

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

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## **Ministry of Social Development: Brief of Evidence of Debbie Ann Power for Institutional Response Hearing**

**8 August 2022**

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# Brief of evidence of Debbie Ann Power

I, **Debbie Ann Power** of Wellington, Chief Executive state:

## 1 Introduction

- 1.1 I am the Chief Executive of the Ministry of Social Development (**the Ministry**). I was appointed to this role in February 2019 for a term of five years.
- 1.2 In this role, I am responsible for the strategic oversight of the Ministry, whose role and functions are:
  - (a) funding for community service providers;
  - (b) employment support;
  - (c) income support including payments, entitlements and New Zealand Superannuation;
  - (d) social housing assessments and services;
  - (e) access to concessions and discounts for senior citizens, families and low-income New Zealanders;
  - (f) student allowances and student loans;
  - (g) information, knowledge and support for families and communities;
  - (h) campaigns that challenge antisocial attitudes and behaviour; and
  - (i) services to uphold the integrity of the welfare system and minimise the debt levels of the people we work with.
- 1.3 The Ministry also hosts functions outside of its core business, including Te Kāhui Kāhu, Historic Claims and the Independent Children’s Monitor.
- 1.4 Prior to becoming the Chief Executive of the Ministry, I held the position of the Statutory Deputy State Services Commissioner and Chief Executive, at the State Services Commission between August 2015 and February 2019. In this role I was accountable for supporting the Commissioner with chief executive appointments and performance management.
- 1.5 I started my public service career in 1980 as a frontline case manager at the then Department of Social Welfare.
- 1.6 I have held a range of senior roles in the Ministry, including Deputy Chief Executive, Service Delivery (2012 - 2015) Deputy Chief Executive, Office of the Chief Executive (2010 – 2012) and Regional Commissioner, Northland (2001 – 2005).
- 1.7 In these earlier roles, I oversaw a range of significant projects, including the implementation of Welfare Reform and the movement of social housing needs’ assessments from Housing New Zealand to the Ministry.

1.8 I hold an Executive Masters in Public Administration from Victoria University of Wellington.

## 2 Scope of evidence

2.1 Based on the scope of this hearing identified by the Commission, the Ministry has identified two key areas of relevance to this stage of the Inquiry. Therefore, the focus of the Ministry's evidence at this Institutional Response hearing is the accreditation and reaccreditation of care providers, as well as the role of the Independent Children's Monitor (the **Monitor**).

2.2 The Ministry has provided relevant evidence to the Commission on these issues, namely:

- (a) On 9 July 2021, the Ministry provided the Commission with documentation and information including about Te Kāhui Kāhu (then Social Services Accreditation) in response to Notice to Produce No. 14 (**NTP 14 Response**).
- (b) On 29 April 2022, the Monitor met with the Commission to discuss the Monitor's work to date, in particular outlining the Monitor's approach and how the Monitor connects with tamariki, caregivers and whānau as well as outlining the broader monitoring of the Oranga Tamariki system, as proposed under the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill (**Oversight Bill**).
- (c) On 24 March 2022, Ministry officials from the Policy area briefed the Commission on the Oversight Bill.
- (d) The Ministry's response to Notice to Produce 418 dated 10 June 2022 (NTP 418 Response) addresses Te Kāhui Kāhu and the Monitor.

2.3 The Ministry's evidence at this hearing will be focused on providing information about the role and functions of the Ministry that are relevant to this stage of the Inquiry. I will make some overarching comments on behalf of the Ministry about the accreditation system and the Monitor which, although independent government business units, are both hosted by the Ministry.

2.4 To supplement the evidence I give, the following witnesses will be appearing on behalf of the Ministry to address issues of accreditation and the Monitor:

- (a) Barry Fisk, the General Manager of Te Kāhui Kāhu; and
- (b) Arran Jones, the Executive Director of the Independent Children's Monitor.

