

## **Children's Action Plan Legislation: Questions and Answers for media**

### **What's changing for the five agencies responsible for vulnerable children?**

Police, Education, Health, Justice and Social Development must work together to develop, deliver and report on a cross-agency plan to protect vulnerable children and improve their wellbeing.

New legal obligations require the heads of those agencies to be jointly accountable for vulnerable children; this will be in their individual performance agreements.

These agencies (and those they contract to) must have child protection policies guiding staff to identify and report child abuse and neglect. The new policies will directly affect frontline staff in the way they work.

### **Which individuals are affected by the new performance expectations?**

The Chief Executive of the Ministry of Social Development, the Secretary for Education, the Director-General of Health, the Secretary for Justice and the Commissioner of Police.

### **What transparency will there be around this?**

Chief Executives have to report back annually to responsible Ministers on the cross-agency plan. The plan will be published and progress also reported publicly.

### **Why is this necessary?**

Because only Child, Youth and Family and Police currently have a statutory responsibility, other agencies haven't always identified and followed up on child abuse and neglect.

In some cases of serious child abuse, agencies haven't been well co-ordinated. We can better protect children with true accountability from the frontlines to the very top.

### **Are there any other accountability levels?**

Yes, there is a Vulnerable Children's Board which is already in place and has been meeting regularly, it includes the heads of the five government departments mentioned above and also Te Puni Kōkiri and the Ministry of Business, Innovation and Employment.

This Board reports to a Ministerial Oversight Group of responsible Ministers.

### **There are new child protection policies, which agencies will adopt these?**

The Ministries of Business, Innovation and Employment, Education, Health, Justice and Social Development, Te Puni Kōkiri, New Zealand Police, District Health Boards, and Boards of Trustees of State schools. Other agencies may be added by Order in Council.

Contractors and government funded agencies will also have to adopt these policies.

### **What about, business, community and volunteer organisations?**

It will be voluntary for these organisations (if not contracted by central government) to follow the same guidelines. It is expected that many will take part in order to be seen to hold to the same high standards. The Government is leading the way.

### **How will these policies make a difference?**

Many people who work with children are in a position to spot signs of abuse or neglect and act on it – but not everyone knows what to do about it. These policies will make it clear.

In the case of the 9 ½ year old seriously abused in West Auckland, 25 agencies were involved – at least seven were government agencies. The Ministerial inquiry found lack of co-ordination and inaction between them contributed to abuse not being picked up.

### **Isn't this mandatory reporting?**

It's a more sophisticated approach to the blunt instrument of mandatory reporting, which has some real drawbacks. It's a big change for government professionals working with children, to ensure they know what to do if they suspect abuse, and they'll be held to account by their organisations for failing to comply with the policies.

### **What does screening and vetting involve?**

- Identity verification – proof people are who they say, including former identities
- Information requirement – thorough Police, records, history & behaviour checks
- Risk assessment – judgement based process for interviewing staff
- Periodic re-assessment – every three years.

### **Why is it necessary?**

We know that some child abusers seek positions working with children. There is a large workforce employed by central government or on government contracts and those working with children will be subject to standard, thorough checks to ensure safety.

### **Who does it apply to?**

Everyone in the Children's Workforce, employed (or contracted) by central government to deliver services (roughly 376,000 people) will be subject to screening and vetting.

### **What about the workforce restriction?**

The Bill contains a permanent workforce restriction to prevent people with serious convictions from working alone with children.

**Scenario:** A man convicted of sexual offences against teenage boys goes for a job as a teacher at the local boys' school under a new name. He applies for a job, gets an

interview and presents well. The school does the standard safety check. The verification standard unearths his old name and he is exposed.

**Historical convictions scenario:** Over 20 years ago, a man was convicted of sexually abusing a teenage girl. He's now working as a teacher's aide at a school, which is aware of his conviction. When the workforce restriction is phased in, he'll be restricted from working alone with or having control of children. To continue working in his role he'd need to get an exemption.

### **What's changing for seriously abusive parents who go on to have more children?**

Currently when another child is born into this situation Child, Youth and Family must show the court the child is likely to suffer harm. This legislation reverses the onus of proof so the parent will have to demonstrate they are safe to parent the new baby.

Child, Youth and Family will make a safety assessment. The Family Court will have oversight of every case and will ultimately make the final decision.

### **Why is this needed?**

There are parents who've had a child previously permanently removed because of abuse or neglect, or who've been convicted of murder, manslaughter or infanticide of a previous child. Past behaviour can be a good indicator of future behaviour. This is a tool to help protect children.

### **How will it apply and to whom?**

Parents who have previously had a child permanently removed from their care due to abuse or neglect, or who have been convicted of the murder, manslaughter or infanticide of a previous child, when they go on to have or care for another child.

- Around 300 children a year are removed into care having been born to parents who've already had a child permanently removed from them.

This will be retrospective, so it will apply to all previous and historic cases where a child was permanently removed or killed by their parents, before the legislation was passed.

### **What say does the parent have?**

They have a chance to demonstrate they're safe to parent and can appeal decisions.

### **What are the Child Harm Prevention Orders?**

Civil orders placed on adults at high risk of abusing children in the future. Restraining and harassment orders are examples of civil orders that currently exist.

### **Who will they apply to?**

Anyone with a previous conviction of a specified serious offence against a child (Select Committee will consider the list of offences). It will also apply when there is no

conviction but the Court believes the person to be responsible for a serious offence against a child on the balance of probabilities. This standard of proof is the same used for restraining and harassment orders.

**Who places the orders on a person?**

Both the High Court and District Court will have this power.

**How long will it last?**

Up to a maximum of ten years, but if the risk remains, the Court can impose another order. The order will be reviewed annually by a review panel and every three years by the Court.

**What are the guardianship changes for children in Home for Life?**

New guardianship orders will enable guardianship rights of birth parents who unfairly disrupt their children's lives in the new placement to be curtailed.

**How and how often does this occur?**

In a variety of ways and frequently. Some parents who've had a child or children removed because of serious abuse or neglect continue to disrupt the new family home. This can mean upsetting and aggressive contact visits, vetoing overseas holidays and vexatious and prolonged challenges to Court orders imposed to protect the child.

**Isn't this a big step to take?**

Yes it is and would only happen when the Family Court decided it was in the child's best interests to curtail those rights. These children deserve to live in a safe, calm environment where they have a chance to thrive without disruption.

**How will it work?**

Home for Life caregivers will apply to the Family Court for a special guardianship order and the Court will decide which guardianship rights parents and carers will have.

**How long will the guardianship order last for?**

The guardianship order will last until the child turns 18 or the Family Court changes the order.