencies report estimated more than 7.6 million voluntary hours were contributed to just ten major social service organisations over a 12 month period, at a conservative value of \$126 million in 2002. (Value Added by Voluntary Agencies (VAVA), 2010).

SUMMARY

New Zealand's care and protection system is legislated predominantly by the Children Young Persons and their Families (CYPF) Act 1989, with additional guidance from the Care of Children Act 2004 and s59 of the Crimes Act 1961. The United Nations Convention on the Rights of the Child, the Children's Commissioner Act 2003 and the Public Finance Act 1989 also influence the operation of the care and protection system.

Care and protection services in New Zealand are delivered by the national statutory agency Child Youth and Family (CYF), with additional services provided by non-government agencies and iwi providers. CYF has a 'duty of care' under

the CYPF Act, and is responsible for meeting the requirements of the Act. Traditionally the services provided by non-government and iwi agencies have been in the form of family support, though increasingly this role is extending into early service provision. Specific delivery processes are outlined more fully within this report.

Police also play a role in New Zealand's care and protection system with specialised Child Abuse and Family Safety teams who frequently make referrals to and work with CYF. New Zealand has developed a specific Family Court which hears cases involving care and protection issues, although in some instances (e.g. if police decide to press charges against someone for child abuse) proceedings may be heard in the District or High Courts.

CYF and the Ministry of Social Development provide most policy guidance regarding child protection services in New Zealand. A range of current policies have direct bearing on the care and protection of young people with high needs who may be multiple service users. The High and Complex Needs Strategy, Strengthening Families and interagency statements of collaboration all provide guidance for coordinating services and funding for young people who use multiple services, with the High and Complex Needs strategy targeting a very specific group of young people. Youth Transitions Services and the Transitions from Care to Independence initiatives both aim to provide support to young people transitioning from youth into adulthood. The Differential Response Service pathway guides decision making around which young people receive which care and protection initial responses (state or community based). Pathways to Partnership and the Community Response fund are both models for funding community based social services, and Whānau Ora is a specific "culturally-anchored" approach to both shaping and funding services and opportunities for whānau and families.

In 2008, young people aged 14-18+ comprised 32% of CYF's clients although this figure includes both youth justice and care and protection. This same age group made up approximately 13-16% of the cases CYF deemed as requiring further action between 2003-2008. Young people 14-18+ comprised approximately 24% of those in out of home care in 2007 and 2008. Maori children and young people are generally over-represented in the child protection system in New Zealand.

While calculating the costs of care and protection services is challenging, in 2008 Infometrics estimated child abuse and neglect generated a cost of \$2billion per year to New Zealand. In terms of actual government spending and again noting challenges in calculations, government appropriations to deal with child protection issues for 2009/2010 were for approximately \$570,000,000. The not for profit sector contributed 2.6% to New Zealand's gross domestic product in 2009, and a conservative estimate of the voluntary contribution of just ten major social service organisations was estimated at \$126 million.

ENDNOTES

¹ http://www.legislation.govt.nz/act/public/1989/0024/latest/whole.html?search=ts_act_Children+young+persons+and+their+families+act_rese&p=1#d1m149436

² A paramountcy principle was contained within the previous (1974) legislation.

³ The House refers to New Zealand's Houses of Parliament. More information on New Zealand's parliamentary system can be located here: <http://www.parliament.nz/en-nz/Default.htm>.

⁴ Currently the Act covers children under 17 years, noting that where CYF has legal guardianship of a young person they may be involved until that young person is 20.

⁵ A Bill must go through three readings and a royal assent through the Governor General before it is enacted.

⁶ The Bill is waiting its' second reading however needs to be reinstated by a resolution of the House to continue (BIM 2008:13).

⁷ A full summary of UNCROC principles is included as Appendix One.

⁸ A social marketing campaign on family violence in 2009 used the tag-line 'Its Not OK'.

⁹ www.occ.org.nz.

¹⁰ In line with trends towards managerialism / New Public Management (NPM).

¹¹ A notification is a contact to Child Youth and Family to express concerns for the safety of a child.

¹² An unallocated case is a case that does not have an assigned social worker.

¹³ This review was conducted by Treasury, Ministry of Social Development, State Services Commission and Child Youth and Family, at the request of CYF and Steve Maharey, the then Minister for Social Development (www.beehive.govt.nz/node/18176).

¹⁴ Defined as aged 0-21 years.

¹⁵ Other criteria include that the child or young person already accesses existing local services, has continuing unmet needs and that these needs span to or more of the education, health and disability and care and protection sectors.

