



Children in care – Frequently asked questions

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General questions

Questions:	Answers:
Where is the Ombudsman located?	The Ombudsman has physical offices in Wellington and Auckland, but staff are able to travel and meet kanohi ki te kanohi (face to face) anywhere in New Zealand.
Is the Ombudsman an advocate?	No. The Ombudsman is impartial, and independent from both the government and the public. The Ombudsman can consider your complaint about Oranga Tamariki or a care and custody provider, and try to resolve it. The Ombudsman can also investigate where necessary. Ombudsman staff aim to make the complaint process as easy for you as possible, and will discuss with you to understand your concerns. However, staff cannot act as your representative or advocate.
What do Aroturuki Tamariki (Independent Children’s Monitor) and Mana Mokopuna (formerly Office of the Children’s Commissioner) do?	Aroturuki Tamariki Independent Children’s Monitor <ul style="list-style-type: none">• Monitor the performance of the system, including identifying areas for improvement.• Monitoring reports will be used by others to advocate for system change.• Monitoring spans compliance, quality of practice and outcomes.

Questions:	Answers:
	<p>Mana Mokopuna Children and Young People’s Commission</p> <ul style="list-style-type: none"> • Advocate for the interests, rights and wellbeing of children/tamariki in the Oranga Tamariki system, and where needed, help children/tamariki and their family and whānau navigate the system to resolve problems.
<p>Will the Ombudsman be able to handle the number of complaints expected to come with the new legislation?</p>	<p>Yes. The Ombudsman has already put plans in place to ensure there are enough staff to deal with any expected increase in the number of queries and complaints that might arise.</p>
<p>What is a section 403 provider?</p>	<p>A section 403 provider is a community service provider. They are organisations or bodies that in their role under the Oranga Tamariki Act are approved under section 403.</p> <p>The Ombudsman cannot consider complaints about community service providers directly, but can look at whether Oranga Tamariki has dealt properly with any concerns you have about a community service provider.</p>
<p>What can a complaint or inquiry be about?</p>	<p>Complaints or inquiries can be about anything. For example, complaints or inquiries can be about communication, support being provided or decisions being made.</p> <p>For children/tamariki and young people/rangatahi contacting the Ombudsman, complaints or inquiries can be about anything. For example, complaints can be about a child/tamaiti or young person/rangatahi and the experience they have had in care, decisions being made or contact with their family, whanāu or friends.</p>
<p>How quickly does the Ombudsman respond to complaints or inquiries?</p>	<p>Where it is a complaint or inquiry from or about a child or young person in care, we aim to make first contact with you within two working days. We will talk to you about your concern and we can then give more detail about how long it is likely to take for us to help you.</p> <p>Most inquiries are completed within one month, and most complaints within three months.</p>
<p>What is the wait time for a full investigation?</p>	<p>If a complaint is from a child/tamariki or young person/rangatahi, or is from an adult about a current issue of concern, we will deal with the matter straight away. The investigator will keep you informed of progress and let you know the likely timeframe for completion.</p> <p>If a complaint is from an adult about a historic matter (something that happened in the past), we will progress it as soon as we can, but there may be a waiting period.</p> <p>Most investigations are completed within three to 12 months.</p>

Questions:	Answers:
<p>If a caregiver or provider is unhappy with Oranga Tamariki, are there potential repercussions if they contact the Ombudsman?</p>	<p>There should be no repercussions from contacting the Ombudsman. If you are concerned about how Oranga Tamariki is treating you after you make a complaint, then you can also come to the Ombudsman about that.</p>
<p>Can you contact the Ombudsman about Family Court decisions?</p>	<p>The Ombudsman cannot consider Family Court decisions or intervene in ongoing Family Court proceedings. However, after the Family Court process is complete, if you are unhappy about something Oranga Tamariki has done in the process leading up to the Family Court decision, the Ombudsman may be able to look into that. This could not result in any change to a Court decision.</p>
<p>Can you contact the Ombudsman about Family Group Conference (FGC) decisions?</p>	<p>The Ombudsman cannot consider decisions made at a Family Group Conference. However, after the Family Group Conference process is complete, if you are unhappy about something Oranga Tamariki has done in the process leading up to the Family Group Conference, the Ombudsman may be able to look into this.</p>
<p>What outcomes can the Ombudsman achieve?</p>	<ul style="list-style-type: none"> • Many complaints can be resolved by agreement between Oranga Tamariki and the complainant, for something to be done to fix the problem. The Ombudsman can also make recommendations to fix the problem and make things better for the person who complained or the system generally. Common remedies include reassessments, apologies, and explanations. • Remedies the Ombudsman can recommend to make things right depend on a range of factors – how serious is the issue? What was the impact on the complainant, and their family and whānau? What would help Oranga Tamariki improve its processes in future? • Many remedies could be simple but can go a long way to making things right, such as an apology. An apology that is sincere, acknowledges the error, and says how it will be made right can sometimes be the outcome a complainant wants. • The Ombudsman might in some cases ask Oranga Tamariki to consider a financial remedy (ex gratia payment), or to reconsider an amount it has already offered. However, the Ombudsman cannot force an agency to make a payment. • The Ombudsman can also recommend other things such as counselling, or providing materials or items that the complainant has been promised or needs.

