

# **Children's Commissioner**

# **Statement of Intent 2011 – 2014**



Presented to the House of Representatives pursuant to  
section 149 of the Crown Entities Act 2004

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## Commissioner's foreword

This Statement of Intent for 2011 – 2014 builds on that for 2010 – 2013. It sets out how the Office of the Children's Commissioner will contribute to protecting our children and providing children and young people with opportunities so that *New Zealand is a great place for children to thrive*.

In the coming year we will continue to give priority to monitoring and investigating services to children delivered under the Children, Young Persons and their Families Act, and monitoring the safety of children in places of detention. This will include visiting all nine Child, Youth and Family residences and at least six Child, Youth and Family social work offices. We will extend our monitoring of services to those organisations providing care services to children under section s396 of the Act. We will follow up on work coming out of our 2010 reports on children in care and on neglect.

The 2011 year will be one of consolidation in the outputs related to the broader interests, rights and well-being of children. This is appropriate given the impending change of Commissioner, the approaching end of the current Parliamentary term and government's fiscal policies as set out in the Minister's letter of expectations. No budget increases are planned. Any volume increases in monitoring work and in individual advocacy will be accommodated within existing resources.

In 2011 the advocacy work will prioritise:

- contributions through the Taskforce for Action on Violence within Families to improve responses to children caught up in violence within families
- contributions to the Green Paper and White Paper processes on vulnerable children
- promoting the interests of infants and toddlers in high quality education and care in and out of families
- contributions to reducing the incidence of child injury and to improving the sexual well-being of adolescents
- promoting UNCROC and following up the recommendations the United Nations Committee on the Rights of the Child made after their hearing into its implementation in New Zealand

Over the past two years the Office has advocated strongly for children's interests to be taken into account in central government policy development and decision-making, and in the Auckland "supercity" reforms. It has therefore been very pleasing to see children's interests being given weight in Government's decision to issue a Green Paper on children and undertake a wide consultation on it, including with children. Also the Auckland planning document *Auckland Unleashed* incorporates a first call on children, drawing on the arguments we made to make children and young people's interests a priority. It is also encouraging that the interests of children are currently high in the social policy priorities of the major political parties.

Over the period 2011 – 2014, it will be important to continue to advocate for children's interests to be given weight in fiscal and economic policies as well, in a context where the

fiscal pressures on government from the recession's aftermath, global economic uncertainty, the reconstruction of Christchurch and the demands of an ageing population will be high.

A handwritten signature in black ink, appearing to read 'John Angus', with a large, sweeping loop on the left side.

Dr John Angus  
Children's Commissioner

## Part one: Our operating environment

### ***Our role***

The Children's Commissioner is an independent advocate for the interests, rights and well-being of New Zealand's children and young people up to the age of 18 on law, policies, practices and other matters that affect them.

We have a particular responsibility to monitor the quality of services provided to children under the Children, Young Persons and their Families Act 1989.

The position of Children's Commissioner was established in 1989, separate from the executive and administrative arms of government. Its independence was reinforced in 2003 and 2004 when given its own statute, the Children's Commissioner Act 2003<sup>1</sup>, and the status of an independent Crown entity.

The Act sets out two main functions. The first is to monitor, assess and report on services provided under the Children, Young Persons, and Their Families Act 1989. We do this by reviewing the strategies, policies and practices of agencies operating under the Act, reviewing operations and obtaining feedback from stakeholders. Much of the focus is on the service of Child, Youth and Family. We review samples of cases, visit sites and residences and talk to children, young people and other stakeholders.

The second main function is to advocate for the interests, rights and well-being of children. This advocacy function is carried out by investigating individual complaints, providing advice to Select Committees, Ministers, Crown entities and local and non-government organisations and raising awareness of children's interests among New Zealanders generally.

The Office of the Children's Commissioner's primary outcome is to ensure that *New Zealand is a place where children can thrive*.

### **Legislative framework**

The Children's Commissioner operates under the Children's Commissioner Act 2003. Our actions are also guided by the United Nations Convention on the Rights of the Child (UNCROC), which New Zealand ratified in 1993. This convention sets out goals for children's well-being and defines the obligations of governments to take the best interests of children into account in their laws, policies and operations.

We have a statutory responsibility under Section 12 of the Act to raise awareness and understanding of the Convention and to advance and monitor the application of the Convention by departments of State and other instruments of the Crown.

