

# Submission on the Child Poverty Reduction Bill



04 April 2018



**Kia eke ai te hunga taitamariki  
ki ngā rangi tūhāhā**

## Summary of Barnardos' recommendations on the Child Poverty Reduction Bill

Barnardos recommends that:

1. all political parties support this Bill, to prioritise the rights and best interests of all children in Aotearoa New Zealand and to raise up the importance of child well-being above politics.
2. consideration is given to bringing together the separate pieces of legislation pertaining to child well-being under one overarching piece of child well-being legislation.

### *Child Poverty Reduction Bill*

3. the Child Poverty Reduction Bill is re-named and re-framed as the Children's Well-being Act or the Well-being of All Children Act.
4. the Bill be strengthened by framing it within a child rights approach, explicitly including the guiding principles of the UN Convention on the rights of the Child (CRC) and other child rights particularly relevant to the Bill's context, and New Zealand's commitments under the Sustainable Development Goals (SDGs).
5. the Bill be framed with reference to Te Tiriti o Waitangi and principles reflecting Te Ao Māori concepts of child well-being.
6. the Bill be strengthened by framing it with reference to the ties between children and their families and whānau, recognising that child well-being needs to be achieved within the context of supporting family and whānau well-being.
7. the connections are made clearer in the Bill between the measures and targets to reduce child poverty and the actual policies that will be implemented to achieve the outcomes sought.
8. any policy directed towards reducing child poverty be developed in consultation with a diverse group of children, families and whānau, child sector and social sector NGOs (including service providers) and developed using the Child Impact Assessment Tool published by the Ministry of Social Development.
9. the Bill include definitions of material hardship and severe material hardship.
10. the date for requiring the definition of persistent poverty is brought forward from 2025/26, if possible.
11. the Bill at least provide an indication of the kind of data sources that will be used to inform child poverty reporting under the Bill, and specify that specific sources of Government data such as hospital admissions for preventable childhood diseases, housing and food insecurity statistics must be drawn on in reporting under the Bill.
12. the Bill include a requirement for the Statistician to explore the use of non-governmental data on child poverty, to support reporting under the Bill.
13. the Bill recognises the importance of including qualitative data gathered through research with children, families and whānau and the NGO sector to inform the setting of poverty lines and reporting on poverty measures.
14. an independent advisory group to the Statistician is established under the Bill, and that the Statistician is required to consult with this group, members of which should include: tamariki/rangatahi (or a mechanism by which their views are represented), the Children's Commissioner, diverse representatives from the children's sector, Māori representatives, and data ethicists.

15. the Bill explicitly acknowledge the specific groups of children more likely to be affected by child poverty, and the impact of multiple disadvantage and high and complex needs on some children.
16. the Bill make reference to the different stages of the child's life, including the child's early years, adolescence, and the period of transition from adolescence to childhood.
17. the Government takes a broader child rights public budgeting approach, to identify and report on all child-focused public expenditure in the annual Government Budget, via specific Budget lines for children.

*Children's Act and Child Well-being Strategy*

18. the Bill clarify the purpose and scope of the strategy for improving child well-being.
19. the Bill clarify how the child well-being strategy will connect with the Oranga Tamariki Action Plan.
20. the concept of the child well-being strategy is re-framed as a holistic, overarching child rights-based, action oriented strategy for making all of Aotearoa New Zealand's children's rights real in practice.
21. the strategy is re-framed from a Government strategy, to an Aotearoa New Zealand strategy for the well-being of all children.
22. the Bill requires that the child well-being strategy establishes a clear definition of what is meant by child well-being, informed by the CRC, SDGs, Te Ao Māori worldviews and concepts of well-being, and that the definition is shaped and established in direct collaboration with a diverse group of children.
23. the Bill include a definition of the concept of socio-economic disadvantage.
24. any strategy focused on child well-being under the Bill should be consistent with and uphold the principles of Te Tiriti o Waitangi, and the strategy be informed by and framed with reference to principles similar to those set out in section 5 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017.
25. the Bill clarifies what is meant by the terms 'children with greater needs', 'early risk factors for future statutory involvement', and 'care-experienced children'.
26. the Bill removes reference to the term 'classes of children'.
27. if the Bill specifies particular groups of children that the well-being strategy should focus on as a matter of priority/extra emphasis, the following groups should be explicitly included: Tamariki Māori, Pacific children, children with disabilities, children engaged with the State Care System and leaving State Care, migrant and refugee children, and LGBTQI+ children.
28. the child well-being strategy give consideration to the well-being of children living in rural localities, children in urban centres, children of parents with high and complex needs, children of solo-parent households, children in their early years and children in adolescence.
29. the child well-being strategy should be developed, designed, reviewed and monitored in partnership with as diverse group of children as possible, iwi and Māori organisations, the Office of the Children's Commissioner, non-government organisations (including children's sector organisations), and communities, and that the Bill is amended to reflect these principles of collaboration.
30. any actions under the child well-being strategy should align public policies and social service delivery with children's rights in a holistic manner and across government, to safeguard equitable outcomes from access to household income and an adequate standard of living,

quality housing, quality public education, good health and quality healthcare, and timely, flexible and integrated social support services.

31. any policies intended to achieve the outcomes sought by the child well-being strategy are assessed prior to their adoption and implementation, to consider their likely impact on children and their rights and best interests, including by using the Child Rights Impact Assessment tool developed by MSD.
32. the Bill require that assessment under clause 45 new section 7(4)(b) include an assessment of how such impacts can be mitigated to maintain a focus on implementing the strategy.
33. clause 45 new section 7(4) is amended to include a requirement that the likely intergenerational impacts of the policies on children and future generations is addressed.
34. the Bill is amended to include requirements that the chief executives of the government children's agencies work collaboratively with the following groups to design the Oranga Tamariki Action Plan, and that these groups are consulted in reviewing and amending the plan, and in creating a new plan: Children, including but not limited to children currently in State Care, who have previously been in State Care, and tamariki Māori, family and whānau of children currently in State Care or previously in State Care, representatives of iwi and Māori organisations, the Office of the Children's Commissioner, the Human Rights Commission, NGO Oranga Tamariki service providers, and other child-focused civil society organisations.
35. the Bill defines what is meant by 'early risk factors', and how the presence of such factors will be assessed and/or predicted by government, and what data sources will be used to inform the assessment of risk.

