

**Under** the Inquiries Act 2013  
**In the matter** of the Royal Commission of Inquiry into Historical Abuse in State Care  
and in the Care of Faith-based Institutions

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## **Brief of Evidence of Peter Galvin**

### **Marylands Hearing**

**4 February 2021**

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### Introduction

- 1 My full name is Peter Bernard Galvin. I am the General Manager of Partnering for Outcomes, at Oranga Tamariki—Ministry for Children (**Oranga Tamariki**).
- 2 My role as General Manager of Partnering for Outcomes at Oranga Tamariki is focussed on the relationships Oranga Tamariki has with social service providers (including certain providers of residential care services).
- 3 I have previously provided a response (in the form of a Statutory Declaration) to Notice to Produce 298 from the Royal Commission to Oranga Tamariki.<sup>1</sup> I am also familiar with the Statutory Declaration given by my colleague, Carmel McKee, in response to Notice to Produce 202, and the responses to Notices to Produce 25 and 310.<sup>2</sup>
- 4 The purpose of this statement of evidence is to summarise some of the information contained in those Statutory Declarations, as well as provide further evidence on areas the Royal Commission has expressed interest in, for the purpose of giving oral evidence to the Royal Commission on behalf of Oranga Tamariki at the Marylands School public hearing.
- 5 The areas this statement of evidence will cover are:
  - (a) the nature of the State regulatory framework for children and young people who were in private institutions, such as Marylands School, and in particular the distinction between residents who had some sort of child welfare legal status and those who did not; and
  - (b) disclosures of abuse made to social workers by boys at Marylands School at the time abuse was occurring; and
  - (c) the current approach to State oversight of third party providers of residential care and how this is different to the framework that applied while Marylands was in operation.

### My role and scope of my evidence

- 6 Given my role relates to the current relationships Oranga Tamariki have with social service providers I don't have first-hand experience or personal knowledge of historical matters including the events at Marylands School or the Hebron Trust. My evidence on these issues is based on the information that members of the Oranga Tamariki Royal Commission response team have found in their review of the information we hold, in particular in response to the questions posed by the Royal Commission in the relevant notices to produce. I have set out in this part of my statement the steps taken by Oranga Tamariki in

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<sup>1</sup> Statutory declaration on behalf of Oranga Tamariki-Ministry for Children for Schedule A, Notice to Produce No. 298, OT\_NTP298\_001

<sup>2</sup> Statutory declaration on behalf of Oranga Tamariki-Ministry for Children for Schedule A, Notice to Produce No. 202 OT\_NTP202\_001;  
 Statutory declaration on behalf of Oranga Tamariki-Ministry for Children for Schedule A, Notice to Produce No. 25; and  
 Crown submissions regarding Marylands School Response to Notice to Produce No 310

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responding to the Royal Commission's Notices to Produce in relation to Marylands School and the Hebron Trust.

- 7 The information in the responses to the Royal Commission was based on:
- (a) documentation, information, records and other administrative material held by Oranga Tamariki which concerns the Hospitaller Order of the Brothers of Saint John of God (the St John of God Brothers);
  - (b) documentation, information, records and other administrative material concerning the general policies and processes guiding the care of children during the period Marylands School and the Hebron Trust were operating; and
  - (c) a review of case files of 35 of the 152 individuals who attended Marylands School and who also had a case file indicating some form of interaction with the Child Welfare Division of the Department of Education (CWD) or the Department of Social Welfare (DSW) during their childhood, in order to determine the legal status of the children in respect of the CWD or the DSW and to note records of visits by social workers of the children while at the School.
- 8 The information identified by Oranga Tamariki in responding to these Notices to Produce is not exhaustive. Information can be held within files not specifically labelled as relating to any of the entities known to be connected with the St John of God Brothers (for example on an administrative file held at the local site office). In some instances, the documentary record has been incomplete or ambiguous and so inferences have had to be drawn, where possible, in order to answer the questions the Royal Commission has asked in its Notices to Produce.

