

## Ministry of Social Development (CYF) failings at Family Group Conference and remedy of ex gratia payment required

<b>Legislation</b>	Ombudsmen Act 1975
<b>Ombudsman</b>	Leo Donnelly
<b>Case number(s)</b>	345243 (previously unpublished)
<b>Date</b>	2018

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*Ministry of Social Development (CYF—later Oranga Tamariki) fails to recognise impact and stress caused by failings by its staff at a family Group Conference to discuss child’s future—Advisory Panel had already acknowledged many of the failings but MSD had not accepted the gravity thereof—Ombudsman’s opinion on the matter accepted and MSD (OT) finally offered reasonable ex gratia payment and meaningful apology to complainant*

Complainant believed they were financially disadvantaged as a result of failures at a Family Group Conference (FGC). These failures were acknowledged by CYF (although the degree to which they had impacted on the family concerned, were not given sufficient consideration). The Ombudsman investigated a complaint from the complainant and concluded that there were several failures at the FGC including its organisation, poor management and the lack of information provided to the participants.

The Ombudsman noted that a key issue following the FGC was that the family were not provided with information about the consequences of agreeing to the outcome proposed by case workers at the FGC. The outcome was found by MSD’s Chief Executive’s Advisory Panel to have been ‘forced through’. The outcome was that the family was liable for paying child support to another family, whom MSD had not vetted in accordance with the requirements. The complainant believed that her family were out of pocket as a result of this ‘agreement’ and that they would never have agreed to the outcome, had the financial implications been set out at the FGC.

The Ombudsman upheld the complaint, noting that CYF staff at the relevant time failed the complainant and her family and that as a result, MSD (later Oranga Tamariki) should not only take responsibility for these errors, but also offer an ex gratia payment to the family as a result of the harm caused both at and after the FGC and in the many years it had taken for the family to have their complaint resolved.

Oranga Tamariki agreed to make a meaningful apology for the service failures and harm caused by Child Youth and Family's (CYFs) practice failures. OT also agreed to offer an ex gratia payment of \$8000 to the complainant in recognition of CYF's practice failures; for counselling services in accordance with the Panel's recommendations as a remedy for the hurt and stress the complainant and her family had suffered, and for the stress the complainant suffered as a result of having to pay child support when she was not expecting to.

*This case note is published under the authority of the [Ombudsmen Rules 1989](#). It sets out an Ombudsman's view on the facts of a particular case. It should not be taken as establishing any legal precedent that would bind an Ombudsman in future.*