# Section One | Introduction, Background & General Position Statement

## Introduction

1. This submission, submitted to the Social Services and Community Select Committee in April 2018, outlines Barnardos' position on the Child Poverty Reduction Bill ('the Bill'). Barnardos is Aotearoa New Zealand's largest and leading children's charity working towards the vision of "An Aotearoa New Zealand Where Every Child Shines Bright".
2. We hold fast to this vision because we believe in the potential of each and every child, and the unfortunate reality that right now, too many children in Aotearoa have their light dimmed and are not shining bright. While Government has a particular role to protect, respect and fulfil the rights of all children in Aotearoa New Zealand consistent with the UN Convention on the Rights of the Child (CRC),<sup>1</sup> we see it as our collective responsibility – all people living in Aotearoa New Zealand – to support the development and flourishing of all children in our country.<sup>2</sup>
3. Today, child poverty is one of the main factors dimming children's ability to shine bright in Aotearoa New Zealand. We see the significant negative impact of poverty on children every day in our work, throughout the country. Barnardos is committed to creating practical and positive change to improve the situation of children in Aotearoa New Zealand, so that every child can grow up to develop and realise their potential. Barnardos welcomes the Government's commitment to making our country a great place to be a child, and we strongly support legislation – such as this Bill – seeking to bring greater focus to children's well-being and reducing child poverty in Aotearoa New Zealand. However, we are concerned to ensure the Bill is as strong as possible for children; therefore, we have identified some areas where the Bill can be strengthened.
4. This submission is informed by Barnardos' insights and knowledge drawn from practice working with diverse children in Aotearoa New Zealand, including what children and young people themselves tell us. This submission outlines what Barnardos sees as some of the positive features of the Bill, and highlights key issues of concern and Barnardos' suggestions for strengthening the Bill. This submission is underpinned by Barnardos' guiding principles: Kotaitanga; Kaitōkiritanga; Māiatanga; Ata Whakarongo; and Mahi Tōtika.
5. In addition to this submission, Barnardos is a signatory to the Children's Sector Joint Submission and strongly endorses the messages contained in the Joint Submission.

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<sup>1</sup> 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> States Parties (governments) are the primary duty bearers under the CRC.

<sup>2</sup> As secondary or non-primary duty-bearers under the CRC.

## Background

### Background to Barnardos

6. As an organisation, Barnardos' roots are in working to support children experiencing the lived realities of poverty, to improve their situations and ensure that the effects of poverty are not determinative. Barnardos' work with children is based on a commitment to ensuring that every child should have a positive start in life, no matter what their family circumstances or background. Ensuring children's equal access to education has always been a central part of our organisation, given the value of education for children's development and life outcomes.
7. Barnardos has been delivering services to children in Aotearoa New Zealand for over 50 years.<sup>3</sup> Our vision as set down in our current Strategic Plan 2016-2020 is "An Aotearoa New Zealand Where Every Child Shines Bright".
8. As well as advocating for the rights and well-being of all children in Aotearoa, Barnardos delivers services for children and their families and whānau every day throughout the motu across two operational arms: Barnardos Child and Family Services, and Barnardos Early Learning.
9. Barnardos Child and Family Services (CAFS)<sup>4</sup> delivers a wide range of services throughout Aotearoa New Zealand from before birth, to children during early childhood, throughout childhood and adolescence, and after children turn 18. Children exist within the context of family and whānau environments, and it is children who are at the centre of the social services we provide for them and their families and whānau. We are based in the community and support a community-led approach to development. Our work contributes to positive, tangible change in the individual lives of children and their families and whānau, as well as their wider communities.
10. This is the case whether it is through delivering early intervention programmes for vulnerable children and their parents such as Family Start; by supervising children's contact with a parent or family member who cannot live with them; through our Social Workers in Schools Service; through providing foster care and specialist residential services; working with children who have experienced a family breakdown in our delivery of the Family Breakdown Assessment Service Hub, or by working with families and whānau to prevent family violence and child abuse, by equipping them with positive and practical parenting and communication skills and strategies. The majority of the CAFS work we deliver is as a contracted service provider to Government (currently delivering contracts for Oranga Tamariki, Ministry of Education, Ministry of Justice and Ministry of Social Development). Some of our CAFS work is targeted, supporting particularly vulnerable or disadvantaged individual children and their families and whānau, while other

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<sup>3</sup> See for further information: <https://www.barnardos.org.nz/>

<sup>4</sup> See for an overview of Barnardos CAFS: <https://www.barnardos.org.nz/what-we-do/child-and-family-services/>

services we provide (such as [0800 What's Up](#) our dedicated helpline available online and by phone for all children) are more universal, available to all children in Aotearoa New Zealand. We work with children from diverse backgrounds, however, a significant proportion of the children Barnardos CAFS supports are Māori, and Barnardos aims to support tamariki Māori to achieve outcomes equal to or better than those of the rest of the population.

11. Barnardos Early Learning (BEL)<sup>5</sup> provides quality early childhood education through our early learning centres and home-based care networks. BEL operates on a not-for-profit basis and is available for all children and tamariki from zero to five years of age. Through BEL's tailored learning and care, children are supported from their very first years of life to shine bright and develop an understanding of themselves, those around them and the world they are a part of. Scientific evidence shows that children's early years are crucial for later positive lifetime outcomes,<sup>6</sup> and early learning is an important part of fostering this healthy development for all children.<sup>7</sup> Our early learning centres and home-based networks are located in diverse communities and embody the spirit and values of these communities. Through BEL, Barnardos works to ensure children have a positive start in life and are supported along a path to positive educational and lifetime outcomes. Our early learning services help to create strong connections and networks in Aotearoa's communities amongst children, whānau and families.
12. Barnardos takes a holistic approach to supporting children and their families and whānau. Wherever possible, we draw connections between our services and seek to work more as one. A prime example of this is happening in the context of high deprivation through our Te Korowai Mokopuna service (TKM),<sup>8</sup> which delivers social services to some of New Zealand's most disadvantaged children and their families and whānau in South Auckland. Children and their families access CAFS support through four Barnardos Early Learning Centres in Otara, Mangere, Clendon and Manurewa, with barriers to accessing services broken down through this co-location and through the provision of Kaimanaki Whānau Workers who walk alongside families and whānau with children, providing them non-judgmental professional support, advice and advocacy. Through TKM, bridges are built between whānau and the services they need to improve child outcomes and well-being of children and their family and whānau. Recent external evaluation of TKM by Malatest International shows that TKM is highly effective in supporting positive change for children and their families and

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<sup>5</sup> See for an overview of BEL: <https://www.barnardos.org.nz/what-we-do/early-learning-and-childcare/>

<sup>6</sup> See, e.g. National Scientific Council on the Developing Child, Harvard Center on the Developing Child, *The Foundations of Lifelong Health Are Built in Early Childhood*, 2010, available at: <https://46y5eh11fhgw3ve3ytpwxt9r-wpengine.netdna-ssl.com/wp-content/uploads/2010/05/Foundations-of-Lifelong-Health.pdf>

<sup>7</sup> Ibid, p.18.

<sup>8</sup> TKM is funded in partnership between Barnardos and Save the Children New Zealand, with additional funding from the Tindall Foundation.

whānau, the majority of whom experience poverty, multiple disadvantage and complex needs as a daily reality.

### **Barnardos' general position on the Child Poverty Reduction Bill**

13. Barnardos strongly welcomes the Government's intent (as stated in the Explanatory note to the Bill) to help achieve a significant and sustained reduction in child poverty and to enhance the overall well-being of children. We view this Bill as a landmark piece of legislation which has the potential to have a transformative effect regarding:
  - how we view and value children and tamariki in Aotearoa New Zealand; and
  - how we take action to respect, protect and fulfil the rights and best interests of all children in Aotearoa, as well as those most disadvantaged amongst our youngest generation.
  