The Children's Commissioner is gazetted as a National Preventive Mechanism (NPM) under the Crimes of Torture Amendment Act 2003.

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<sup>1</sup> See appendix one for a list of the Children's Commissioner's statutory functions.

As a Crown entity, the Children's Commissioner also acts under the articles of the Treaty of Waitangi.

## ***Our values***

The Office operates by the following values:

- Diversity – the Office values diversity and respects the dignity of every person that we engage with. We acknowledge and celebrate diversity, difference and open-mindedness, and recognise the multitude of views and perspectives held by New Zealanders.
- Respecting Tangata Whenua – the Office values and respects the place of Tangata Whenua in New Zealand.
- Honouring the Treaty of Waitangi – the Office values and respects the Treaty of Waitangi as the founding document of the nation.
- Working with others – the Office works in partnership with Government, iwi, community organisations and individuals to achieve shared outcomes.
- Willing spirit – We work with a willing spirit. We are positive, responding easily to new challenges and opportunities, taking responsibility for our work. We go the extra mile.
- Sincerity – We work to fulfill our purpose. We work with a sincere desire for better outcomes. We assume the best of intentions in others. We are straightforward, direct and engaging.
- Strategically focused – We know the big picture. We think about how best to make an impact. We work with others focused on improving outcomes for children in New Zealand.
- Integrity – We act in a way that protects the integrity of the Office. We act to build trust through our behaviour.

## ***Outcomes***

Our outcomes contribute to Government's social development themes of *protecting our children and opportunities for youth*.

Our outcomes are also related to those of other agencies, notably the Families Commission, who have a contributing outcome that *families and whanau have strong, safe and resilient relationships*.

## ***Our outputs and priorities***

The Children's Commissioner provides a range of services under two output classes:

- monitoring and investigating
- individual and systemic advocacy.

### **Monitoring and investigating**

Our monitoring work includes:

- independent monitoring and assessment of the policies and practices of Child, Youth and Family and other agencies providing services under the CYPF Act by conducting routine visits to sites and residences<sup>2</sup> across New Zealand and investigation of broader systemic issues
- acting as a National Preventive Mechanism with specific responsibility for monitoring the safety and treatment of children in nine Child, Youth and Family residences through routine and unannounced visits to these residences.

### **Individual and systemic advocacy**

Our advocacy work gives effect to the general functions of the Commissioner set out in Section 12 of the Children's Commissioner Act and includes:

- providing a toll-free Child Rights Line to provide members of the public with information or advice on issues concerning children
- giving independent advice that reflects the interests, rights and well-being of children to government and non-government policy makers and operational decision makers
- making submissions to Select Committees examining Parliamentary Bills and/or undertaking enquiries
- undertaking specific projects focusing on priority areas identified by the Office
- delivering child rights and education advocacy training to groups and agencies providing services to children
- delivering speeches and presentations on issues that concern children's interests, rights and welfare
- issuing media statements on relevant children's issues
- distributing resources that promote best practice and information on issues relating to children's interests, rights and welfare
- publishing *Children* magazine quarterly
- maintaining and supporting a Young People's Reference Group.

## ***Hearing children's voices***

The Commissioner has a statutory obligation to obtain the views of children and young people. A Young People's Reference Group (YPRG), a group of young people aged from 12

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<sup>2</sup> There are currently 59 nationwide sites (inclusive of sub sites). There are eight residences throughout New Zealand plus one residence which is run by Barnardos.

up to 18 years from around New Zealand, provides advice to assist the Office with its obligations to consult with children. The YPRG does this by building regional networks, finding out what young people in their region think about issues and by engaging in existing structures such as schools, youth councils, church groups, cultural groups, and other networks. The YPRG can also give advice to other government agencies on policies, services and programmes being developed for children and young people.

### ***Partners and stakeholders***

A diverse range of organisations, groups and individuals who have responsibilities and powers relating to children – together with children themselves – constitute our key stakeholders.

The Office establishes and maintains effective working relationships with stakeholders in order to work towards shared outcomes.

The Office shares joint responsibilities under the Optional Protocol to the United Nations Convention against Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT) with the Human Rights Commission, the Independent Police Conduct Authority and the Office of the Ombudsmen.

### ***Governance and management***

The Commissioner is classified as a corporation sole. This means that the Commissioner is not only responsible for carrying out his/her statutory functions, but also has the individual and collective responsibilities of the board of the entity as set out in the Crown Entities Act 2004.