### **The nature of the regulatory framework for those in State care and placed in faith-based institutions at the time**

- 9 I set out below a summary of the regulatory framework for children and young people who were in State care and placed in faith-based institutions at the time. As discussed, the responsibilities of the CWD, DSW and subsequent organisations was focused on the children and young people in State care rather than the wider cohort of all children and young people placed at these institutions. Later in this brief I discuss the current regulatory framework which is significantly more comprehensive in comparison.
- 10 The overarching regulatory framework for the care and protection of children in New Zealand at the relevant time was predominantly set out in the Child Welfare Act 1925, the Guardianship Act 1968, the Children and Young Persons Act 1974, and the Children, Young Persons and their Families Act 1989.

### *Overarching framework for care and protection of children and young people in State care placed at Marylands School (pre-1989)*

- 11 For clarity's sake, in this witness brief when I reference "state wards" and "in State care" I mean children who had legal status under the relevant child welfare legislation, including those under the guardianship and or custody of the Superintendent of the Department of Education or the Director-General of Social Welfare.

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- 12 During the period that children were placed at Marylands School, children and young people were able to be placed in State care in accordance with the provisions in the Child Welfare Act 1925, the Guardianship Act 1968, or the Children and Young Persons Act 1974. Those Acts then provided that the CWD or DSW had responsibilities in respect of those children and young people. Those responsibilities were reflected in guidance documents used by CWD and DSW, as in the below examples:

*An order committing a child to the care of the Superintendent makes the Superintendent the legal guardian of the child, "to the exclusion of all other persons"<sup>3</sup>*

*The responsibilities of guardianship imposed by a committal order are heavy and require the Superintendent (through his officers in the field) to see that the child enjoys an environment which is more suited to his needs than the home from which he was removed.<sup>4</sup>*

*In discharging these responsibilities, the principle governing our actions is that we try to do what we think a wise parent would want to do in like circumstances.<sup>5</sup>*

*The provisions of S4 of the Children and Young Persons Act 1974 are relevant here in that we shall treat the interest of the child or young person as paramount to secure for the child or young person such care, guidance and correction as is necessary for the welfare of the child or young person.<sup>6</sup>*

*Framework for placement in boarding schools and faith-based institutions*

- 13 Oranga Tamariki has provided the Royal Commission with policies and guidelines from Social Work Manuals for the admission of state wards in private boarding schools.<sup>7</sup> These include the policy that, in the case of a faith-based institution, parental consent was required "where a Protestant ward is to be admitted to a Catholic institution, or vice versa".<sup>8</sup>

*Framework for monitoring Marylands School*

- 14 Oranga Tamariki did not locate any documents indicating that CWD or DSW undertook any general audit, inspection, or regulation of Marylands School. This is consistent with our understanding that the School was not considered by CWD

<sup>3</sup> J.1 "Introduction to The Care of State Wards", Field Officer's Manual c. 1965 (page 363 of OT\_NTP298\_005); Social Worker's Manual 1970 (page 273 of OT\_NTP298\_006).

<sup>4</sup> J.2 "Introduction to The Care of State Wards", Field Officer's Manual c. 1965 (page 363 of OT\_NTP298\_005); Section J1.2 of the Social Worker's Manual 1970 (page 273 of OT\_NTP298\_006).

<sup>5</sup> J.3 "Introduction to The Care of State Wards", Field Officer's Manual c. 1965 (page 363 of OT\_NTP298\_005); Section J1.2 of the Social Worker's Manual 1970 (page 273 of OT\_NTP298\_006); Section G1.3 "Principles governing exercise of guardianship", Social Worker's Manual updated to c. 1981 (page 65 of OT\_NTP298\_007).

<sup>6</sup> G1.3 "Principles governing exercise of guardianship", Social Worker's Manual updated to c. 1981 (page 66 of OT\_NTP298\_007).

<sup>7</sup> J.38 "Admission to privately conducted institutions" Field Officer's Manual c. 1965 (OT\_NTP202\_029); J8 "Admission to privately conducted institutions Child Welfare Division" - Social Worker's Manual 1970 (OT\_NTP202\_030); J.228 "Enrolment as a boarding pupil" Field Officer's Manual c. 1965 (OT\_NTP202\_031); J14.5 "Enrolment as a boarding pupil Child Welfare Division" - Social Worker's Manual 1970 (OT\_NTP202\_032)

<sup>8</sup> J.38 "Admission to privately conducted institutions" Field Officer's Manual c. 1965 (OT\_NTP202\_029); J8 "Admission to privately conducted institutions Child Welfare Division" - Social Worker's Manual 1970 (OT\_NTP202\_030)

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or DSW to be a “Children’s Home” within the definition in section 2 of the Child Welfare Amendment Act 1927 or section 84 of the Children and Young Persons Act 1974.<sup>9</sup> As such, CWD and DSW would not have had general obligations to monitor Marylands. Rather, it was monitored in accordance with the regulatory framework governing private schools, as set out in the brief of evidence filed by the Ministry of Education.