14. Barnardos also strongly supports the stated four-fold purpose of the Bill, and emphasises that this Bill is important for all children in Aotearoa New Zealand – and for all people in our country. As already noted, in our work with children and their families and whānau, every day around New Zealand we see up-close the lived effects of poverty. Moreover, New Zealand's current statistics on child poverty and the trend which has emerged over recent years regarding child poverty – as outlined in successive Child Poverty Monitor reports<sup>9</sup> – are irrefutable: child poverty is a problem detrimentally affecting the lives of thousands of children in Aotearoa New Zealand. As a small, relatively wealthy nation with a long-held commitment to the central tenets of fundamental human rights and freedoms, the depth and persistence of child poverty and the inequality which has been left to grow, along with our high rates of child abuse and family violence, and our child and youth mental health crisis, is a national shame. Urgent action is needed and should be viewed as non-negotiable, before child poverty becomes further entrenched and children, families, whānau and communities – as well as society at large – bear the intergenerational scars of poverty.
  
15. Government, civil society, communities, families and whānau need to galvanise around the vision of Aotearoa New Zealand as a place where every child is valued, respected, protected and can develop and flourish to reach their potential. Given our current state of child poverty, reducing child poverty must be a key strand of achieving this vision. Barnardos views the Bill as a foundational piece in the framework that will be necessary to establish to enable Aotearoa New Zealand to be a country where every child enjoys a good start in life in the care of family and whānau empowered and supported to nurture and protect them, and gets to exercise and enjoy their full range of CRC rights in practice. We note that the first recommendation of the 78 recommendations made by the Expert Advisory Group on Solutions

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<sup>9</sup> See the Child Poverty Monitor, available at: <http://www.childpoverty.co.nz/>



to Child Poverty in its final report to the Children's Commissioner in 2012 was to enact child poverty legislation,<sup>10</sup> and that this Bill to a large extent follows through on this recommendation.

16. Barnardos urges all political parties to support this Bill, in order to:
- prioritise the rights and best interests of all children in Aotearoa New Zealand;
  - take a unanimous stand recognising that children's rights and interests, and the equal positive outcomes of children should be above politics; and
  - to send a strong message to children and tamariki themselves and their families and whānau that they matter, and those representing them in our Pāremata (Parliament) are committed to seeing them positively develop and thrive.

Reducing child poverty and protecting and promoting the well-being of all children in Aotearoa New Zealand requires commitment that endures throughout the term of successive future governments. Cross-party support for this Bill is essential to ensure that this legislation is embedded and supported by long-term, bi-partisan commitment – as it needs to be if it is to help to achieve the broad aim of the well-being of all children in our country.

17. Barnardos supports the approach taken by the Bill to establish in primary legislation a suite of formal measures of child poverty, as well as requiring successive governments to set targets for child poverty reduction and for independent reporting annually on child poverty using the measures set down in legislation. Measurement should provide a clearer picture of the scale and nature of the problem of child poverty, and should drive policy that is responsive and effective in reducing child poverty. Requiring government to set and report on targets should support a consistent focus over time and foster transparent accountability for reducing child poverty. Independent reporting on the state of child poverty on an annual basis should provide a comprehensive view of the problem and in turn should help to drive improvement and strengthening of policy and its implementation.
18. Barnardos further supports and welcomes the concept of a child well-being strategy, the central mechanism introduced in the Bill by way of amendments to the Vulnerable Children Act 2014. Barnardos strongly supports this strategy being focused on enhancing and promoting the well-being of all children in New Zealand, and within the strategy, a particular focus being

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<sup>10</sup> "We recommend the enactment of child poverty legislation to ensure the proper and regular measurement of child poverty, the periodic setting of government targets to reduce child poverty, the setting of child poverty-related indicators and targets for selected indicators, and the annual reporting to Parliament of progress towards the achievement of the designated targets by the responsible Minister." Expert Advisory group on Solutions to Child Poverty, *Solutions to Child Poverty in New Zealand: Evidence for Action* (2012), p.37.

placed on reducing child poverty and supporting those children who require particular additional support.

19. While being generally supportive of the Bill, Barnardos does have some concerns about certain aspects of the Bill and has some recommendations as to how the Bill can be strengthened, in order to maintain a strengths-based, positive focus on children and their rights and well-being throughout. These concerns and recommendations are covered in Sections Two and Three of our submission, below. Having noted the intention to divide the Bill into two separate bills (Child Poverty Reduction Bill and the Children's Amendment Bill), the below sections of our submissions address these parts of the Bill in turn.
20. However, in this connection, at the outset Barnardos notes its concern regarding how the various pieces of legislation relating to children's well-being will fit together. Currently, it remains unclear to Barnardos how, if passed, the Child Poverty Reduction Act 2018, the Children's Act 2014 and the Oranga Tamariki Act 1989<sup>11</sup> will fit together in practice.
21. We take the view that rather than having a number of different pieces of primary legislation broadly all relating to child well-being, it would be preferable to bring these pieces of legislation together under one overarching piece of child well-being legislation, which would include sections on:
  - a child well-being strategy for all children;
  - reducing child poverty in Aotearoa New Zealand (including measures and targets for child poverty reduction); and
  - ensuring particular focus on children who are at greater risk and most disadvantaged.
22. Such a piece of legislation should be framed with reference to overarching fundamental principles regarding the rights and well-being of all children. The various interconnected focuses on different aspects of children's well-being nested within the overarching legislation would all connect back to and be framed within such principles. Bringing the legislative architecture relating to children's well-being together in this way would serve to ensure a more holistic, aligned and integrated approach to children's well-being and rights, and would be much more accessible and user-friendly in practice. It would also minimise the risk of inconsistency, create greater clarity as to how the different but interrelated focuses on reducing child poverty, enhancing the well-being of all children, and supporting those children at greater risk work together.

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<sup>11</sup> Currently being amended through the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017.

## Section Two | Child Poverty Reduction

### Reframing the Bill in the best interests of children: focus on child well-being

23. While Barnardos supports the purpose of the Bill to achieve a significant and sustained reduction in child poverty in New Zealand, we observe that by entitling this legislation (if passed) as the Child Poverty Reduction Act, this raises the risk of unintentionally stigmatising children who do live in poverty or who are impacted by socio-economic disadvantage. Many of the children who we work with tell us they feel a sense of stigma or shame based on the way the place they live is perceived by others who live in different neighbourhoods or areas. This is also borne out by University of Otago research, which emphasises the importance of place and turangawaewae to children's identity and sense of self and personal well-being. The research emphasises that even if children feel positively towards their own neighbourhood and have a proud sense of community spirit, how others react to and judge the place they call home can have negative impacts on their sense of self-worth and belonging.<sup>12</sup>
24. Therefore, some children living in poverty already experience stigmatisation in their day-to-day lives because of their socio-economic realities; for some children in these situations, they are growing up believing that their socio-economic situation in childhood will prevent them from achieving their potential later in life. However, evidence shows us that this is not true; child poverty does not have to be determinative of later life outcomes. Therefore, rather than naming and framing the legislation from a negative perspective, Barnardos recommends that the Bill is renamed and framed as the Children's Well-being Act or the Well-being of All Children Act. This would serve to keep a focus on the overall outcome sought, with child poverty reduction being one of the main methods by which this outcome will be achieved – and which Barnardos believes is absolutely necessary to achieve, to protect and promote the well-being of all children in Aotearoa New Zealand.

