

Recommendations to the Committee on the Rights of the Child - United Nations Day of General Discussion 2021 on Strengthening Kinship Care in Aotearoa, New Zealand



Pillars
Ka Pou Whakahou

Family
for every child



INTRODUCTION

This submission examines the particular vulnerable groups and the important role whānau care (family or kinship care) in New Zealand can play in reducing unnecessary separation of children from families and placement in state care. It is based on consultations with local non-governmental organisations (NGOs) working on alternative care in New Zealand. The NGOs have a deep understanding of the current concerns prevailing in the country. It also includes a review of recent reports. Importantly, we have sought to include the voices of the often underrepresented tamariki (children) and rangatahi (young people) with lived experience of the state care system or who are cared for within whānau, often following State intervention. Their views are crucial and were accessed through organisations who work directly with them.

The consultations highlighted the damaging effect of family separation due to placing a child in state care. It also includes the impact on children when one or both parents are in prison, and the children are left behind with an uncertain future. Whānau care can significantly reduce the need to separate children from their families and provide a vital supportive and caring family for children. However it is imperative that the state recognises the specific needs of tamariki, grandparents and other whānau caregivers who have tamariki under their care. This requires financial, practical, emotional and legal support to be readily available.

For Māori – 'whānau' encompasses the members of their immediate and extended family group through which there is a physical, emotional and spiritual dimension that is based on their whakapapa (genealogical links). This extension of the concept of whānau also encompasses their extended whānau grouping (hapu) and tribe (iwi) through which the child has these whakapapa links and a sense of belonging and identity.

The recent Māori inquiry into Oranga Tamariki (New Zealand Ministry for Children) is referenced to help provide a comprehensive understanding of the situation with clear recommendations.

The paper also highlights the impact of COVID-19 on families especially on children in alternative care. These children clearly articulated the need to improve the quality of their lives and reduce the impact of COVID-19 on their education.

CONTRIBUTING ORGANISATIONS

Grandparents Raising Grandchildren (GRG) is a charitable trust supporting grandparents and whānau kin carers who have children in their full-time care throughout New Zealand. It is the only organisation providing information, advice, support and advocacy for full-time grandparent caregivers.

VOYCE – Whakarongo Mai is an independent charity organisation that is co-designed by tamariki and rangatahi with care experience. They advocate for the nearly 6000 tamariki currently in State care (including residential placements as well as whānau and non-whānau foster care).

Te Whānau o Waipareira supports positive life changes for Māori families. For over 30 years, they have provided services covering health, housing, social justice and education.

Pillars is a registered charity that supports tamariki who have a parent in prison. They do this via a range of programmes across mentoring for the children, and wrap around services for the families, caregivers and whānau.

Family for Every Child is a global alliance of currently 40 local civil society organisations in 36 countries. All members are deeply-rooted where they work, so their models for change grow directly out of the needs of their unique communities.

THE CONTEXT

According to [Family for Every Child's 2019](#) study, kinship care represents a paradox. It is the most widely used and valued form of care when children cannot be looked after by parents, yet it is also frequently neglected by those seeking to support vulnerable children who are separated from parents. In global policy debates, kinship care receives only peripheral attention. Kinship care cannot continue to be ignored. It is one of the most valuable resources available to the most vulnerable children in the world. It provides better outcomes for children than many other forms of care.



Family for Every Child's briefing paper, [Prioritising kinship care in responses to COVID-19](#) further shows how COVID-19 exacerbates the vulnerabilities of kinship care households. Further, [Children's Rights Alliance's June 2020 report](#) has shown the pandemic has had an ongoing significant impact on children and their rights in New Zealand; highlighting existing inequities and, in some instances, worsening these inequities. The lack of focus on children will have created unintended and, as yet, unquantifiable and unknown consequences and impacts for children which is deeply concerning.

KEY ISSUES

1. OVERREPRESENTATION OF MĀORI CHILDREN IN STATE CARE

To understand the background specific to New Zealand it is useful to provide an overview of Oranga Tamariki—the Ministry for Children that was launched in April 2017. The importance of whānau relationships is embedded in the Oranga Tamariki Act 1989 (Children's and Young People's Well-being Act 1989). This includes the principle that "the child's or young person's place within their family, whānau (extended family), hapū (kinship group), iwi (tribe), and family group should be recognised", and "wherever possible, these relationships should be maintained and strengthened". However, these principles have not always been adhered to. Māori overrepresentation in care and accusations that Oranga Tamariki have not allowed for Māori families to care for children, in instances where this was the best option, are still to be addressed. These accusations were raised amid a damning [report](#) into child removals by Oranga Tamariki.

Māori voices

“When our tamariki are uplifted into state care, they are not just being taken away from mum or dad, but from a whole ecosystem made up of a rich whāriki (tapestry) of wider whānau, culture, history and ancestry, which are all things we know to be vital to the positive growth and development of any child.”

Source: Ko Te Wā Whakawhiti, It's time for change. A Māori Inquiry into Oranga Tamariki: Report 2020

In 2017, the Ministry was tasked with transforming the care and protection system of New Zealand by 2022. The vision of the new Ministry was to put the safety and wellbeing of tamariki and rangatahi first by ensuring they get access to the care and support they need, and have a say in decisions that affect them.

In some cases, children are granted interim state custody without parents and the whānau having the opportunity to be heard. At times the children are taken into custody soon after birth which was brought to public attention through media's reporting of the Hawke's Bay incident when the agency attempted to uplift a newborn infant from a Māori mother.