Questions:	Answers:
	<ul style="list-style-type: none"> • The Ombudsman can recommend records be corrected, including information stored on a case management system, or with the Family Court. • The Ombudsman can also make recommendations for systemic change – such as training for Oranga Tamariki staff, or changes in the policy and practice of Oranga Tamariki or its care or custody providers.
<p>How does the Ombudsman work with young people/rangatahi who have high complex needs?</p>	<ul style="list-style-type: none"> • The Chief Ombudsman has already achieved meaningful outcomes for complainants who are disabled or who have disabled children/tamariki. • As well as training for complaints-handling staff and investigators, the Chief Ombudsman has a specialist Disability Rights Team which ensures the rights of tāngata whaikaha are upheld and considered during investigations. • Te Rōpū Kaiārahi Hauātanga, the Chief Ombudsman’s disability advisory panel, ensures access to timely and high-quality expert advice from New Zealanders with lived experience of disability, reflecting the mantra of the disability rights movement: ‘nothing about us, without us’. • Information created for people to learn about the Ombudsman’s work in this area has been written in plain language and accessible formats. • The Ombudsman is one of three partners of New Zealand’s Independent Monitoring Mechanism. The Ombudsman monitors the rights of disabled people and investigates related complaints about government agencies.
<p>How best can you advocate for a child/tamaiti with disabilities?</p>	<ul style="list-style-type: none"> • Disabled children/tamariki are entitled to the same rights as all children/tamariki – Article 7 of the United Nations Convention on the Rights of Persons with Disabilities highlights the role of state parties in ensuring that the rights of disabled children/tamariki are fully realised, and that children/tamariki with disabilities have the right to express their views freely on all matters affecting them. In advocating for disabled children/tamariki, the Convention can be used to support engagement with agencies. • Disabled children/tamariki should be kept at the centre of everything – ensure you understand their specific needs and wants. Every child/tamaiti has different needs, strengths, interests and opinions. What works for one child/tamaiti may not work for another. It is important to consider what is best for your child/tamaiti, and to provide them with the right support. • Keep records of all communications, assessments, reports and other documentation about the child/te tamaiti – this helps to ensure that

Questions:	Answers:
	<p>you have relevant information to hand if you are asked for it by someone acting in the interest of the child/te tamaiti.</p> <ul style="list-style-type: none"> • Seek reasonable accommodation for the needs of disabled children/tamariki – often access needs for a disabled child/tamaiti can be met by asking people or agencies to make small adjustments to the way things are done. Communicate clearly what access needs your child/tamaiti has, propose a solution and be open to reaching a compromise with the other party. Even if the outcome is not exactly what you asked for, the most important thing is to ensure disabled children/tamariki are able to enjoy the same things as other children/tamariki. • Communicate effectively. Stay focused on reaching the best outcome for the child/te tamaiti – this is best achieved through calm and respectful conversations with others involved in the life of the child/te tamaiti. If someone isn't understanding you, or vice versa, pause and reflect on how you are communicating with them. • Support disabled children/tamariki to advocate for themselves, and involve them in decision-making – Disabled children/tamariki have the right to make their views heard in all matters affecting them, and to have their views considered on an equal basis with other children/tamariki. You can do this by ensuring information is communicated to the child/te tamaiti in a way they understand, and support them to communicate their own views freely, and in a way that suits them.