### Framing the Bill consistently with a child rights approach and Te Tiriti o Waitangi

25. Linked with the above, Barnardos notes that as currently drafted, the Bill is not framed with reference to a child rights approach. Doing so would strengthen the Bill, placing it within the broader human rights protection framework that it relates to. In particular, the Bill would benefit from being framed with reference to:
- child rights principles (the guiding principles under the CRC, namely the principles of the best interests of the child, non-discrimination, survival

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<sup>12</sup> See Rosee Neville, *Who You Know and How You Are Known: Children's Perceptions of Neighbourhood*, University of Otago, 2015, available at: <https://ourarchive.otago.ac.nz/bitstream/handle/10523/6356/NevilleRosee2016MPH.pdf;sequence=1>

- and development of the child, and the child's participation and views);<sup>13</sup> and
- despite the indivisible and interdependent nature of children's rights, specific reference to the child's right to grow up in a family environment<sup>14</sup> in "an atmosphere of happiness, love and understanding",<sup>15</sup> and the child's rights to an adequate standard of living,<sup>16</sup> health<sup>17</sup> and the particular rights of children with disabilities.<sup>18</sup>

There is also an opportunity to frame the Bill with reference to the relevant Sustainable Development Goals (SDGs),<sup>19</sup> which New Zealand, along with all states of the world, has agreed to implement by 2030. Therefore, Barnardos recommends that the Bill is strengthened by framing it within a child rights approach, explicitly including in the Bill the guiding principles of the CRC and the other child rights particularly relevant to the context of the Bill, and New Zealand's obligations under the SDGs.

26. Barnardos also notes that the Bill makes no reference to Te Tiriti o Waitangi. Noting especially the overrepresentation of tamariki Māori in national child poverty statistics, Barnardos is of the view that it is important that the Bill is consistent with and upholds the principles of Te Tiriti o Waitangi. Alongside explicit reference to Te Tiriti, this could be achieved through the inclusion of principles similar to those set out in section 5 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017, in particular to reflect the importance of the concepts of mana tamaiti, whakapapa and whānaungatanga. Barnardos therefore recommends the Bill is framed with reference to Te Tiriti o Waitangi and principles that reflect Te Ao Māori concepts of child well-being.

### **Children exist within families and whānau**

27. Barnardos commends the Bill's strong focus on children. But we also wish to emphasise that children exist within families and whānau. As currently drafted, this is not reflected strongly enough in the Bill. The preamble to the CRC states that

"the family is the "fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community",<sup>20</sup>

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<sup>13</sup> See for an overview of the CRC guiding principles: [https://www.unicef.org/crc/files/Guiding\\_Principles.pdf](https://www.unicef.org/crc/files/Guiding_Principles.pdf)

<sup>14</sup> CRC Preamble.

<sup>15</sup> Ibid.

<sup>16</sup> Art. 27, CRC.

<sup>17</sup> Art. 24, CRC.

<sup>18</sup> Art. 23, CRC. See also: United Nations Convention on the Rights of Persons with Disabilities.

<sup>19</sup> Agenda 2030 sets out the Sustainable Development Goals and their associated targets as adopted by the United Nations General Assembly. General Assembly Resolution 70, (2015), (Transforming our world: 2030 Agenda for Sustainable Development), A/RES/70/1.

<sup>20</sup> CRC Preamble.

and

“the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”.<sup>21</sup>

The CRC further establishes the right of the child to “as far as possible, know and be cared for by his or her parents.”<sup>22</sup> The CRC also states the principle that:

“States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child shall be their basic concern.”<sup>23</sup>

28. Furthermore, Maori models of child well-being and whānau well-being emphasise the importance of connections between tamariki and whānau, hapū and iwi, and the importance of concepts such as whakapapa, whanaungatanaga, mana, manaakitanga, kotahitanga and wairuatanga.<sup>24</sup> Identity and a sense of belonging and connectedness is fundamental to uphold mana tamaiti, and positive connections within whānau and beyond are important for the well-being and safety of tamariki. Professor Mason Durie emphasises Taha whānau as one of the four walls of the whare within the Whare Tapawha Model, emphasising the crucial role of family and whānau as a dimension of wellbeing.<sup>25</sup>

29. Strong and resilient families and whānau are key enablers and supporters of positive child outcomes.<sup>26</sup> All children should be able to grow up healthy and safe in the care and love of their families, whānau, hapū, iwi and family groups, so they can thrive. Indeed, growing up in a family with meaningful relationships, love, safety and care is what the majority of children and tamariki who Barnardos works to support tell us they want most.

30. Therefore, Barnardos recommends that the Bill is strengthened by framing it with reference to the ties between children and their families and whānau, and that to make significant and sustained progress for children’s well-being

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<sup>21</sup> CRC Preamble.

<sup>22</sup> Art. 7(1), CRC.

<sup>23</sup> Art. 18(1), CRC.

<sup>24</sup> See, e.g., Superu, *Frameworks to measure family and whanau wellbeing*, June 2015, p.3, available at: <http://www.superu.govt.nz/sites/default/files/Families%20and%20Whanau%20Frameworks.pdf>

<sup>25</sup> For a summary of the Whare Tapawha Model relating to wellbeing and hauora, see <http://health.tki.org.nz/Teaching-in-HPE/Health-and-PE-in-the-NZC/Health-and-PE-in-the-NZC-1999/Underlying-concepts/Well-being-hauora>

<sup>26</sup> For further discussion on the functions of families, see Superu, *Frameworks to measure family and whanau wellbeing*, June 2015, p.2, available at: <http://www.superu.govt.nz/sites/default/files/Families%20and%20Whanau%20Frameworks.pdf>

in Aotearoa New Zealand, children's well-being must be supported alongside the well-being of their families and whānau. This understanding of the crucial symbiotic relationship between children and their families and whānau should, therefore, inform the development of policy in relation to the overall aim of improving child well-being.

## Defining child poverty

31. Barnardos is concerned that the Bill does not include a definition of child poverty. It seems, however, important for the Bill to do so. This will help to create a shared understanding of what constitutes child poverty, so it is clear what is being sought to be reduced in the best interests of children and New Zealand as a country. It would also be helpful for the definition of child poverty to make clear linkages to the impact of child poverty on the child's ability to enjoy and exercise their rights and the realisation of the guiding principles of the CRC. We further note that the UN Committee on the Rights of the Child has recommended that New Zealand

“introduce a systemic approach to addressing child poverty, in particular Māori and Pasifika children, including establishing a national definition of poverty”<sup>27</sup>.

32. Therefore, Barnardos recommends that the definition of child poverty suggested by the Expert Advisory Group on Solutions to Child Poverty (or a definition close to this) is incorporated in the Bill, namely:

“Children living in poverty are those who experience deprivation of the material resources and income that is required for them to develop and thrive, leaving such children unable to enjoy their rights, achieve their full potential and participate as equal members of society.”<sup>28</sup>

33. Including this definition in the Bill will also help to frame the Bill with regard to the lived realities of poverty that children experience in Aotearoa New Zealand. The common issues and challenges faced by families and whānau with children in our TKM service provide a contemporary sense of the nature of child poverty in Aotearoa New Zealand. Common issues we are seeing are:

- **Housing:** availability and affordability issues, low quality – unsafe and unhealthy, overcrowding.
- **Lack of economic well-being:** low incomes, multiple low income jobs, unemployment, higher living costs, and an inability to provide basic necessities of life (food, clothing, bedding).
- **Physical health issues:** often related to poor housing conditions, poor nutrition.

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<sup>27</sup> UN Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of New Zealand*, (21 October 2016) CRC/C/NZL/CO/5, at [36](a).

