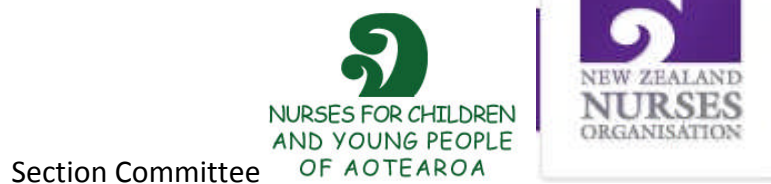


**SUBMISSION TO THE SOCIAL SERVICES SELECT COMMITTEE
ON**

Vulnerable Children Bill

30th October, 2013

on behalf of NZNO Nurses for Children and Young People Aotearoa (NCYPA)



Introduction:

Nurses for Children and Young People of Aotearoa thank you for allowing us to make this submission, with regards to the Vulnerable Children's Bill.

Nurses for Children and Young People of Aotearoa (NCYPA) is a section of the New Zealand Nurses Organisation (NZNO). NCYPA support nurses through the development of specialty knowledge and skills, to meet the unique health needs of all children, youth and families.

E tautoko nga nehi e Te Roopu Nehi mo Nga Tamariki ratou ko nga Rangatahi o Aotearoa i roto i te tino matauranga me nga pukenga. Ma tenei huarahi ka taea e ratou te whai oranga mo nga tamariki katoa, te rangatahi me te whanau.

The Nurses for Children and Young People of Aotearoa section are passionate about children and young people's health in New Zealand. We promote co-operation and the sharing of knowledge and skills among nurses concerned with the health of children, young people and their families - both in hospital and community settings. Our nurses foster and promote cohesive child advocacy in the political arena.

Part 1: Cross-Agency Measures

Sub-Part 1: Government priorities for vulnerable children and vulnerable children's plan

Above all else, as a group we welcome and support the principles of this Bill which aim to improve the well-being of children young people, who are identified as "vulnerable", and make legislation around care of children, child-centred. The Bill is a significant piece of legislation with the potential to greatly improve the systems that respond to children who are abused and neglected . We welcome this.

The Vulnerable Children's Bill is an opportunity for the nation to show that the safety of children is a top priority rather than just paying lip-service to the importance of the mental, physical and emotional wellbeing of children.

However, we believe that all children are vulnerable, due to their dependence on adults for protection. Categorising some children as vulnerable may undermine their sense of belonging and fail to recognise or strengthen their resilience. It also risks missing out children who need assistance because they are not categorised as vulnerable.

It is widely recognised that a broad range of factors can create vulnerability . We believe there is a need for a broader plan and policy for all children, with a focus on preventing vulnerability through preparation for parenthood, support for parents, connected communities, social and economic equality, and a culture that values and nurtures children. The Vulnerable Children's Action Plan – and resulting Bill – do little to prevent children from becoming vulnerable in the first place. To achieve this, there is a need for government and parliament to focus on the social and economic determinants of well-being, including employment and income, housing, connected communities, and parental health and education.

We would like to recommend the following amendment to **Clause 6**:

1. protecting them from abuse and neglect *by supporting parents, investing in public awareness of child development and building policy, practice and attitudes that enable children to thrive;*
2. improving their social and economic well-being, *including efforts to ensure that families are receiving their full entitlements under the Social Security Act 1964 with full transparency about the take-up of benefits and tax credits*
3. *upholding their rights under the UN Convention on the Rights of the Child.*

Cross-Agency accountability and information-sharing

Improving coordination of government departments, with regards to the protection of children, is a significant and positive change. In addition, to those government departments specified in the Bill, **we recommend** that the population ministries are included: Women's Affairs, Youth Affairs, Te Puni Kokiri and Pacific Island Affairs.

We strongly support the implementation of the Vulnerable Children Board, with the cross-government coordination and accountability that is expected from the Board. We acknowledge that there is a need for improved coordination not just within government

but within and between community organisations working with vulnerable children and their families.

Given the resources which have been put into the new cross-agency work, such as the Children's Teams, (currently being piloted in Rotorua and Whangarei), **we recommend** that there will be careful evaluation of the Children's Action Plan, to ensure it is being successful in improving outcomes for "vulnerable" children.

We support the Bill's aim to have a children's workforce who are skilled in identifying and reporting on abuse and neglect. In addition, the workforce for children needs to have the skills to share information appropriately and also have culturally- appropriate practice.