¹⁶ These services must be short-term and intensive, not as an alternative funding source for existing services.

¹⁷ It is important to note the term 'transition services' is used across sectors to refer to different policies or strategies. The education sector refers to transitions from alternative or special education to mainstream education. CYF has a Transitions from Care to Independence pilot project specifically for young people leaving care. MSD currently funds the Youth Transitions Services (YTS) which provides funding and resources to assist youth (particularly those with higher needs) transitioning from education into work.

¹⁸ "young people who experience prolonged inactivity are at a heightened risk of a range of poor lifetime outcomes including lower earnings, higher rates of unemployment, criminal offending and mental ill health" (<http://www.cmyts.co.nz/about-yts/>: Feb 9 2010).

¹⁹ <http://www.workandincome.govt.nz/community/a-z-grants-and-other-help/youth-transition-service.html>.

²⁰ <http://www.treasury.govt.nz/publications/informationreleases/budget/2007/pdfs/b07-cabmin07-12-1-6.pdf>.

²¹ Dingwall Trust runs a service called 'Launch' and Youth Horizons runs a service called 'Ka Awatea'.

²² The Bill (No.6) contains a clause (section 17D) which would enable an approved organisation (other than CYF) to undertake child and family assessments.

²³ The then Labour government hoped to strengthen the relationship between government and NGO providers, recognising that community based providers played an essential role in supporting families and that in some cases community responses are more appropriate than state interventions. <http://www.msd.govt.nz/about-msd-and-our-work/work-programmes/initiatives/pathway-to-partnership/key-information/key-information-background.html>.

²⁴ <http://www.familyservices.govt.nz/working-with-us/programmes-services/connected-services/ngo-social-work-awards.html>; retrieved 11 March 2011.

²⁵ <http://www.familyservices.govt.nz/working-with-us/funding-and-contracting/high-trust-contracting/high-trust-contracting.html>; accessed 14 March 2011.

- ²⁶ A full list of CYF services is provided in the 2008 BIM, page 14.
- ²⁷ Over the years CYF has placed an increasing focus on its statutory functions and devolved its 'softer' services (preventative and support work) to the voluntary/ non government and iwi sector.
- ²⁸ Iwi social services are services provided by iwi (Maori 'tribe') based on the view that iwi are better placed than statutory agencies to provide social services particularly to Maori children and families.
- ²⁹ Data drawn from Statistics New Zealand's Non-Profit Institutions Satellite Account 2004 and summarised by the Office for the Community & Voluntary Sector, March 2009 www.ocvs.govt.nz. This group consists of child welfare, child services and day care, youth services and youth welfare, family services, services for the handicapped and elderly, and self-help and other personal social services (e.g. YMCA, Girl Guides, family violence prevention, Age Concern, Parentline and addiction counselling).
- ³⁰ The 'partner response' system under CYF's differential response model.
- ³¹ New Zealand does not have mandatory reporting of child abuse/neglect, however there are protocols in place between CYF and most community providers to guide providers to make referrals where they have concerns regarding a child or young person.
- ³² An investigation differs from an assessment in that it is a response to a serious concern of harm or abuse that may require police involvement. An assessment is less intrusive and less forensically focussed than an investigation.
- ³³ Further detail on CYF processes and practice tools is available here: <http://www.practicecentre.cyf.govt.nz/index.html>.
- ³⁴ This may be arranged informally with the family (i.e. to provide respite while the investigation is completed) or may require a court order affecting the child's custody. Where a court order is required this process generally must be made 'on notice' (where the family is given warning of impending court proceedings) however in some circumstances orders can be made ex-parte (without notice to the family).
- ³⁵ Statistics from CYF 2008.
- ³⁶ In all cases where a year is reported it refers to the financial year.
- ³⁷ Note that 264 of the total clients did not have ages recorded with consequent affects on the accuracy of these figures.
- ³⁸ Personal communication, CYF.
- ³⁹ Noting significance has not been tested.
- ⁴⁰ Noting significance has not been tested.
- ⁴¹ While these young people may be subject to a care order placing them in the care of the CE of CYF, their physical placement may be with members of their own (often extended) family.
- ⁴² The Estimates contain requests from Vote Ministers for appropriations. An appropriation provides a Vote Minister with authority to incur expenditure, expenses or liabilities. It establishes the maximum expense, liability or expenditure that can be incurred (<http://www.treasury.govt.nz/budget/2009/estimates>: March 2010).
- ⁴³ Treasury: Vote Social Development Appropriations 2009/10.
- ⁴⁴ Departmental provision of education and advice services for the prevention of child abuse and neglect, and the promotion of the wellbeing of children, young people and families.
- ⁴⁵ Purchase (from a non-departmental source) of education and prevention programmes and initiatives that aim to provide skills to children, young people and families who are at risk of harm or abuse, which will help them reduce the risk of that abuse or harm.
- ⁴⁶ Purchased services (from a non-departmental source). This also includes services for youth justice issues.
- ⁴⁷ Purchase of services that aim to improve the life outcomes for children, young people and families through support and development programmes, and programmes that will prevent any future harm or abuse.
- ⁴⁸ Purchase of services to improve outcomes for families and their members. These services aim to support vulnerable families with a focus on prevention and early intervention.