<sup>28</sup> Office of the Children's Commissioner (2012) *Solutions to Child Poverty in New Zealand: Evidence for Action*, p.2.

- **Mental health issues:** high levels of anxiety and depression due to stressful lives, exposure to adverse behaviours and high prevalence of alcohol and drug use.
- **Unsafe neighbourhoods:** high gang presence.
- **Teenage pregnancy:** high numbers, and low confidence among teenage mothers to ask for help.
- **Stigmatisation:** feeling a sense of disconnection from other areas in Auckland, which impacts on identity, community and social connectedness.

34. In many cases, more than one of the above group of issues are present for many of the children, families and whānau who we work with through TKM. Many of the families and whānau who we support through TKM express a sense of whakamā (shame) about asking for help and accessing services, or before seeking help from TKM have believed that no help is available to them. This sense of whakamā is often underpinned by previous negative experiences accessing services or government support, and a lack of trust in government or service providers. Our experience in TKM shows that building relationships with vulnerable children and their families and whānau requires perseverance over time, consistent efforts to build trust, and the provision of support that is non-judgmental. This is particularly important when working with families and whānau who have experienced multiple layers of trauma over their life-courses, and who may be unwilling or lack the confidence and trust to disclose issues and ask for help.

35. The above issues are a common theme in many of the other areas of the country that our CAFS teams work in. In Canterbury, for example, recent issues Barnardos staff have dealt with, which speak to the complexity of child poverty in New Zealand, include:

- Children being late to school or missing school on the days benefits are paid, because they have no money for lunch.
- Families being unable to access after-hours medical care for children due to debt, and being unable to travel to hospital due to having no money for petrol.
- Families with children living without adequate basic clothing, sheets and blankets.
- Families lacking cooking equipment and therefore struggle to cook meals at home.
- Families choosing to give children unhealthy food as it is cheaper – for example, children drinking softdrinks due to it being cheaper than milk.
- As many as 20 percent of children at some schools arriving at school not having eaten any breakfast.

## **Connecting the Bill's approach to measurement and targets to the policies to achieve the outcomes sought**

36. Barnardos is concerned that as currently framed, the Bill does not make as clear as it could the connections between the child poverty measurement and targets, and the actual policies that will achieve the outcomes sought (to reduce child poverty and improve children's well-being).
37. Barnardos supports the focus of the Bill on measurement and targets to reduce child poverty, but this should not be emphasised at the detriment of sufficiently strong focus on the policies that will achieve a reduction in and ultimately move us closer to ending child poverty in Aotearoa New Zealand. While the connection to policies largely sits in clause 45 new section 7 of the Bill (regarding content of the child well-being strategy), this could be made clearer in the Bill.
38. Therefore, Barnardos recommends that the connections between the measures and targets to reduce child poverty and the actual policies that will be implemented to achieve the outcomes sought are made clearer under the legislation, by bringing the legislation together in one overarching piece of child well-being legislation, as previously discussed at paragraphs 21-22 of our submission.
39. Barnardos also recommends that any policy directed towards reducing child poverty must be developed in consultation with a diverse group of children themselves, families and whānau, child sector and social sector NGOs including service providers, and developed using the Child Impact Assessment Tool<sup>29</sup> developed by the Ministry of Social Development, to ensure children's rights and best interests are adequately considered.

## **The measures of child poverty**

40. Barnardos supports the suite of primary and supplementary measures of child poverty included in the Bill. However, we believe that the measures in the Bill can be strengthened in some respects.
41. Barnardos is concerned that while the Bill provides specific definitions regarding the included income poverty measures, the Bill does not include definitions of material hardship or severe material hardship, but rather leaves the definition of these measures to the Statistician. For consistency and transparency, Barnardos recommends that the Bill includes definitions of material hardship and severe material hardship.
42. We strongly support the inclusion of a primary measure relating to persistent poverty. However, we are concerned that the definition of persistent poverty

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<sup>29</sup> Available on the MSD website.



is not required until 2025/26. Barnardos recommends that this date is brought forward, if possible.

### **Data to inform reporting on child poverty measures and the preparation of new policy**

43. Barnardos is concerned that the Bill does not currently give any indication as to the sources of data that will be used to produce the child poverty statistics that the Statistician will be required to produce to report on the measures of child poverty (and which presumably will in future inform the preparation of policy-based strategies to reduce child poverty). Rather, as the Bill is currently drafted, this is left solely to the Statistician to decide.
44. Barnardos recommends that the Bill at least provides an indication of the kinds of data sources that will be used to inform this reporting, for example specific government surveys (such as the Household Economic Survey), and whether the Integrated Data Infrastructure will be utilised. We also recommend that the Bill should specify that specific sources of Government data, such as hospital admissions for preventable childhood diseases, housing and food insecurity statistics must be drawn on in reporting on child poverty measures.
45. Barnardos observes that data sources exist outside of Government which could be useful to inform reporting on the child poverty measures, for example data from foodbank organisations, homelessness and emergency shelter organisations, and children's sector and social sector NGOs more generally. This data can help to build a more well-rounded picture of child poverty in Aotearoa New Zealand, and importantly, may capture information that Government might not hold given that some children and families living in poverty will not access any Government services or support. If this data is able to be used in a non-individual client level manner that is non-identifying, this data should be harnessed to enable a better understanding of child poverty in Aotearoa New Zealand. Therefore, Barnardos recommends that the Bill include a requirement for the Statistician to explore the use of non-governmental data on child poverty, to support her reporting on child poverty under the Bill.
46. Furthermore, Barnardos recommends that in order to be truly holistic in approach, the Bill should recognise that qualitative data – for example, gathered through research with children, families, whānau and those working with children, families and whānau, including in the NGO sector – should be part of the data that is used to inform the setting of poverty lines and the reporting on poverty measures.

## **The role of the Government Statistician and ensuring appropriate and adequate child-focused advice and support**

47. As currently drafted, the Bill concentrates a great deal of authority in the Government Statistician to define concepts, make decisions and report on child poverty reduction. Barnardos is supportive of the Statistician taking the lead on these aspects given her independence as established under the Statistics Act 1975. However, given the substantive nature of the Bill relating to children's well-being, Barnardos believes it is important that the Statistician is adequately and appropriately supported to discharge her duties and responsibilities under the Bill by those with relevant lived experience, particular expertise on children's rights and well-being, and Māori representatives. This would help to ensure that the approach taken by the Statistician is child rights-consistent, ethical and consistent with Te Ao Māori concepts of child well-being.

48. Therefore, Barnardos recommends that an independent advisory group is established under the Bill to provide advice to assist the Statistician in discharging her duties and responsibilities under the Bill, and that the Statistician is required to consult with this group. The membership of the independent advisory group should include tamariki/rangatahi (or a mechanism by which their views and experiences are represented), the Children's Commissioner (or his delegate), diverse representatives including from the children's sector, Māori representatives, and data ethicists.

## **The need to acknowledge the impact of poverty on particular groups of children in Aotearoa New Zealand**

49. Evidence shows that some children are more likely to live in poverty: Māori and Pacific children, children with disabilities, children of solo parents, children whose parents have died, children in low-income families and children whose parents face mental health, addiction or dependency issues. The Bill as currently drafted does not explicitly acknowledge the specific groups of children more likely to be affected by child poverty, and Barnardos recommends that it would be strengthened by doing so.

