

Chief Ombudsman to conduct wide-ranging investigation into the removal of newborn babies

Date **Embargoed until 2pm Wednesday 19th June after Chief Ombudsman appears at GAC Committee**

Chief Ombudsman Peter Boshier is conducting his own wide-ranging and independent investigation into the steps Oranga Tamariki takes when newborn babies are removed.

Mr Boshier confirmed his investigation was underway when he appeared before Parliament's Governance and Administration Committee this afternoon.

"Cabinet announced in April that from July 1, I will have a greater degree of oversight over Oranga Tamariki which will include reviewing complaints and conducting investigations. It is important for me to start looking at this issue immediately."

Mr Boshier says there has been a great deal of public concern following an attempt by Oranga Tamariki to remove a week old baby from its mother in Hawke's Bay hospital last month.

"No one is more vulnerable than a newborn baby. I think the public needs assurance that the right policies and processes are in place for their protection while at the same time safeguarding the rights of whānau.

"My investigation is focussed on what a good system should look like. As an Officer of Parliament, I have unique investigative powers under the Ombudsmen Act to require all relevant information from Oranga Tamariki and others to get to the heart of things and form an independent view."

Mr Boshier says he is pleased Oranga Tamariki is doing its own internal investigation into the Hawke's Bay case and notes the Children's Commissioner is also launching a thematic review focussed on Māori newborns.

"My investigation will provide a broader overview aimed at identifying best practice. It is important my investigation looks into the circumstances faced by all newborns and their whānau."

Mr Boshier says his powers also allow him to examine Oranga Tamariki's interactions with other agencies, such as district health boards, in the removal of newborn babies.

“There is often more than one agency involved, as well as court decisions and Police protocols that Oranga Tamariki needs to take into account.

I want to find out whether these kind of interventions by Oranga Tamariki are being carried out in an appropriate way.

This is a key part of my job as New Zealand’s Ombudsman, to make sure there is trust and confidence in the system, and to make recommendations where I see the need for improvement.”

Mr Boshier says his investigation will not focus on the actions of individuals involved in the Hawke’s Bay case.

“I do not want to intervene in this particular case at this time because Oranga Tamariki is conducting its own review and there are ongoing legal proceedings.

I will be seeking regular progress reports from Oranga Tamariki. I will also be asking the Children’s Commissioner for updates on his review. It is part of my job to oversee the administrative practices of these and other agencies within my jurisdiction and identify any areas where my intervention may be required.”

Mr Boshier has assigned a team of investigators specialising in the review of agency practices and processes, and notified Oranga Tamariki of his intention to investigate two weeks ago.

“My aim will be to complete my investigation by the end of the year, and I will then report back to Parliament.

“I intend publishing my findings and any recommendations I make. I want to give the public confidence that this issue will be looked at fairly and robustly.”

Further queries:

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Supplementary information about the Chief Ombudsman's systemic investigation into Oranga Tamariki

Introduction

On 6 June 2019, the Chief Ombudsman formally notified the Chief Executive of Oranga Tamariki, Gráinne Moss, of his self-initiated¹ investigation into Oranga Tamariki's policies, procedures and practices in carrying out newborn removals.

The Chief Ombudsman is an Officer of Parliament. As part of his role, he has unique and wide-ranging powers to investigate across government, require all relevant information from any party, and form an independent opinion. Carrying out an investigation allows him to report to Parliament on whether or not the current system is working. The Chief Ombudsman can also make recommendations if there is need for improvement. The key role of the Chief Ombudsman is to ensure people can have trust and confidence in the system.

The Chief Ombudsman's current investigation has a wider focus than both Oranga Tamariki's internal review into the Hawke's Bay case and the Children's Commissioner's monitoring and assessment process, which is focussed on Māori newborns. The Chief Ombudsman will monitor these reviews and be seeking regular updates from them both part of his oversight role of these agencies. He will also consider the interactions of Oranga Tamariki with other agencies as part of his wider investigation.

Independent oversight of Oranga Tamariki

The Hawke's Bay case and other recent reports have led to calls for independent oversight of Oranga Tamariki. In April 2019, the Government announced a series of changes to the oversight arrangements for children in care. As a part of this, the Chief Ombudsman has been tasked with providing enhanced independent oversight of Oranga Tamariki, non-government providers of care services, and other government agencies involved with children in care.

The Chief Ombudsman will be providing focused oversight of complaints handling for children in care, and systemic monitoring and investigation in these areas. The Chief Ombudsman's enhanced role will be developed and implemented from 1 July 2019 to 31 December 2020, with additional resourcing and legislative powers to come.

As part of his enhanced role, the Chief Ombudsman considers it important at this time to investigate the policies, procedures and practices of Oranga Tamariki in carrying out the removal of newborns.

In addition, the Chief Ombudsman's systemic issues team is being increasingly enabled to monitor, identify and resolve, on an ongoing basis, issues and concerns for children in care and

¹ See sections 13(1) and 13(3) of the Ombudsmen Act 1975 (OA).

their whānau across the full range of their interactions with Oranga Tamariki and other government agencies. The team will be informed of serious incidents and will be able to access relevant information directly from Oranga Tamariki. The systemic issues team will be keeping a close eye on matters emerging across the care and protection system, and the team's broad oversight will operate alongside the Chief Ombudsman's current investigation.

Purpose of the investigation

The purpose of this investigation is to enable the Chief Ombudsman to obtain relevant information to identify whether systemic issues exist in relation to Oranga Tamariki's current policies, practices and procedures connected with the removal of newborns. The Chief Ombudsman will report his findings and make recommendations if necessary.

The investigation will take into account relevant international conventions, including the United Nations Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights.

Investigative process

The Chief Ombudsman has assigned a team of investigators and advisors specialising in the review of agency systems and processes. The investigation team will require information from and liaise with Oranga Tamariki staff and other parties during the course of the investigation.

Information for the investigation will be gathered through research, a review of relevant information and documentation, meetings and interviews.

Under section 19 of the Ombudsmen Act, an Ombudsman can require any person to provide information relating to any matter under investigation. This empowers the Ombudsman to gather evidence, from both Oranga Tamariki and other parties, including by way of formal interview.

Once the investigation is complete, the Chief Ombudsman will prepare a report setting out his findings, as well as any recommendations for improvement. Anyone adversely affected by the Chief Ombudsman's report will be provided an opportunity to comment before it is finalised.

The Chief Ombudsman will provide his report to the Chief Executive of Oranga Tamariki, the Minister for Children and the Minister for Social Development. The findings will be tabled in Parliament and published on the Ombudsman's website. The Ombudsman is the only oversight body with these investigation powers that is capable of reporting as an independent Officer of Parliament to the whole of Parliament.

After the investigation

Following completion of the investigation, there will be ongoing monitoring of actions taken by Oranga Tamariki in response to any recommendations made.