- 15 The CWD or DSW would therefore have had responsibilities towards the children and young people at Marylands School who were subject to a legal status under the relevant child welfare legislation, rather than the wider cohort of those attending Marylands School.
- 16 For completeness, the CWD or DSW may have had obligations to other children at Marylands School, had there been particular allegations or concerns raised with CWD or DSW. For example, section 5 of the Children and Young Persons Act 1974 placed a duty on the Director-General of Social Welfare to “take positive action and such steps under this Act as in his opinion may assist in preventing children or young persons from being exposed to unnecessary suffering or deprivation or from becoming seriously disturbed or from committing offences.” This included arranging for “prompt inquiry where he knows or has reason to suspect that any child or young person is suffering or likely to suffer from ill-treatment or from inadequate care or control” and arranging for “inquiry into any allegation that any child or young person who is being cared for, whether by the day or intermittently or continuously, away from his parents or guardians is not being properly cared for or is being cared for under conditions that are not suitable for his training or development.”

*Admissions and monitoring of children in State care at Marylands School*

- 17 Typically, the placement of children at Marylands school was a private arrangement between the child's parents and the school. The State also placed state wards at Marylands School for their education.<sup>10</sup> Oranga Tamariki found guidance from 1973 and 1981 setting out the specific steps involved in admitting state wards to Marylands School, which included approval from Head Office and the provision of case reports and psychological reports as part of an application.<sup>11</sup>
- 18 Once a state ward was placed at Marylands school, the CWD or DSW monitored their placement through visiting and progress reporting processes. It should be noted that these requirements were set out in practice guidance and social work manuals, rather than arising directly from statute or regulation.
- 19 Each state ward educated at Marylands School was likely to have an allocated Child Welfare Officer or social worker in their home district (“home district officer”). In addition, records show a liaison role for the local Christchurch District Office as a “go-between” for the school and home district officers of state wards. From the records reviewed, it appears that:

<sup>9</sup> The Child Welfare Amendment Act 1927 and the Children and Young Persons Act 1974 charged agencies with inspecting Children’s Homes run by voluntary organisations.

<sup>10</sup> Placements in private boarding schools could be approved if it was deemed to be “the most satisfactory placement for the ward”. OT\_NTP202\_31, OT\_NTP202\_32

<sup>11</sup> Marylands Residential School Christchurch - C.W.5/1/57 Part III - Social Work Circular Memorandum 1973/67 (OT\_NTP202\_002); Marylands Residential School Christchurch Social Worker’s Manual updated to c. 1981 (OT\_NTP202\_003)

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- (a) the home district officers were responsible for visiting and reporting on the child, including holiday visits; and
- (b) the Christchurch District Office was responsible for arranging the annual progress reports on the child from the school and providing these to the home district officers.

Visits

- 20 The home district officers were required to visit state wards once every four months. Guidance from 1965 and 1981 states that confirmation of visits having been undertaken was monitored through “visiting returns”.<sup>12</sup> Clerks would go through the home officer’s visiting books and note which cases had not yet been visited. Visiting returns would likely have been held on the general administrative files of the district office.
- 21 These visits could be combined with holiday visits, which were required to be undertaken by home district officers while the child was at home or with a caregiver for school holidays. Guidance from 1973 and 1981 show that holiday reports were required to be provided to Marylands School as staff were “*interested in their charges’ circumstances so that that they may be in a better position to provide appropriate guidance and training*”.<sup>13</sup> Oranga Tamariki found no central records of the holiday reports – these will likely be held on individual case files. Oranga Tamariki has provided examples of these reports to the Royal Commission, which included evidence that receipt of the holiday reports was monitored on an individual basis and followed up by the Christchurch District Office.<sup>14</sup>