The Commissioner's governance role is supported by the General Manager and Office Manager, who make up the Management team. Independent governance advice is sought from the Ministry of Social Development.



## **Part two: Our direction: What we will do**

### ***Responding to the environment and contributing to government priorities***

We contribute to the following government priorities in the social sector:

- Protecting our children
- Opportunities for youth
- A more focused, efficient and productive State sector

#### **Protecting our children**

The Office supports the Government's focus on protecting our children by:

- monitoring Child, Youth and Family sites and residences, including implementing changes arising out of a 2010 review of the Commissioner's framework for monitoring Child, Youth and Family
- continuing to work closely with Child, Youth and Family on responses to recommendations made in reports completed by the Office in 2010 - 2011 on children in state care and responses to child neglect
- working closely with Child, Youth and Family on improved support for young people in state care in their transition to adulthood
- giving independent advice on the protection of children.

#### **Opportunities for youth**

The Government's goal of opportunities for youth includes preventative measures to keep young people away from offending through various initiatives, as well as enhancing the support young people receive through youth justice residences.

The Office will contribute to this by:

- monitoring Child, Youth and Family residences both under the CYPF Act and as a National Preventive Mechanism under the OPCAT
- giving independent advice.

#### **A more focused, efficient and productive State sector**

As a small organisation, the best way for the Office to influence positive outcomes for children is to use its position as an independent expert on children's issues to provide timely, evidence-based information to political, judicial and administrative decision-makers. The Office does not forecast any budget increases for the next three to five years.

We will continue to:

- keep expenditure under constant review
- reduce waste
- identify particular expenditure or programmes that are not effective or providing good value for money, and act on these findings

- work with the Families Commission to identify further efficiencies that can be gained from sharing accommodation and support services.

## ***Strategic context***

At its broadest, the strategic context for our work is the economic, social, environmental and political circumstances in which children in New Zealand live their lives. The more immediate context of our work is the social and economic position of children - the extent to which their interests, rights and wellbeing are being met - and the circumstances and actions of those whose decisions affect them.

The economic, social and political context remains similar to that described in the last Statement of Intent and will not be repeated here. The position of children also remains similar. Some important features are:

- generally improving well-being for most children, though economic circumstances have increased the number of children vulnerable to poorer economic and social circumstances
- persistent disparities between the majority and a substantial minority of children - up to 20 percent - whose well-being is well behind that of their peers
- the disruption to many children's lives because of the earthquake in Christchurch
- the general invisibility of children's views in much of public life.

The context of those making decisions that affect children includes:

- fiscal constraints on government expenditure
- the significant decisions to be made about benefit reform, family court practices, child support and other services affecting children
- the long term plan for Auckland
- the review of child policy announced by the Minister for Social Development and Employment
- the report of the United Nations Committee on the Rights of the Child on New Zealand's implementation of UNCROC.

The political context provides two important opportunities. The first, at a central government level, is the Government's review of many aspects of child policy through a Green Paper/White Paper process in 2011-2012. The second is the priority given to children's interests in the planning processes for Auckland city.

## **Our strategic priorities**

The immediate focus of the Office will be business as usual and consolidation of work undertaken during the past two years, while a change of Commissioner takes place. Our priorities are for the year ahead but we do expect these to continue for the three-year period of this Statement of Intent.

Our strategic priorities for 2011-12 are:

- monitoring Child, Youth and Family sites and residences, including implementing changes arising out of a 2010 review of the Commissioner's framework for monitoring Child, Youth and Family
- continuing to work closely with Child, Youth and Family on responses to recommendations made in reports completed by the Office in 2010 - 2011 on children in state care and responses to child neglect
- working closely with Child, Youth and Family on improved support for young people in state care in their transition to adulthood
- giving independent advice on the protection of children
- looking into:
  - extending our monitoring to cover section 396 agencies under the CYPF Act
  - responses to child neglect.
- contributions through the Taskforce for Action on Violence within Families to improve responses to children caught up in violence within families
- contributions to the Green Paper and White Paper processes on vulnerable children
- promoting the interests of infants and toddlers in high quality education and care, in and out of families
- contributions to reducing the incidence of child injury and to improving the sexual well-being of adolescents
- promoting UNCROC and following up the recommendations of the United Nations Committee on the Rights of the Child after their hearing into its implementation in New Zealand.