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APPENDIX ONE: SUMMARY OF UNCROC RIGHTS / PRINCIPLES

From Ministry of Youth Development website, 2 Feb 2010-02-02:<http://www.myd.govt.nz/documents/working-with-young-people/uncroc/2006-07-appendix-1-uncroc-summary-table.pdf>

Article	Summary of rights / principles
1	UNCROC applies to everyone under 18 years of age
2	The right to protection from discrimination or punishment on any grounds*
3	The best interests of the child should be a primary consideration*
4	The Government should make UNCROC rights a reality
5	Government should respect the rights and responsibilities of families to direct and guide their children
6	The rights to life, survival and development*
7	The right to a name, to acquire a nationality and to know and be cared for by parents
8	The right to an identity
9	Children should not be separated from their parents unless it is in their best interests
10	Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or reunite as a family
11	Children should not be taken out of the country illegally
12	The right for children to have an opinion and for that opinion to be heard in all matters affecting the child*
13	The right to freedom of expression*
14	The right to freedom of thought, conscience and religion*
15	The rights to freedom of association and peaceful assembly*
16	The right to privacy
17	The right of access to all media
18	The principle that parents have primary responsibility for upbringing of child and States to give assistance and ensure institutions, services for care of children
19	The right to protection from harm or maltreatment
20	The right to special protection and support for children who cannot live with their parents
21	Best interests of child to be the paramount consideration in system of adoption, and that adoption take place on basis of informed consent, limiting intercountry adoptions and ensuring intercountry adoptions have same safeguards as national adoptions, and preventing financial gain in intercountry adoptions.
22	The right to special protection and support for refugees and children seeking refugee status
23	The right to special care and education for children who are mentally or physically disabled
24	The right to the highest attainable standard of health and to facilities for treatment and rehabilitation
25	The right for children placed away from home to have their treatment reviewed regularly
26	The right to benefit from social security
27	The right to an adequate standard of living, including material assistance and support to parents or others responsible for care regarding nutrition food, clothing and housing
28	The right to education, and to dignity in administering school discipline
29	The right to the kind of education that develops one's personality and abilities and encourages a respect for people's rights and values and the environment
30	The right for indigenous children and children in minority groups defined by race, religion or language to enjoy their own culture, practise their own religion, and use their own language
31	The right to recreation and participation in cultural life and the arts

32	The right to protection from economic exploitation and work that is bad for health or interferes with education
33	The right to be protected from dangerous drugs
34	The right to be protected from sexual exploitation and abuse
35	The right to protection from abduction and sale and trafficking
36	The right to protection from any other kind of exploitation
37	The right not be punished in a cruel, degrading or hurtful way or deprivation of liberty unlawfully or arbitrarily, and that arrest, detention or imprisonment to be as a last resort and for the shortest appropriate period; the right, if deprived of liberty to be treated with humanity and respect for dignity.
38	The right to protection in times of armed conflict; under-15-year-olds should not be eligible to join an armed forces or participate in hostilities
39	The right to help and support for children who have been abused or maltreated
40	The right to a range of protections for children accused of breaking the law
41	States may provide for further compatible rights offered to children above and beyond UNCROC
42	Information about UNCROC should be widely disseminated by the Government
Articles 43 - 54 detail the processes by which States' UNCROC commitments are entered into, reported on and administered	
*General principles of UNCROC as determined by the UN Committee on the Rights of the Child-	
Optional Protocols to UNCROC	Optional Protocol to the Convention on the Involvement of Children in Armed Conflict (ratified by NZ in 2001)
	The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (signed by NZ in 2000 but not yet ratified)

These rights may be subject to limitations prescribed in law necessary for the protection of rights or freedoms of others, or the national security, public safety or order, health or morals

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