## 3 Introductory comments

3.1 To begin, I wish to make some overarching comments.

3.2 On behalf of the Ministry, I wish to acknowledge the numerous accounts given by survivors of immense suffering and tremendous courage in the face of adversity. The Ministry has listened carefully to survivor's evidence and I would

like to recognise the bravery and courage of survivors in providing their evidence to this Commission.

- 3.3 Although the role in the care system that the Ministry performs today is in relation to the particular functions I have explained, the Ministry remains committed to continually improving that work to better support the care system operated by Oranga Tamariki. This is reflected by the Monitor and the accreditation processes in place.
- 3.4 I want to specifically acknowledge the evidence provided by survivors about their experiences of redress. Although I understand that is not within the scope of this hearing and therefore is not in scope of my evidence, that evidence has been heard and I acknowledge that the Ministry's redress system has not always got things right for claimants. This was covered in detail at the Commission's State Redress Hearing and evidence was provided by my colleagues:
- (a) Simon MacPherson as to the establishment and history of the Ministry's redress system for responding to historic claims of abuse;
  - (b) Linda Hrstich-Meyer as to how the Ministry has responded to and assessed historic claims, including current processes;
  - (c) Garth Young as to a range of issues and practices relating to the historic claims process.
- 3.5 The Ministry is committed to the cross agency work taking place to support the Crown Response to the Royal Commission's redress report He Purapura Ora, he Māra Tipu and to improve redress for survivors.

## **4 The Ministry's role in the care system**

- 4.1 With the establishment of Oranga Tamariki-Ministry for Children (**Oranga Tamariki**) in 2017 and the resulting transfer of Child, Youth and Family functions from the Ministry to Oranga Tamariki, the Ministry has several relatively confined areas in which it engages with or relates to people who were or are in the care of the State.
- (a) Managing claims of abuse or neglect for people who were in the care, custody or guardianship of the Child Welfare Division, the Department of Social Welfare, or Child, Youth and Family (the Historic Claims process). These matters were the subject of the Ministry's evidence at the Commission's State Redress Hearing).
  - (b) Providing social services accreditation on behalf of Ministry for Pacific People, Ministry of Housing and Urban Development, Ministry of Justice, Department of Corrections, Ministry of Social Development and Oranga Tamariki.
  - (c) Hosting the Monitor within the Ministry on an interim basis. After the Oversight Bill is passed, the Monitor will sit as an independent unit within the Education Review Office (**ERO**).
  - (d) Working with other agencies and the wider social sector to support Government priorities and improve the wellbeing of all New Zealanders.

- 4.2 Oranga Tamariki was established on 1 April 2017 and took on the responsibilities and functions of the previous organisations that held its present day function. As the Ministry is no longer involved with the delivery of the care system and does not provide care services, Oranga Tamariki will be giving evidence to the Commission about the care system.

## **5 Accreditation**

- 5.1 Barry Fisk, the General Manager of Te Kāhui Kāhu, will address this topic in detail. However, I intend to make some brief overarching comments.
- 5.2 Accreditation provides assurance that organisations can safely deliver social services to their community. It is like a Warrant of Fitness check for social service providers. Being accredited shows that an organisation has strong and safe business practices.
- 5.3 Changes to the system of accreditation have occurred because the Ministry's role and function of accreditation has increased since 2015. The Ministry's current accreditation function has evolved from approving and accrediting third party providers on behalf of the Ministry and Oranga Tamariki to accrediting on behalf of six agencies (the Ministry of Pacific Peoples, Ministry of Housing and Urban Development; Ministry of Justice; Department of Corrections; the Ministry of Social Development; and Oranga Tamariki).
- 5.4 The Ministry's accreditation process for assessing the suitability of third-party providers (including Māori third party providers) is run by Te Kāhui Kāhu.
- 5.5 While Te Kāhui Kāhu is an independent government business unit, which was established in August 2021, it is hosted by the Ministry, which means that the Ministry provides Te Kāhui Kāhu with corporate services such as IT systems, human resources, payroll and property.
- 5.6 Te Kāhui Kāhu assesses third party providers against specified accreditation standards within its accreditation framework. There are processes in place for accreditation to be removed by Te Kāhui Kāhu, and ways for Te Kāhui Kāhu to respond where issues or concerns about an organisation's accreditation are raised.