50. Furthermore, the Bill does not acknowledge the multiple disadvantage that some children experience, nor does it acknowledge the situation of children with high and complex needs. Barnardos sees first-hand in our work the ways in which these disadvantages and complex needs can compound and drive a cycle of persistent poverty, the effects of which can double-down on children.

51. In our work with families in South Auckland in partnership with Te Whare Ruruhau o Meri and Te Roopu o Te Whānau Rangimarie, markers of poverty are highly prevalent with many of the families and whānau who Barnardos works with. Here we see the toxic trio of family violence and abuse, mental ill-health and drug and alcohol abuse compounding and perpetuating

situations of poverty for children and their families and whānau. Debt mismanagement is often present in these situations, with children living in precarious and in many cases transient home situations, with minimal or no household resilience to economic and/or social shocks. This is often due to low financial literacy among parents. Problems in accessing affordable, quality housing is a further compounding factor, with overcrowding and serious child health issues often present, such as bronchiolitis, impetigo and low weight babies. Low educational achievement and opportunities among parents limit employment opportunities – this is highly evident in the working poor whānau who Barnardos works with. Parents are often highly stressed as they search for employment, or struggle to hold down multiple low-income jobs. Out of desperation, we often see families taking on risky debt or loans, and buying food and other products from home direct trucks that overcharge and take advantage of families in need.

52. These situations demonstrate that it is often a confluence of events and factors that come together to mean that children grow up in poverty, and that drive poverty to become entrenched and persist over time, leading to intergenerational educational underachievement, socio-economic insecurity and social dislocation. This demonstrates the importance of looking at underlying need and drivers of poverty when developing policies to effectively reduce child poverty and strengthen family and whānau resilience.
53. Barnardos recommends that the Bill acknowledges the realities of multiple disadvantage that some children experience, and the high and complex needs experienced by some children, two factors which can cause and perpetuate child poverty.
54. Barnardos also notes that the Bill does not acknowledge the distinct and particular stages of a child's life. However, this is important given that the impacts of poverty may be different depending on the child's stage of life. For example, through running the Family Breakdown Assessment Service Hub, Barnardos engages with many young adolescents experiencing the impacts of poverty. The poverty they experience is often driven by multiple factors such as being abandoned or estranged from parents, parents have died, parents are in prison and/or have significant alcohol and/or drug dependency, a lack of access to stable and safe housing, and a lack of access to financial support. These factors can have kick-on effects to impact their access to education (for example if they cannot afford things such as school uniforms and sanitary products, they may not go to school), and their health (for example if they cannot afford food or warm clothing), and of course, their overall physical and mental well-being. Therefore, we recommend the Bill make particular reference to the child's early years, children in adolescence, and the period of transition from adolescence to adulthood.

### **Taking a child rights approach to future Government budgets**

55. Barnardos commends the Government for its intention to amend the Public Finance Act 1989 to require reporting in the annual Budget on progress made

to reduce child poverty and to what extent any measures in the main Appropriation Bill will affect child poverty. In this connection, Barnardos wishes to re-draw the Government's attention to the following recommendation of the UN Committee on the Rights of the Child, which urges that New Zealand

“increase substantially the allocations necessary to directly and comprehensively tackle child poverty and ensure that budgetary lines for children in disadvantaged, vulnerable situations and situations of poverty that may require affirmative social measures are adequate and protected even in situations of economic crisis, natural disasters or other emergencies”.<sup>30</sup>

56. While the measures already committed to by Government including the amendments to the Public Finance Act under the Bill are a great start, Barnardos recommends the Government goes further to reflect its overarching commitment to the well-being of all children in New Zealand, by taking a broader child rights public budgeting approach, to identify and report on all child-focused public expenditure in the annual Government Budget, via specific Budget lines for children. This will enable greater transparency regarding the resources spent on children, help to inform future policy development, and to guide decisions on the allocation and quality of public investment in children, to prioritise children's rights and well-being. Taking such an approach would be consistent with international best practice<sup>31</sup> and the guidance provided by the UN Committee on the Rights of the Child.<sup>32</sup> This is also consistent with the Government's commitments to open government.

## Section Three | Children's Act and Child Well-being Strategy

57. As noted earlier, Barnardos supports the concept of a child well-being strategy introduced in Part 3 of the Bill through amendments to the Vulnerable Children Act 2014.

58. Noting the importance of avoiding stigmatisation of children through legislative choice of language, Barnardos is pleased that the Vulnerable Children Act 2014 will be renamed the Children's Act 2014.

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<sup>30</sup> United Nations Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of New Zealand*, (21 October 2016) CRC/C/NZL/CO/5, at [36](b).

<sup>31</sup> See, e.g. the approach of the Swedish Government: [https://www.sida.se/contentassets/dfa19bd6efc84f25800edaa90590008e/public-financial-management-for-the-rights-of-children-and-young-people\\_3224.pdf](https://www.sida.se/contentassets/dfa19bd6efc84f25800edaa90590008e/public-financial-management-for-the-rights-of-children-and-young-people_3224.pdf)

<sup>32</sup> UN Committee on the Rights of the Child, *General comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4)* and OECD Best Practices for Budget Transparency, 2002.

59. As to the concept of a child well-being strategy, Barnardos outlines below its concerns regarding the current framing of the concept, and our recommendations as to how these can be addressed.

### **A need for greater clarity regarding the purpose and scope of a strategy for improving children's well-being**

60. Barnardos is of the view that as currently drafted, the Bill remains unclear as to the purpose and scope of the strategy for improving children's well-being. It is unclear regarding the extent to which the strategy will focus on improving the well-being of all children, as opposed to the well-being of the other groups of children specifically mentioned in clause 45 new section 6(1)(b)-(c) of the Bill.

61. For example, is it envisaged that essentially, the 'Government strategy' (as it is named in clause 45 new section 6) will have four separate parts or sub-strategies to it:

- a. A sub-strategy focusing on the well-being of all children;
- b. A sub-strategy focusing on improving the well-being of children with greater needs;
- c. A sub-strategy for reducing child poverty and mitigating impacts of child poverty and socio-economic disadvantage experienced by children; and
- d. A sub-strategy focusing on improving the well-being of children with early risk factors for future statutory involvement, those who Oranga Tamariki works with, and care-experienced children?

If so, how is it envisaged these different parts will interconnect and align with each other? That is currently not made clear within the legislation, and Barnardos recommends that this is clarified.

62. Currently it also remains unclear as to how the sections/sub-strategies of the Government strategy described at clause 45 new sections 6(1)(b) and 6(1)(d) in particular will align and connect with the Oranga Tamariki Action Plan specified at clause 8 of the Bill. Barnardos recommends these connections should be more explicitly addressed in the Bill to ensure these different aspects are joined up and dealt with holistically for the benefit of children.

### **An opportunity for an Aotearoa New Zealand child rights-based strategy for improving all children's well-being**

63. Barnardos is of the view that this Bill presents an opportunity for an Aotearoa New Zealand rights-based strategy which first and foremost focuses on all children's well-being, and within this, places focus on addressing the well-being of particular groups and includes a particular focus on reducing child

poverty. While this may be what is intended by the Bill as currently drafted, if so, this needs to be made clearer.