We recommend the following amendment to Clause 7:

at (3) so that it reads:

1. An instrument recording priorities set or changed under this section is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act 2012, and does not have to be presented to the House of Representatives under section 41 of that Act, **but will be published and is available under the Official Information Act; and**
2. **Progress against priorities will be measured and reported on for the purposes of accountability and to ensure that appropriate investment is made to ensure progress.**

We recommend the following amendment to Clause 8:

(1) (a):

develop a draft vulnerable children's plan **in consultation with the Office of the Children's Commissioner and relevant non-government organisations**

Further, **we would like to recommend** that the Office of the Children's Commissioner is involved in monitoring the impact of the plans.

Sub-Part 2: Child protection policies

We support that all prescribed state services adopt, report on, and require child protection policies. District Health Boards (DHB) across the country are already required within the service specification of the DHB Violence Intervention Programme contract with the Ministry of Health (MOH). However, it must be noted, that policy alone will not change practice and that a systems approach, by regulations in national service specifications, is required. We recommend a National Service Specification for Child Protection.

There needs to be investment in workforce capability when it comes to identification and reporting of abuse and neglect.

There are also questions about how safety check processes will connect with existing registration processes for teachers and social workers. **We recommend** that there is consistent cross-agency registration processes that are co-ordinated with regards to safety checks.

Sub-Part 3: Children's worker safety checking

We support proper screening of all those who work with children. We need to make sure that all people who care for and work with children are carefully checked and are regularly checked to ensure that children are safe. However, as pointed out by the submission made by the Paediatric Society of New Zealand, defining exactly who are the people who work with children is complex. We would like to recommend that part of the safety check should be an identity check.

The nursing profession has implicit and explicit standards of behaviour that nurses must follow, yet, it is also known that people who harm children come from all areas of society.

There would be a substantial cost involved with regular background checking of all nurses (amongst others) who work with children. This money could arguably remove funds from other projects related to child health and wellbeing. It will be interesting to see how these safety checks are implemented and what protection they do, in the end provide. **We recommend** that the cost and bureaucracy associated with the safety checks is monitored.

Part 2: Child Harm Prevention Orders

These orders are going to apply to a small number of people but it is important that Bill of Rights implications are taken into account.

Child-centred Care and Protection principles

The Bill amends the Children, Young Persons and their Families Act to clarify that decisions must be taken in the best interests of a child, and that a child's welfare and interests are paramount. We support this.

Family Group Conferences (FGC) and clarity for parents

It is good to see this effort to reinvigorate FGCs. However, there are resource implications in the delivery of plans and this needs to be acknowledged. **We recommend** that the extent to which plans coming out of FGCs are fully delivered on is monitored. **We also recommend** monitoring whether there are gaps in the provision of the financial and professional resources needed to deliver on these plans.

Guardianship for Home for Life placements

There are questions around whether or not the provisions place enough of an obligation on the State. The question is whether there is enough affordable, accessible and decent quality housing for young people moving into independence.

Subsequent children – safety

New Zealand does little to prepare people for parenthood and many parents do not have the support and resources to meet the various challenges of parenthood. Child development is not well understood and public attitudes in New Zealand do not fully support positive, non-violent parenting.

Where a parent has offended against their child, the removal of the child presents an important opportunity for intervention that addresses underlying issues, improves self-awareness and leads to changes that may equip a person for future parenthood/subsequent children.

There is some concern that the Bill doesn't adequately refer to the need to enable parent to change their behaviour so that they can parent subsequent children (and thereby meet a child's right to be with biological parents where possible).

Part 3: Amendment of Acts

Sub-Part 1—Amendments to Children, Young Persons, and Their Families Act 1989

Finally, we recommend that the Select Committee amend clause 6 of the Bill to include ... **“upholding their rights under the UN Convention of the Rights of the Child”**.

The Bill will be amending the Children, Young Persons and their Families Act. It therefore presents an opportunity to amend the CYP&F Act so that the protections in the Act extend to 17 & 18 year olds and is therefore consistent with the UN Convention on the Rights of the Child (UNCROC).

The UNCROC aims for every child to have the best possible childhood and achieve optimal well-being through government, local government, businesses, community and whanau all meeting their responsibility to uphold and deliver on the rights contained in the Convention.

The UNCROC has identified the need for New Zealand to develop and implement a comprehensive plan of action for children. The systems changes provided for in the Bill, and resulting children's action plans, do not constitute the universal plan of action envisaged by the Committee.

This submission was made by Gilli Lewis on behalf of the Nurses for Children and Young People of Aotearoa (NZNO).