## **6 The Monitor**

- 6.1 Arran Jones, the Executive Director of the Independent Children's Monitor will address this topic in detail. However, I intend to make some brief overarching comments.
- 6.2 Prior to 2019, the Office of the Children's Commissioner had a statutory role to monitor and assess the policies and practices of Child, Youth and Family under the Oranga Tamariki Act (1989)<sup>1</sup>. However, the 2015 Expert Advisory Panel report on Modernising Child, Youth and Family found this level of oversight to be insufficient and proposed expanding this function to include:

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<sup>1</sup> Previously the Children, Young Persons and Their Families Act (1989)

- (a) monitoring the systems and processes for establishing caregiving placements and care services managed or provided under the Oranga Tamariki Act by other organisations, including section 396 providers;
- (b) monitoring the quality of the recruitment, assessment, approval, training and support for in family kin and non-kin caregivers;
- (c) accessing data and information which would inform its role, from any organisation it has authority to monitor or review (noting the potential privacy and consent requirements in relation to any individual's identifiable information);
- (d) providing regular reporting to Government; and
- (e) regularly publishing reports of findings to support transparency and public trust and confidence.

6.3 The subsequent 2017 review of independent oversight arrangements for the Oranga Tamariki system and children's issues (**the Beattie Report**) recommended the need for greater oversight of New Zealand's child protection system, specifically:

- (a) system-level advocacy for all New Zealand children and young people;
- (b) oversight and investigation of complaints of matters related to the application of the Oranga Tamariki Act 1989 and/or children in the care or custody of the State; and
- (c) independent monitoring and assurance of the operations and obligation delivered under the Oranga Tamariki Act 1989 and associated regulations.

6.4 In response, Cabinet agreed that the Ministry be appointed the independent monitor from 1 July 2019 to establish the monitoring function, with the in-principle agreement that it be transferred to the Office of the Children's Commissioner (**OCC**), once a robust monitoring function is established and a new legislative framework is in place. This was then superseded by the Cabinet agreement (on 10 May 2021) that the Monitor would be established as a departmental agency within ERO.

6.5 The Monitor operates independently from the Ministry's core business. The Ministry's role is to design and establish the framework for the independent monitoring of compliance with the National Care Standards Regulations, information that is disclosed on abuse or neglect in state care and how Oranga Tamariki is responding (NCS Regulations 69 and 85), and establish the broader monitoring frameworks and conduct full monitoring for a period from December 2020 to refine the operation of the function before it is transferred. The Government agreed to a phased approach to implementing the necessary changes to develop and establish the monitoring function. The current monitoring arrangements are set under the existing legislative framework under the Oranga Tamariki Act 1989. Future arrangements are reliant on the passing of the Oversight Bill.

- 6.6 Once the Oversight Bill is passed, the Monitor will be hosted by ERO. I understand that the Monitor will remain operationally independent and led by a Statutory Officer who will also be its Chief Executive.

## 7 Concluding remarks

- 7.1 As the Chief Executive of the Ministry, I wish to again acknowledge the experiences shared by survivors of abuse throughout the Commission's inquiry.
- 7.2 The opportunity for the Ministry to hear directly from those who have suffered such harm is significant, and I am committed to learning from their experiences, as well as from the work of the Commission.
- 7.3 The Commission has provided a pivotal opportunity for all Crown agencies, including MSD, to reflect on our role in the lives of tamariki, rangatahi and their whānau. The Ministry's overarching purpose is to help New Zealanders to be safe, strong and independent. I am committed to ensuring that the Ministry achieves this purpose in the work we undertake.



Signed: .....

**Debbie Ann Power**

Date: 08/08/2022