Questions by topic

About the Ombudsman

Questions:	Answers:
Who can contact the Ombudsman?	<p>Anybody can contact the Ombudsman, including:</p> <ul style="list-style-type: none"> • children/tamariki and young people/rangatahi (or a trusted adult on their behalf) • family, whānau and extended family • caregivers • professional or advocacy groups • anybody else.
When you contact the Ombudsman, does it have to	The Ombudsman is able to provide information and advice if you need it. Just get in touch. If the Ombudsman is not able to help, Ombudsman staff

Questions:	Answers:
be about a complaint? What if you just need advice?	can often let you know who might be able to, and give you contact information.
Does the Ombudsman help children/tamariki and young people/rangatahi?	<p>Yes. If you are a child/tamaiti or young person/rangatahi and you are worried about something Oranga Tamariki or one of its care or custody providers has done (or is not doing) you can contact the Ombudsman. You don't have to discuss what you are worried about with Oranga Tamariki or its care or custody provider first.</p> <p>The Ombudsman can also help if you are concerned about something to do with another government agency, such as a school, Work and Income or Kāinga Ora.</p>

396 Care or Custody Providers

Questions:	Answers:
What is a 396 care or custody provider?	<p>A 396 care or custody provider is a provider that is contracted by Oranga Tamariki to provide care or custody services to children/tamariki and young people/rangatahi under section 396 of the Oranga Tamariki Act 1989. This includes section 362 and section 364 providers.</p> <p>Care or custody providers can be:</p> <ul style="list-style-type: none"> • iwi social services • cultural social services, such as Kaupapa Māori, Pacifica • child/tamaiti and family support services • community services.
Can a complaint be made about a 396 care or custody provider?	<p>Yes. Under the law, the Ombudsman is able to receive complaints about the support and services provided by care or custody providers.</p> <p>Previously, any complaints received about care or custody providers would have been dealt with by the Ombudsman through Oranga Tamariki. As of 1 May 2023, Ombudsman staff are now able to contact providers directly to resolve complaints.</p>
Can a 396 care or custody provider complain about Oranga Tamariki?	Yes, anyone can make a complaint. The Ombudsman looks at complaints about the acts and decisions of central and local government agencies, which includes Oranga Tamariki.
Can a 396 care or custody provider complain about other government agencies?	In general, yes. Talk to the Ombudsman about your complaint and they will let you know if the Ombudsman can help and if they can't, staff will help find someone who can.

Questions:	Answers:
Can care or custody providers book time with Ombudsman staff to learn more about the Ombudsman's role and powers?	Yes. If you want to understand more about the role of the Ombudsman or have any questions, or are worried about something, please contact them.
Do 396 providers include care partners/iwi or kaupapa Māori organisations?	Yes. There are both iwi and kaupapa Maori organisations that are section 396-approved care or custody providers.

Making Complaints or Asking for Advice

Questions:	Answers:
Can the Ombudsman accept a complaint in any language?	Yes. The Ombudsman can use a translation service so people can complain in the language they are most comfortable using.
Do you have to have exhausted all possible processes with Oranga Tamariki first, before calling the Ombudsman?	<ul style="list-style-type: none"> • If you are an adult, try to resolve any issues you have with Oranga Tamariki first, through their complaints process. If you can't, or are worried please get in touch. • If you are a child/tamaiti or young person/rangatahi, you can contact the Ombudsman without first going to Oranga Tamariki or its care or custody provider.
Can you complain about something small?	Yes. Any time you are having a problem and you are not able to resolve it with the agency, you can contact the Ombudsman.
Can you make a complaint about other government agencies involved?	Yes. People can make a complaint to the Ombudsman about any government agency. If the Ombudsman can't help, they will be sure to direct you to someone who can.
Is there a way of complaining without going through the entire Ombudsman process?	<ul style="list-style-type: none"> • The majority of complaints to the Ombudsman do not need to go through the full investigation process, or end with a final opinion from the Chief Ombudsman. • Most of the time, issues can be sorted out without a full investigation. Communication between the Ombudsman's investigators and the agency or provider can often straighten out the problem. • In other cases, notifying the agency that the Ombudsman intends to investigate might also be enough to resolve the problem without a full investigation. • In cases where it is not possible to solve the problem easily, a full investigation might be carried out. The Chief Ombudsman will give the

Questions:	Answers:
	complainant and the agency a final opinion and discussions with the agency will ensure any recommendations or remedies are accepted and carried out to ensure the complaint is dealt with.

How the Ombudsman Manages General Complaints and Queries

Questions:	Answers:
If a complaint is made from someone in care or custody, such as a group home or youth justice residence, will the staff of the home or residence see that complaint?	The Ombudsman is required to carry out inquiries in private and keep the information confidential. The Ombudsman generally contacts the head office of Oranga Tamariki, who may need to talk to facility staff. Sometimes it is necessary to contact facility staff in the process of gathering information, and to ensure the Ombudsman hears all sides of the issue. The Ombudsman will ensure the person making the complaint knows if this is happening and is kept safe.