Reporting

- 22 Guidance shows that progress reports for a state ward in a non-CWD or DSW institution such as Marylands were expected on a six monthly or annual basis: “*Progress and placement reports are expected for wards in private institutions.... They will be the responsibility of the district child welfare officer and will be prepared in the district office on the basis of the supervising officer’s periodic interviews with the ward and the institution staff*”.<sup>15</sup> Information in these reports was required to be set out “as briefly as possible” and cover visits by the home district officer, any specialists treatments for the child, contact with family, progress, present impressions and proposals for the child.<sup>16</sup> From 1981, Supervising Officers were required to “check from time to time all personal files that proper and meaningful recording is maintained and that the progress of each child is properly considered”.<sup>17</sup>
- 23 Guidance specific to Marylands School for 1973 and 1981 said that the Christchurch District Office would provide annual reports (produced by

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<sup>12</sup> I.184 Visiting Field Officer's Manual c. 1965 (OT\_NTP\_202\_044); J3.9 Visiting Social Worker's Manual updated to c. 1981 (OT\_NTP202\_046)

<sup>13</sup> OT\_NTP202\_002; OT\_NTP202\_003

<sup>14</sup> OT\_NTP202\_026

<sup>15</sup> J.405-414 Progress Reports Field Officer's Manual c. 1965 (OT\_NTP\_202\_035); J23 Progress Reports Child Welfare Division - Social Worker's Manual 1970 (OT\_NTP\_202\_036); G15 Progress Reports Social Worker's Manual updated to c. 1981 (OT\_NTP\_202\_037)

<sup>16</sup> OT\_NTP\_202\_035; OT\_NTP\_202\_036; OT\_NTP\_202\_037

<sup>17</sup> OT\_NTP\_202\_037

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Marylands School) on the boys' school progress to home districts.<sup>18</sup> Progress reports, either from the home officer or the School, will likely be held on individual case files.

Review of files in response to Royal Commission questions

- 24 On 22 January 2021 the Royal Commission provided Oranga Tamariki with a list of 539 children and young people it had identified as having attended Marylands School between 1955 and 1984. Of these, 152 children were found to have attended the school and have a CWD or DSW case file (indicating some form of interaction with CWD or DSW at some point of their childhood).<sup>19</sup>
- 25 In order to assess how many of these children had legal status at the time of their attendance at Marylands School, Oranga Tamariki reviewed a sample of 35 case files. It was found that 12 of the 35 individuals had legal status under the relevant child welfare legislation (as defined in para 10) at the time of enrolment.
- 26 As noted above the minimum requirement for a home district officer to visit a state ward was once every four months. In order to respond to Royal Commission's question about visiting practice, Oranga Tamariki reviewed files relating to the sample of 12 children noted in paragraph 25, to determine how many visits occurred. In each of the 12 cases, monitoring visits were recorded as occurring on average at least once every four months.<sup>20</sup> As the remaining children in the sample of 35 did not have legal status with the CWD or DSW at the time of attending Marylands School we understand there was no requirement for the CWD or DSW to visit these children (or that such visits be monitored).

*Framework for approval and monitoring of the Hebron Trust*

- 27 As set out in responses to Notice to Produce 202 and 298, records show that the Hebron Trust first applied to be a Child and Family Support Service under section 396 of the Children, Young Persons and Their Families Act 1989 on 29 November 1989. Records show that the initial application was declined by DSW due to the lack of confidence in the Hebron Trust being able to deliver services on the scale proposed, and the effectiveness of services proposed.<sup>21</sup> The Hebron Trust was approved on 2 May 1990.<sup>22</sup> We have not located any documents relating to why the subsequent application was approved.<sup>23</sup>

<sup>18</sup> OT\_NTP 202\_002; OT\_NTP 202\_003

<sup>19</sup> I note that in the statutory declaration in respect of Notice to Produce 202 Carmel McKee stated there were 153 children. However subsequently it was found that one child did not go on to attend Marylands School.

<sup>20</sup> I note however that this has been calculated by looking at the number of visits across the duration of the person's time at Marylands School. That calculation will not account for situations in which a person may have, for example, received many visits in short succession, and at other times may have gone longer than four months without a visit. Other discrepancies in the recording of visits were noted, including where visits were clustered around particular events or with a series of visits all being recorded under one entry. Records show that some monitoring was done by phone call, so it is possible that some of the "visits" recorded include phone calls.