### **What we will do to achieve these priorities**

Our contribution towards these priorities and our primary outcome that *New Zealand is a place for children to thrive* will be within four outcome areas:

- **Child safety, security and nurturing** – Children in New Zealand are safe, secure and well-nurtured in their families/communities, whanau, hapu and iwi
- **Children's rights** – Children's rights are understood and respected
- **Children's participation** – Children's right to participate as citizens is fully realised
- **International obligations** – International obligations regarding children, with respect to UNCROC, are met.

### **What we will do to achieve these outcomes**

Our work programme will focus on six key impacts that we seek to influence. We expect these impacts to have an influence across all four contributing outcomes. The six key impacts are:

- Services to children under the CYPF Act are of high quality
- Children's rights, when detained, are upheld and effectively monitored (Crimes of Torture Act)

- Individual cases where the Children's Commissioner intervenes have outcomes that improve the interests, rights or well-being of the individual child.
- Children's rights are incorporated in New Zealand law, upheld in policy and delivered in practice.
- Social attitudes and behaviours change towards better understanding of the key issues for children.
- Children are able to actively participate as appropriate in governance and the management of institutions and their voices are heard.

The relationship between government priorities, our outcomes goals, the areas in which we expect to have an impact and our activities is set out in our Strategic Framework on page 10.

## ***How we will measure progress***

To monitor our progress and effectiveness, we have two types of measurement. This section explains why we have chosen particular measures to monitor progress of our activities.

### ***Outcome measures***

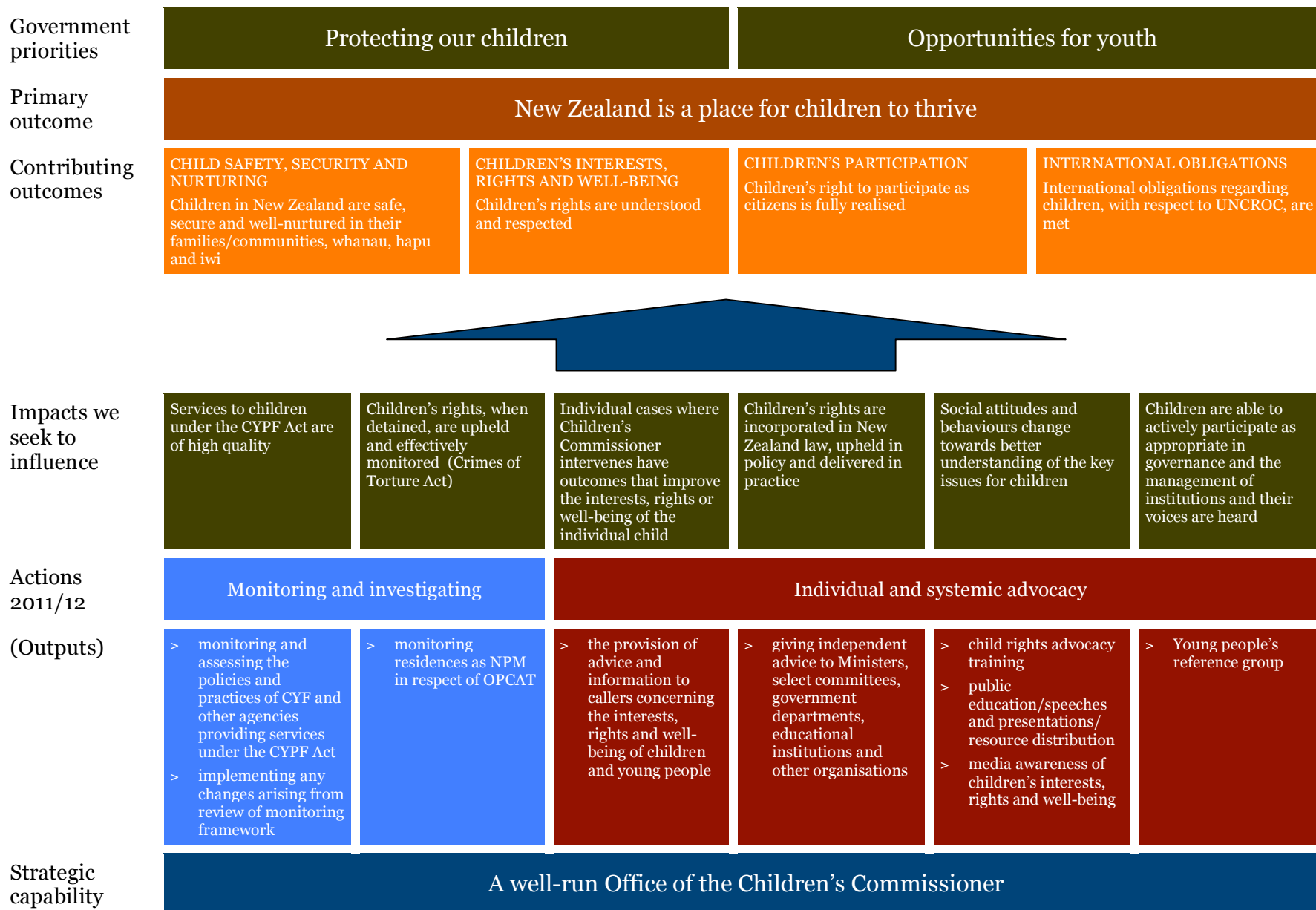
To assess the progress we have made toward our contributing outcomes and impacts, we have chosen two types of measurements. These measures are grouped under each outcome and impact area. These measures are under development. Sources of information for outcome indicators have been identified. The selection of outcome indicators from these sources is still under development.

