

Complaint from rangatahi about experience in care

Legislation	Ombudsmen Act 1975
Agency	Oranga Tamariki
Ombudsman	Peter Boshier
Case number(s)	581108
Date	October 2023

Complaint from young person about their time in Oranga Tamariki care – adequacy of investigations into incidents of harm in care – lack of stable placement during time in care – adequacy of supports around education and well-being – complaint handling and review inadequate – Chief Ombudsman recommends apology, financial remedy, and further therapeutic supports

Background

The Chief Ombudsman received a complaint from a young person who came into the care of Oranga Tamariki as an infant.

According to Oranga Tamariki records, over a period of six years when they were in their pre-teens and teens, the young person moved through 39 different placements including two different Care and Protection Residences. Due to many challenging factors, these placements broke down quickly. In 2019, the young person re-engaged with earlier caregivers, and they were supported in their transition into independent living.

During their time in care, the young person raised several complaints about their experiences with Oranga Tamariki – these all related to specific situations and were resolved by the responsible site. In early 2020, Oranga Tamariki received a comprehensive complaint from the young person relating to their entire time in care.

In this complaint, they stated that Oranga Tamariki (and its predecessor agencies) had not followed through with plans, and had not met responsibilities as their ‘legal parent’. They also raised several specific issues in relation to alleged assaults that they experienced during their time in group homes, and the general conduct and support of social workers.

Oranga Tamariki completed a full complaint resolution report that upheld the majority of the complaint and made several recommendations—both specific to the young person and to over-all site improvement. In late 2020, the young person met with Oranga Tamariki, where Oranga Tamariki provided a partial, verbal outcome to their complaint, and continued working with the young person under the assumption that the complaint was resolved.

The young person complained to the Ombudsman in 2022, and the following issues were raised:

- the adequacy of the investigations into incidents of harm in care, and the lack of sufficient supports as a result of this;
- the issues around the provision of a stable placement during the young person’s time in care;
- the adequacy of support provided to the young person during their time in care, particularly in relation to their mental health and education;
- the timeframe to provide the young person with a comprehensive outcome letter for their complaint to Oranga Tamariki; and
- issues around the implementation of all of the suggested recommendations described in the Oranga Tamariki complaint report.

Investigation

The Ombudsman notified Oranga Tamariki that he was investigating the young person’s complaint. The investigation considered the findings of the Oranga Tamariki investigation, including whether it had been undertaken properly and whether the conclusions were sound.

The Ombudsman reviewed the file of the young person, including the full investigation process of Oranga Tamariki, the outcomes of earlier complaints, and the implementation of the recommendations that stemmed from the Oranga Tamariki complaint.

Incidents of harm in care, supports available and stability in placements

The Ombudsman considered that the Oranga Tamariki investigation into the young person’s complaint was thorough and well done. The Ombudsman noted the conclusions Oranga Tamariki came to about the harm the young person had experienced in care, and the lack of a stable long-term placement.

In respect of the concerns around the adequacy of support provided to the young person during their time in care, particularly in relation to their mental health and education, the Ombudsman did raise some concerns about the manner in which these issues were addressed by Oranga Tamariki. Further, the Ombudsman noted that records demonstrated that there was a delay in engaging the young person with support services throughout their 18 years in care.

The Ombudsman noted the comments made by Oranga Tamariki that social workers are not responsible to undertake the role of a parent. However, the evidence provided showed that there was a lack of follow through for plans as the young person grew up, particularly with those related to their therapeutic and educational needs.

Timeframe to provide a comprehensive outcome letter for the complaint

In late 2020, the young person met with the Oranga Tamariki site to discuss the outcome of the complaint. The records noted that the young person was not satisfied with the meeting, and there was no provision of a written outcome, nor follow-up at a later date to ensure the young person's understanding of the outcome. In early 2022, the young person advised the Ombudsman that they believed Oranga Tamariki was still investigating their complaint, when this was not the case. An outcome letter was provided by Oranga Tamariki to the young person in mid-2022, under prompt from the Ombudsman.

Oranga Tamariki Feedback Policy Guidance from February 2021 states that *'all actions which form a component of the resolution delivered to a feedback provider must be made and delivered considering the best interests of the tamariki related to the feedback'*, and that where possible, Oranga Tamariki should seek to meet a complainant face-to-face with a follow up in writing. The Ombudsman considered that whilst it was important for the site to meet with the young person face-to-face, it was unreasonable that Oranga Tamariki did not provide them with a written outcome letter to their complaint, particularly considering the young person's age and vulnerability.

Implementation and monitoring of suggested remedies

The 2020 complaint resulted in a series of recommendations for the Oranga Tamariki site. These recommendations were made by Feedback and Complaints at Oranga Tamariki National Office, and addressed the provision of better care oversight and social worker support for the young person, the offer of counselling and therapeutic support, and a commitment to connect the young person with a tamariki advocate group.

The Ombudsman considered that the suggested remedies were not fully implemented or monitored by Oranga Tamariki. By the time the complaint resolution meeting was held in late 2020, the young person had already transitioned into independent living and had changed social workers. The Ombudsman was also concerned that Oranga Tamariki did not offer the young person the opportunity to feed in to whether their desired outcomes may have changed in the 10-month investigation into their complaint.

Outcome

Overall, the Ombudsman considered that Oranga Tamariki had adequately investigated the young person's original complaint. However, in his opinion the findings and the outcome were not communicated to the young person in a child-focused manner. The Ombudsman also

formed the opinion that Oranga Tamariki had acted unreasonably in relation to engaging the young person with relevant support services before they transitioned out of care.

The Ombudsman formed the opinion that Oranga Tamariki had not addressed the young person's complaint in a reasonable timeframe, nor had it implemented or monitored all of the recommendations that stemmed from the Oranga Tamariki investigation.

Changes that had occurred since the young person's complaint

Since the time of the young person's complaint, Oranga Tamariki advised its practice has changed, particularly in relation to the manner in which complaints from young people are dealt with. These changes include:

- Processing complaints from young people through a different pathway, including the Claims process in relation to harm experienced in care. This pathway is intended to offer more tailored support for young people. Oranga Tamariki stated that the goal for this process is *'to be restorative, relational, inclusive and child-centric'*.
- If the complaint cannot be considered under the claim process, Oranga Tamariki is committed to applying the same principles to ensure that there is an age-appropriate and responsive process.

Recommendations

Taking these changes and the circumstances of the complainant into account, the Chief Ombudsman recommended Oranga Tamariki:

1. provide a full and meaningful apology to the young person;
2. offer the young person the opportunity to pursue therapy or counselling, if and when they choose to do so;
3. provide the young person with a summary of the Oranga Tamariki complaint report from the 2020 complaint;
4. ensure the Feedback and Complaints team at Oranga Tamariki connects the young person with the appropriate people at a tamariki advocacy group; and
5. complete an assessment of a financial remedy for the young person, taking into account the practice failings in this case, the trauma that has been caused and inadequately addressed, and losses that a lack of a full, supportive, stable placement cost them.

Oranga Tamariki accepted these recommendations.

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