Complaint Outcomes

Questions:	Answers:
How many Ombudsman recommendations are carried out?	Almost all recommendations made by the Ombudsman, after investigation of a complaint, are accepted. Ombudsman staff liaise with the agency concerned about their completion of the recommendations.
Does the Ombudsman publish its findings?	The Ombudsman does publish summary outcomes of complaints in some cases where that is in the public interest. If so, Ombudsman staff will discuss with a complainant before their complaint is published. A report on complaints about Oranga Tamariki from 2019 to 2023 can be found here

Information about Children/Tamariki and Young People/Rangatahi

Questions:	Answers:
Is there an age bracket for children/tamariki or young people/rangatahi independently contacting the Ombudsman?	No, but the Ombudsman does encourage all children/tamariki and young people/rangatahi, whatever their age, to think about having a support person. If they don't have one, Ombudsman staff can help find someone to help them.
How does the Ombudsman ensure that children/tamariki and young people/rangatahi	The Chief Ombudsman: <ul style="list-style-type: none"> has implemented practices and processes; and developed tools and communications to make the Ombudsman's role more easily

Questions:	Answers:
are supported through the complaint process?	<p>understood and to make it much easier for children/tamariki and young people/rangatahi to get in touch, and in ways that suit them</p> <ul style="list-style-type: none"> • has work underway to ensure staff are trained and experienced in dealing with children/tamariki and young people/rangatahi. They know how to approach the complaint in a way that puts the child/te tamaiti first and listens to them.
How does the Ombudsman help children/tamariki and young people/rangatahi who are not well-informed?	The Ombudsman will talk through what the child/te tamaiti or young person/rangatahi is concerned about and if the Ombudsman is not the best place to provide help, staff will help them get to the right place.
Can the Ombudsman help organise an advocate for a young person/rangatahi?	<p>The Ombudsman will encourage a young person/rangatahi to engage with a safe adult in their lives to help support them through the complaints process.</p> <p>Additionally the Ombudsman can provide contact details of several advocacy options to a young person/rangatahi, but the Ombudsman cannot organise the actual advocate for the young person/rangatahi.</p>
Can children/tamariki and young people/rangatahi start the complaint process themselves?	Yes. They just need to contact the Ombudsman in the way that is easiest for them, and staff will guide them through the process.
How quickly does the Ombudsman respond to children/tamariki and young people/rangatahi who have contacted the Ombudsman?	Where it is a children in care complaint or inquiry, initial contact is made within two working days.

Working with Hapū, Iwi and Māori Organisations and Pacific Peoples

Questions:	Answers:
How does the Ombudsman apply the principles of Te Tiriti o Waitangi and tikanga-informed practice in its work?	Ombudsman staff incorporate tikanga Māori-informed, child/tamaiti-centred and trauma-informed complaint-handling practices which promote a culture of empowerment, safety and healing.
How is the Ombudsman engaging with iwi and hapū, including iwi and hapū organisations?	<ul style="list-style-type: none"> • The Ombudsman's Rōpū Māori Hononga Hapori (Māori and Community Engagement Team) supports engagement with Māori.

Questions:	Answers:
	<ul style="list-style-type: none"> • The Chief Ombudsman also has Pūhara Mana Tangata - a panel of eminent rangatira which provides advice on engagement and helps to establish important relationships with Māori. • The Chief Ombudsman is reaching out regularly to strengthen relationships with iwi, hapū and Māori organisations, and engaging with the wider community.
How does the Ombudsman work with Pacific people?	The Ombudsman's Rōpū Māori Hononga Hapori (Māori and Community Engagement Team) supports engagement with Pacific people.

Requests for Official Information

Questions:	Answers:
Can you make an Official Information Act request about Oranga Tamariki and its section 396 providers?	<ul style="list-style-type: none"> • Yes, the Official Information Act is a law under which you can request information from a government agency and some other agencies and bodies including section 396 care and custody providers. Under the law they are required to provide the information to you unless there are genuine reasons why they cannot. • More detail about who is subject to the Official Information Act and what information can be asked for can be found on the Ombudsman website. Please also call our staff on 0800 802 602 if you have any questions about requesting information. • If you are seeking personal information about yourself, you can make a request under The Privacy Act more information about this can be found on the Privacy Commissioner website.