<sup>21</sup> Response to Hebron Trust Application (OT\_NTP\_202\_100)

<sup>22</sup> Hebron Trust (OT\_NTP\_202\_099)

<sup>23</sup> It is unclear from the documents whether the approval was made under s 396 or s 403 of the Child, Young Persons, and their Families Act 1989. By 1992 it was apparent that the Hebron Trust was approved under s 396.

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- 28 The approval process at the time (until May 1992) considered an organisation's ability to operate within the confines of the Children, Young Persons and Their Families Act 1989; the organisation's actual proposal of service type; and the organisation's recommended budget.<sup>24</sup>
- 29 Following a restructure and the establishment of the Community Funding Agency (CFA) within DSW in 1992, the Hebron Trust entered into a contractual agreement with the CFA from 20 October 1992. The CFA Procedures handbook required that no persons with any conviction for violence against a person (particularly sexual violations) and/or dishonesty were to be involved with the care of children and young persons, and that procedures used for recruiting staff and ensuring their suitability were described and documentary proof produced and forwarded for the CFA file. The CFA assessed the Hebron Trust against the Standards of Approval annually.

**Allegations of abuse***Process for complaints at the time of Marylands School*

- 30 There was an obligation in the 1965 Field Officers Manual and the 1970 Social Workers Manual to investigate complaints that a child was being subjected to "serious neglect or cruelty" and that "the investigation of such complaints must take precedence over all other duties". It also states that "police should be advised unless the DCWO [District Child Welfare Officer] has good reasons for not wishing to do so, in which case he should consult the Superintendent."<sup>25</sup>
- 31 Investigation of sexual abuse was not specifically addressed in the 1965 and 1970 manuals beyond a requirement that foster parents should be informed of any sexual misconduct involving a child before they were placed with the foster parents (see J9.30 of the Social Workers Manual 1970).

*Disclosure of abuse at Marylands School*

- 32 Oranga Tamariki has found no evidence of any investigation by CWD or DSW into allegations of abuse at Marylands School, or that these departments were aware of the nature and extent of abuse at the school. There may be evidence of allegations or investigations within the case files of individual children.
- 33 In developing responses to the Royal Commission's questions in Notice to Produce 202, Oranga Tamariki identified records for two children where concerns were raised about sexual abuse during their time at the School. In one of these cases the child was recorded as being abused by other boys at the School, and subsequent steps were taken, including preparation of a safety plan. In the other there is lack of detail about who the abuser was and no detail about a subsequent investigation. The details of these are contained in the responses to Notice to Produce 202 and 298.<sup>26</sup>
- 34 In the course of reviewing information in response to the Royal Commission's Notices to Produce 202 we also found a record of a former student, who in 1992

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<sup>24</sup> OT\_NTP 202\_99

<sup>25</sup> H.21 of the Field Officer's Manual c. 1965 (OT\_NTP298\_005); H2.7 and H2.8 of the Social Worker's Manual 1970 (OT\_NTP298\_006)

<sup>26</sup> OT\_NTP298\_001; OT\_NTP202\_001



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(as an adult) contacted DSW and raised concerns about abuse he suffered while at Marylands.<sup>27</sup> The DSW staff were able to support the survivor to obtain counselling and to make a complaint to the Police.

- 35 In addition to the disclosures identified in responding to the Royal Commission's Notices to Produce, Oranga Tamariki also notes a disclosure made in 1980 to a social worker detailed in a witness statement disclosed by the Royal Commission. As a result, Oranga Tamariki reviewed the case file for that person and confirmed that there was a record of a disclosure of sexual abuse by Brother McGrath having been made at that time. The young person was a state ward at the time of abuse. While further steps were taken in relation to that young person following the disclosure, there is no record of further steps having been taken with respect to Brother McGrath (such as reporting to Police).

### *Process for complaints at the time of the Hebron Trust*

- 36 The CFA Level One Standards in 1992 required the Hebron Trust to have a clear and understood grievance procedure for dealing with complaints from children, young people and families and a clear policy for dealing with any client's allegations of abuse from staff and caregivers.<sup>28</sup> There does not appear to be a requirement in the CFA Level One Standards for Approval for a service provider to notify the CFA of any allegations or concerns received.
- 37 Oranga Tamariki has not located copies of the Hebron Trust's grievance procedure, or policy for dealing with any client's allegations of abuse.