64. In Barnardos Briefing to the Incoming Government 2017, Barnardos called on Government to:

‘develop through a process of co-design with civil society – including children and young people – an Action Plan for all children in Aotearoa New Zealand reflecting the standards of the UN Convention on the Rights of the Child and the particular needs of children in Aotearoa New Zealand, and report on progress against this plan in a transparent manner’<sup>33</sup>

65. The strategy for improving all children’s well-being under the Bill presents an opportunity to take up Barnardos’ earlier recommendation, to re-frame the strategy as it is currently conceptualised in the Bill, to instead make it a much more holistic, overarching rights-based, action-oriented strategy for making all of New Zealand’s children’s rights real in practice. This would also address the Committee on the Rights of the Child’s recommendation that New Zealand:

‘Adopt a comprehensive policy and strategy for the implementation of the Convention and its first two Optional Protocols. They should be developed in cooperation with the public and private sectors involved in the promotion and protection of children’s rights, in consultation with children, and based on a child-rights approach. Such a policy should encompass all children in the State party and all areas covered by the Convention; be supported by sufficient human, technical and financial resources; include clear and adequate budgetary allocations and a time frame; and incorporate follow-up and monitoring mechanisms;’<sup>34</sup>

66. Re-framing the strategy in this way would still enable a particular focus of the strategy to be on particular groups of children requiring special attention (including reducing child poverty), but it would ensure a more equal focus on all children, grounded in the CRC. Indeed, the CRC sets a clear framework of rights and guiding principles which can helpfully guide the building of such a strategy. Barnardos notes that the Bill does not define what is meant by “well-being of children”; the CRC provides clear guidance as to what makes up well-being, based on the rights and guiding principles included in the CRC itself. Given that New Zealand is a States Party to the CRC, framing the well-being strategy from a child rights approach also has the benefit of more likely ensuring the strategy is embedded regardless of the government of the day, given that the child rights obligations will not change even when governments do. The SDGs provide a further important reference point which should be used in defining child well-being.

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<sup>33</sup> Barnardos, *Briefing to the Incoming Government, 2017*, p. 17, available at: <https://www.barnardos.org.nz/assets/Barnardos-Briefing-to-the-Incoming-Government-Nov2017.pdf>

<sup>34</sup> United Nations Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of New Zealand*, (21 October 2016) CRC/C/NZL/CO/5, recc. 7(a) at p.2.

67. Barnardos therefore recommends that the legislation requires that the child well-being strategy establishes a clear definition of what is meant by child well-being, informed by the CRC, the SDGs, Te Ao Māori worldviews and concepts of well-being, and that this definition is shaped and established in direct collaboration with a diverse group children. Ideally, every child in Aotearoa New Zealand should have the opportunity to participate in putting forward their ideas as to what well-being means to them, and these ideas should be taken into consideration and incorporated in the framing of the concept of child well-being under the strategy. We also recommend that the concept of 'socio-economic disadvantage' is defined under the Bill.

68. Barnardos further recommends that the strategy is re-framed from a "Government strategy" to an Aotearoa New Zealand strategy. While Government has particular obligations and duties as the primary duty-bearer in relation to respecting, protecting and fulfilling children's rights and best interests, we all have a collective responsibility to ensure that children are valued, respected, loved and protected, so they can develop and flourish to reach their potential. Culture and attitude change is urgently needed in Aotearoa New Zealand, across all levels of society, to put this into action. An Aotearoa New Zealand Strategy for the Well-Being of All Children would serve to galvanise focus and awareness of the part we all have to play, and will grow a sense of ownership of the reality that achieving the strategy rests not only with Government, but also with diverse groups such as parents, NGOs, communities, and children themselves.

**Any strategy for improving children's well-being should be framed with reference to Te Tiriti o Waitangi**

69. Barnardos is also strongly of the view that any strategy focused on child-well-being under the Bill should be consistent with and uphold the principles of Te Tiriti o Waitangi. This applies in relation to the development, implementation and monitoring of the strategy.

70. The child well-being strategy should also be informed by and framed with reference to principles similar to those set out in section 5 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017, in particular to reflect the importance of the concepts of mana tamaiti, whakapapa and whānaungatanga, and the particular needs of children with disabilities.

**Clarifying the particular groups of children specifically addressed by a strategy**

71. Barnardos is of the view that the Bill needs to make clearer what is meant by the following terms, which are not clearly explained within the Bill as currently drafted:

- “children with greater needs” (clause 45 new section 6(1)(b));
- “early risk factors for future statutory involvement” (clause 45 new section 6(1)(d));
- “care-experienced children” (clause 45 new section 6(1)(d)); and
- “classes of children” (clause 45 new section 6A(1)(a)).

With regard to the above, which children are envisaged as falling within the category of “children with greater needs”? What constitute “early risk factors” under the Bill and how will the presence of these factors be assessed and on the basis of what data? Which children will fall within the category of “care-experienced children”, i.e., children who have now left Oranga Tamariki care, or children who are both still in Oranga Tamariki care and have left care? Barnardos recommends all these terms are clarified within the Bill. With regard to the phrase “classes of children”, Barnardos recommends that this language could have unintended impacts on children, and therefore another phrase should be used.

72. If the legislation is to specify particular groups of children that the well-being strategy should focus on as a matter of priority/extra emphasis, Barnardos recommends the explicit inclusion of the following in the legislation describing the strategy:

- Tamariki Māori;
- Pacific children;
- Children with disabilities;
- Children engaged with the State Care System and leaving State Care;
- Migrant and refugee children; and
- LGBTQI+ children.

73. Barnardos also recommends that any child well-being strategy give consideration to the well-being of children living in rural localities, children in urban centres, children of parents with high and complex needs, children of solo-parent households, children in their early years and children in adolescence. The connections to other strategies and ongoing reviews should be made clear within the child well-being strategy, for example the Disability Strategy and the transformation of Disability Support, the Government Inquiry into Mental Health and Addiction (and any future revised suicide prevention strategy), the Education System change process, and the Social Welfare System overhaul, and the Cross-Agency Government UNCROC work programme. Capturing these connections will help to ensure that the child well-being strategy is aligned and linked with work happening in other spaces with which it will have significant interdependencies.

### **Developing, designing, reviewing and monitoring the strategy collaboratively**

74. Barnardos is of the view that the strength of any child well-being strategy flows from it being designed and owned from inception by those who it will



affect and those who have a responsibility to implement it, as well as strong commitment from all relevant parties to implement it in practice.

75. We also note that importantly, the UN Committee on the Rights of the Child has recommended that New Zealand

“consider holding targeted consultations with families, children and children’s rights civil society organisations on the issue of child poverty, with a view to strengthening the strategies and measures for fulfilling children’s rights in poverty reduction strategies”<sup>35</sup>

76. Therefore, Barnardos recommends that the responsible Minister should not only consult on the proposed strategy with those groups specified under the Bill and any others the Minister considers it appropriate to consult, but rather, that the strategy should be developed, designed reviewed and monitored in partnership with as diverse group of children as possible, and with iwi and Māori organisations, the Office of the Children’s Commissioner, non-government organisations (including children’s sector organisations) and communities. Barnardos recommends the Bill is amended to reflect these principles of collaboration to build the strategy, review it and report on progress.