The impact of this separation is most traumatic on children with long-lasting negative consequences on their development. Children become cut-off from the rich history, culture and tradition of the kinship ecosystem. The family, especially the mother, feels a great intensity of grief immediately following the removal and has to endure this loss for a very long time. It has created unspeakable agony to thousands of children and their families.

2. DIFFICULTIES FACED BY AT RISK AND VULNERABLE EXTENDED FAMILIES

Children often come into grandparents' care having experienced difficult situations. These can range from issues including developmental problems often leading to them having significant disabilities such as ADD/ADHD, fetal alcohol syndrome, behaviour disorders, cerebral palsy and learning disabilities, which affect health, education and social development and can require high levels of care (Kresak et al)

According to GRG's [report](#), grandparents and whānau carers are facing significant social and economic challenges. Grandparents love having the children in their care but they need to be provided with appropriate support to enable them to fulfill the care responsibilities of children placed with them. There are also several difficulties including the processes to access the Unsupported Child Benefit causing financial difficulties for most families

Grandparents often take on the care role through the Hui-a-whānau process, a meeting that aims to use Māori protocols, facilitated by either Māori families or Oranga Tamariki staff for the placement of the child. In practice, these meetings do not meet the state's objectives or follow Māori protocols, instead becoming informal meetings at which decisions are quickly and often loosely made for the placement of a child. As a result, there is often no financial or professional support from the State for the child or their grandparent. This is because they are assessed to be in a "safe placement". In most of these cases there are no orders defining the grandparents' legal status of care and no eligibility for the foster care allowance*.

Voices from the community

“ When we do things with our family and friends, that's when I feel like I can do better and achieve my goals because I see us all doing it. ”

Rangatahi from Tūranganui-a-Kiwa

Source: What Makes a Good Life? Tamariki and Rangatahi Māori Mai World Cohort Summary report, Office of the Children's Commissioner, November 2019

3. CHILDREN OF INCARCERATED PARENTS

According to Pillars, children of incarcerated parents are the most vulnerable in the community. The findings of a [Pillars study](#), emphasise the difficulties that these groups face throughout childhood. They are more at risk of physical, mental and emotional health problems. Their education is likely to be disrupted and many do not complete schooling. Most are brought up in benefit-led households, often implying that they live in a household below the poverty line. Because of these cumulative factors, by adolescence they are highly at risk of forming poor peer relationships leading to alcohol and drug abuse, risky practices and crime.

There are more than 23,000 tamariki and rangatahi with a mother, father or both in prison. Many are living a precarious existence with complex health and social needs. Many of the families, especially Māori and Pacific families, are very much impacted by intergenerational trauma and its hold on their lives and direction. Social workers at Pillars, support these families to understand the impact and address it.



* The Foster Care Allowance is paid to approved caregivers where the Chief Executive of Oranga Tamariki has a guardianship and custody order for the child under the Oranga Tamariki Act 1989

4. COVID-19 AND ITS IMPACT ON CHILDREN IN ALTERNATIVE CARE

COVID-19 pandemic is having a significant impact on the lives of children. GRG surveys highlighted the challenges being faced by caregivers in the provision of quality care to the children. Key emerging issues are related to the learning capacity of children as schools continue to run online, inaccessibility to devices and the internet, difficulties managing troubling behaviour pertaining to children with past experiences of trauma. COVID-19 represented a further triggering experience for these children that caused increased stress and anxiety for caregivers. Key findings from the GRG's June 2021 survey (cf: May 2020 Survey) are:

- 67% of the respondents reported being worried about the ongoing impact of the pandemic on themselves and their whānau. Up 7% from the May 2020 survey.
- 20% reported that there aren't enough devices in their homes for everyone who needs them, especially children for attending online classes. Down 5% from the May 2020 survey
- 28% of the caregivers agreed that they are struggling to manage the children's behaviour during this time. Up 3% from the May 2020 survey



Community voices

“ The most difficult aspect of lockdown was the school learning. It was poorly managed and disjointed, unengaging and very socially isolating for the younger children. Our grandchild's anxiety around learning went through the roof and managing mental health became the priority. ”

GRG survey response

RECOMMENDATIONS

The paper stresses that “positive change towards better outcomes for tamariki Māori and whānau Māori is a multi-layered process and requires attention to short, medium and long-term actions in order to support robust and transformative change”. This involves inclusive, wrap-around ‘by Māori, with Māori, for Māori’ services that are designed from the true lived experiences of whānau, and which offer long term solutions for all tamariki and their whānau to flourish.

For any child at risk of harm and in need of care and protection, the most effective approach to ensuring their wellbeing and good outcomes, is to place the child at the earliest opportunity into the care of a member of their whānau who can respond to the child's needs for safety and security and promote the child's wellbeing and sense of belonging and identity within the whānau.

For kinship care to be safe and effective, children, grandparents and whānau caregivers must have financial, practical and emotional support, and help with schooling. The caregivers need timely referral to support and advocacy assistance such as that provided by GRG. Mechanisms must be put in place to protect children from abuse and discrimination, and to help manage relationships with birth parents and support reintegration. The needs of other children in the household must also be recognised and addressed. Appropriate attention needs to be given to the health and social needs of children of incarcerated parents. Their carers must be provided practical information like the one provided by one of Pillars fact sheets on [how to care for children whose parents are in prison](#).

Children have the right to put their views forward, to be consulted and participate in decisions about their care according to their emerging capability. That is why it is important to listen to VOYCE who makes children's opinions count.

Effectively responding to kinship care specially during the COVID-19 pandemic requires providing a full package of support for children and caregivers that reflects these multiple vulnerabilities. This in turn involves collaborations among a range of sectors including child protection, social protection, education, health and justice.

The need of the hour is not a top-down approach but to work through localised solutions.