### **Changes over time safeguarding and oversight of third party providers**

- 38 While I have been able to provide some comments above on the CWD and DSW's practice with respect to Marylands School and subsequent agency responsibilities with respect to the Hebron Trust, those comments have all been based on what Oranga Tamariki has been able to deduce from records. In this next section I address how monitoring of third party providers would be done today.
- 39 There have been changes to legislation and policy which provide for closer monitoring and review of the level of care provided to children in the care or custody of the Chief Executive of Oranga Tamariki, an iwi social service, a cultural social service, or the director of a child and family support service. In particular, the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (the **National Care Standards 2018**) set out the standards of care for children who are in the care or custody of Oranga Tamariki – these place greater accountability on those who provide care and make clear our responsibilities to children and young people. The compliance with the care standards by Oranga Tamariki and care providers with custody responsibilities is subject to monitoring by an independent monitor.
- 40 The National Care Standards 2018 apply to any child "in care or custody", which means any child who is subject to an order for custody or sole guardianship or to

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<sup>27</sup> OT\_NTP202\_079 to OT\_NTP202\_083

<sup>28</sup> Standards 5.5, 5.6, Negotiation for contract of services (OT\_NTP\_298\_104)

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a care agreement, in favour of (or naming as the carer) the chief executive of Oranga Tamariki, an iwi social service, a cultural social service, or the director of a child and family support service.

- 41 In relation to allegations of abuse, regulation 69 of the National Care Standards 2018 provides that the chief executive must ensure that any information disclosed passing on concerns in relation to a risk of harm caused by abuse or neglect of a child or young person in care or custody is responded to. It also provides that in carrying out the process for responding to the information, the chief executive must ensure that the response is prompt, the information is recorded and reported in a consistent manner, where appropriate the child or young person is informed of the outcome, and appropriate steps are taken with the parties to the allegation, including a review of the caregiver's plan.
- 42 Schedule 2 of the National Care Standards 2018 is a "Statement of Rights", which is for children and young people in care to read in order to understand their rights to care and support under the National Care Standards 2018. In relation to regulation 69, it provides as follows:

*If your support worker hears about something from anyone, including you, that makes them think you might not be safe or are not being well cared for, they will help you. They will see if something needs to be done about it and will make sure the information goes to the right people. Remember, your support worker will always be thinking about what is best for you.*

*If you want to tell someone that something bad or wrong has happened that needs to be made right, you can. Tell your support worker, or another support worker if it is your normal support worker who has done something wrong. They will help you understand what to do, how to do it, and what will happen afterwards.*

- 43 The frequency of visits to a child or young person must be determined as part of the needs assessment required under the National Care Standards.<sup>29</sup> Regulations 26-28 of the National Care Standards 2018 require visits to be undertaken at the frequency described in the young person's plan, and provide that the visitor must, where appropriate and if practical, talk with the child or young person in private to enable the child or young person to express their views freely. In this respect, the Statement of Rights provides

*Your support worker has to visit you often, so that they can see how you are doing. Your plan will tell you how often your support worker will visit you. Your support worker will try and talk to you on your own, just you and them. This is so that you feel comfortable and you can talk about anything you may be worried about.*

- 44 Further to this, section 11 of the Oranga Tamariki Act 1989 sets out requirements for children and young people to participate and have their views taken into account in decisions or actions taken that concern them. Together with the National Care Standards 2018, this sets clear expectations that children and young people in care will be engaged with by Oranga Tamariki more frequently than in the past and in a much more intentional way to understand their needs and experiences.

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<sup>29</sup> Regulation 10(1)(j), Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018