### **Actions under the child well-being strategy to reduce child poverty must be holistic**

77. Barnardos recommends that any actions under the child well-being strategy focusing on reducing child poverty and improving children’s well-being should align public policies and social service delivery with children’s rights, so all children have access to and equitable outcomes from sufficient household income and an adequate standard of living; quality housing; quality public education; good health and quality healthcare; and timely, flexible and integrated social support services as and when needed. We recommend this holistic focus on reducing child poverty is explicitly addressed in the Bill, and that connections are drawn with the Government’s Cross-Agency UNCROC Work Programme.

### **Policies to reduce child poverty, mitigate impacts of child poverty or of socio-economic disadvantage experienced by children**

78. Barnardos wishes to emphasise that any policies to reduce child poverty, mitigate impacts of child poverty or of socio-economic disadvantage of children should be child-centred, while recognising that children exist within families and whānau.<sup>36</sup> Further to what we have already noted at paragraphs

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<sup>35</sup> United Nations Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of New Zealand*, (21 October 2016) CRC/C/NZL/CO/5, at [36](d).

<sup>36</sup> Although not tailored to the Aotearoa New Zealand setting specifically, when combined with local models of conceptualising child well-being, a useful guide for policy development in this space is the Harvard Center on

33-35 and 49-54 above, Barnardos emphasises that poverty is usually not present in isolation. Rather, it is influenced by other factors, such as complex needs, multiple disadvantage, low income, limited educational achievement, and limited financial literacy and knowledge concerning effective parenting. Poverty or lack of sufficient financial resource to meet basic family needs and to maintain household resilience for day-to-day living and towards unexpected economic or social shocks is generally one factor in a number of factors adversely affecting children's and family and whānau outcomes. Social transformation is complex and takes commitment and perseverance to achieve a long-term vision and ensure change is sustainable and enduring for children. Policies to improve child wellbeing and reduce child poverty need to remain cognisant of this.

79. Furthermore, raising incomes is one solution, but if it is the only solution implemented, runs the perverse risk of none of the increased income flowing to support children's needs (for example in situations where parents have drug or alcohol dependency or gambling addiction). Alongside universal and targeted supports for children, families and whānau to strengthen socio-economic resilience in an enduring manner, Barnardos advocates for a Universal Child Payment for all children in their early years, based on the importance of the early years of all children's lives to their lifetime developmental outcomes and the equality of all children. Overseas evidence shows that if cash transfers are particularly earmarked for children, there is a high likelihood that parents will spend this money on supporting children and meeting their needs, with positive outcomes for children and their families.<sup>37</sup>

### **Assessing policies intended to achieve the outcomes sought by the child well-being strategy**

80. Barnardos supports the requirement that the strategy indicates the policies the Government intends to implement to achieve the outcomes sought by the strategy. Barnardos recommends that it is essential that any such policies are assessed prior to their adoption and implementation to consider the likely impact of the policies on children. In this respect, it is recommended that the Bill be amended to include a requirement that these policies, as well as the strategy as a whole, is comprehensively assessed from a child rights impact and best interests perspective. The Child Rights Impact Assessment Tool provides an appropriate tool to use in this regard.

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the Developing Child's *Three Principles to Improve Outcomes for Children and Families*, available at: <https://developingchild.harvard.edu/resources/three-early-childhood-development-principles-improve-child-family-outcomes/#strengthen-skills>

<sup>37</sup> See, e.g. G.J. Duncan et al, 'Early Childhood Poverty and Adult Attainment, Behavior and Health', *Child Development*, (2010) 81(1); and C. Raschke, 'The Impact of the German Child Benefit on Household Expenditures and Consumption', *German Economic Review*, (2016) 17:4.

81. Barnardos supports the requirement in clause 45 new section 7(4)(a)-(b) that the effect of Government policies the aim of which is to reduce child poverty or mitigate the impacts of child poverty or socio-economic disadvantage experienced by children must address the economic changes likely to arise from implementation of the policies, and how the impact of the policies may be affected by any economic changes external to the policies. Given the impact of potential economic shocks that could affect Aotearoa New Zealand in the future due to the globalised and volatile nature of international markets and financial and economic systems, the latter requirement is crucial. However, Barnardos also recommends that the Bill requires that the assessment is coupled with a requirement to address how such impacts could be mitigated, in order to maintain a focus on implementing the strategy and achieving the outcomes sought, despite such potential future impacts occurring.
82. Barnardos further recommends that another matter should be required to be addressed under clause 45 new section 7(4), namely the likely intergenerational impacts of the policies on children directly affected by the implementation of the policies, and future generations. It is important to build in this element into the legislation, given the likely intergenerational impacts of such policies for current and future generations of people in New Zealand. Therefore, Barnardos recommends clause 45 new section 7(4) is amended to include such a requirement.

### **Preparing, reviewing and amending the Oranga Tamariki Plan**

83. Barnardos' earlier comments regarding collaboration to develop, design, review and monitor the children's well-being strategy apply similarly to the Oranga Tamariki Action Plan.
84. Currently, the Bill does not include any requirement to work with children themselves, or any other relevant groups in preparing the plan and reviewing and amending the plan, or creating a new plan. This seems inconsistent with the requirements in other parts of the wider legislative framework relating to Oranga Tamariki, which seek to place a strong focus on the importance of working collaboratively with children themselves and relevant groups to co-design aspects of the Oranga Tamariki system which will affect children. It also runs counter to the principle of child participation and the views of the child established under Article 12 of the CRC.
85. Furthermore, without a requirement to consult other groups with particular expertise and insight in relation to the scope covered by the Oranga Tamariki Plan, the Plan will not be as robust as it could be. This will mean an opportunity missed for wider parts of the Oranga Tamariki system to be linked up and aligned in the best interests of children. After all, the Oranga Tamariki system is far more than Oranga Tamariki and the other government children's agencies; this is in fact acknowledged to some extent by clause 45

new section 9(3) of the Bill. It is essential that the partnership between government children's agencies and NGO service providers and other civil society groups is emphasised in the legislation in a consistent manner, and it is only right that if other groups such as NGO service providers should be involved in the development, review and amendment of the Oranga Tamariki Action Plan, given they will be substantively impacted by and required to discharge substantive aspects of the Plan.

86. Therefore, Barnardos recommends that the Bill is amended to include requirements that the chief executives of the government children's agencies must work collaboratively with the following groups to design the Oranga Tamariki Action Plan, and that these groups must be consulted in reviewing and amending the Plan, and directly involved in the creation of a new Plan:

- Children, including but not limited to children who are currently in State care, children who have previously been in State care, and tamariki Māori;
- Family and whānau of children who are currently in State care or who have previously been in State care;
- Representatives of iwi and Māori organisations;
- The Office of the Children's Commissioner;
- The Human Rights Commission;
- NGO Oranga Tamariki service providers; and
- Other child-focused civil society organisations.

### **Content of the Oranga Tamariki Plan**

87. Barnardos is broadly supportive of the current drafting of clause 45 new section 9 of the Bill. However, we are concerned that the concept "early risk factors" is not defined in the Bill, despite the fact that this is a core substantive term in the Bill which is material to a particular group of children who will fall under the Plan. Therefore, Barnardos recommends that the legislation defines what is meant by "early risk factors" and how the presence of such factors will be assessed and/or predicted by Oranga Tamariki and/or other government children's agencies. Connected to this, the legislation should also make clear what data will be used to inform the assessment of the presence or future presence of such risk factors. Transparency around these risk factors is vitally important for the overall integrity of this legislation and in the best interests of children.

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### **Contact details for anything relating to this submission**

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