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- 45 Meeting these expectations to engage with children and young people more meaningfully means more opportunities to notice what is happening at an earlier stage and to take action to prevent harm or further harm (rather than relying solely on disclosures or allegations of abuse or harm).
- 46 There are legal requirements for the safety checking of individuals working with children, set out in the Children's Act 2014. School boards are required to adopt child protection policies, which must contain provisions on the identification and reporting of child abuse and neglect in accordance with section 15 of the Oranga Tamariki Act 1989. Section 15 enables any persons who believes that a child or young person who has been, or is likely to be, harmed, ill-treated, abused (whether physically, emotionally or sexually), neglected or deprived to report the matter to either the chief executive of Oranga Tamariki, or to the Police. A report under section 15 requires Oranga Tamariki to consider whether an investigation is required to be undertaken under section 17 of the Oranga Tamariki Act 1989 (where that is considered necessary or desirable).
- 47 The Children's Act also provides for the safety checking (which includes Police vetting) of the children's workforce, that is any person who may or does work with children.
- 48 The National Care Standards 2018 and section 7AA of the Oranga Tamariki Act 1989 (which came into force on 1 July 2019) provide clear quality expectations relating to the care and support for children and young people in care, their caregivers, and family or whānau.
- 49 There are three special residential schools operating today which children in the care of Oranga Tamariki might attend. Very few children in the care of Oranga Tamariki attend these schools. If they are enrolled at one of these schools, Oranga Tamariki has the same obligations to ensure the wellbeing and safety of a child in care enrolled in one of these schools as it has for a child in care in any other residential care arrangement.
- 50 Specialist residential 'homes', as is the case with Hohepa Hawkes Bay (Hohepa), also offer education on site. Their primary function is 'care' and they are required to be assessed and approved as a provider under section 396 of the Oranga Tamariki Act 1989, and is monitored accordingly, through the Partnering for Outcomes team within Oranga Tamariki. Oranga Tamariki has the same obligations and responsibilities towards children placed at Hohepa as to all children in care.
- 51 Following the introduction of the legislative changes in 2019, the Engaging Care Partners programme worked with care partners to design new working arrangements for partnered care. A new quality assurance function was established on 1 July 2021 within Oranga Tamariki (called the Partnering for Outcomes National Quality Hub) to approve new care partners and support practice quality and learning across partnered care.
- 52 The new quality assurance function within Partnering for Outcomes will assess the quality of practice provided by care partners against the National Care Standards. Through the Engaging Care Partners Programme a quality assurance framework has been developed in consultation with existing care partners and will be used to look at the experiences of tamariki, carers and whānau and ensure services have regard to whakapapa, whanaungatanga and mana tamaiti (as required by section 7AA of the Oranga Tamariki Act). There are currently

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around 60 care partners providing shared care services (provided by an Iwi Social Service or Child and Family Support Service for Ministry referrals), with three of these also providing full care (care and permanency work for children and young people whose custody is transferred from the Ministry or assigned directly by the Court to an Iwi Social Service or Child and Family Support Service).

- 53 Approval of any new care partner from 1 July 2021 will require the care partner to meet both the Level 1 Social Service Accreditation standards as assessed by Te Kāhui Kāhu<sup>30</sup>, and confirmation of Quality of Practice by Oranga Tamariki.
- 54 Care partners are required to comply with service specifications which form part of the contractual relationship between Oranga Tamariki and the care partner. The Shared Care Service Specification sets out roles and responsibilities of Oranga Tamariki and the care partner in meeting the requirements of the National Care Standards. It covers visiting requirements, and also sets out a clear process for handling an allegation that a child or young person has been harmed (which includes an allegation of abuse). That process includes the creation of a safety plan, consultation with Police, and investigation of the allegation.
- 55 A separate Whānau Care service specification will be developed in recognition that our Whānau Care partners have their own care obligations and aspirations. This development is happening with our Whānau Care partners directly.
- 56 In addition to what I have outlined above, the Office of the Children’s Commissioner, the Office of the Ombudsman, and the Independent Children’s Monitor provide independent oversight and monitoring of Oranga Tamariki.

### **Conclusion**

- 57 In concluding my evidence I acknowledge again the very difficult evidence given by survivors. Oranga Tamariki is committed to ensuring that the totally unacceptable circumstances of the abuse at Marylands School is not able to happen in today’s environment. That is why significant changes have been made to the formal expectations of organisations who provide care for children and there is increased oversight of not only the care provided by Oranga Tamariki but also that provided by third parties. Oranga Tamariki looks forward to the Royal Commission’s findings and report in order to shed further light on this important issue.

**Peter Galvin**

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<sup>30</sup> Te Kāhui Kāhu (formerly known as Social Services Accreditation (SSA)) will focus on assessing care partners’ business processes and systems against the core Level 1 Standards. However, Te Kāhui Kāhu will no longer perform the role of approving care partners.