	Measure	Reason
Impact	Impact measure	To assess to what level others have used our information to improve service delivery, or bring about change for children.
Contributing outcome	Children's rights and well-being indicators	As we are not the sole contributor to our contributing outcomes, children's rights and well-being indicators will be used to show progress and to inform our future work programme.

### ***Output performance measures***

To measure the quality and timeliness of our work we have identified performance measures for our monitoring and advocacy activities that are set out in the Statement of Service Performance on pages 28 – 35.

Activity	Measure	Reason for measure
Monitoring and investigating	Quantity	Targets set by which to monitor our productivity.
	Quality	Agency response to our recommendations will ensure that our work is robust, effective and of a high standard.
	Timeliness	To ensure findings from monitoring are relevant and able to be utilised by agencies to make informed decisions.
Advocacy	Quality	External peer review of any published reports will ensure that our work is robust and of a high standard. Feedback from stakeholders ensures that our information is relevant and of benefit to the individual or group.



## **Impact sought: Services to children under the CYPF Act are of high quality**

One of the Office's primary responsibilities is to monitor the services and actions of Child, Youth and Family and other agencies acting under the CYPF Act. Office staff undertake regular visits to Child, Youth and Family sites and residences where information is gathered from a variety of stakeholders on the quality of services delivered to children and young people. We also use information gathered at a national level.

### **Our aims are:**

- to improve the quality of services to children under the CYPF Act.

### **The results that we seek from our interventions:**

- stakeholders are confident in the Children's Commissioner's investigations and impartiality
- recommendations for improvement in the way Child, Youth and Family and other agencies work with children are implemented.

### **What we will do**

We will:

- visit at least six sites and at least four residences.
- implement changes arising from the review of the effectiveness of the monitoring framework undertaken in 2010-11.
- review Child, Youth and Family's response to reports on children in care and responses to child neglect released during 2010-11.
- work closely with Child, Youth and Family on their work on the transition of children out of care provisions of the CYPF Act, with a focus on transition to adulthood.
- extend our monitoring of services to those organisations providing care services to children under section 396 of the CYPF Act.

### **Who we will work with**

Our monitoring work involves meeting with staff from Child, Youth and Family offices, members of their Care and Protection Resource Panels (CPRP), Family and Youth Court judges and local lawyers who act as lawyers for Children and Youth Advocates, and children in care. We also meet with local school principals and staff from Police and District Health Boards and local community agencies, including Child, Youth and Family's Differential Response (DR) partners. We also work with Child, Youth and Family National Office, Police National Headquarters and other stakeholders in CYPF Act services to children at a national level such as Barnados.

## How we will measure progress

### Impact measure

Actual 2009/10	Measure	Target 2010/2011	Target 2011/12
New in 2010/11	Responses and follow up in relation to Child, Youth and Family site and residence monitoring recommendations	New in 2010/11	100%

### Children's rights and well-being indicators

The impact we seek contributes to all outcomes, and in particular the outcomes *Children in New Zealand are safe, secure and well-nurtured in their families/communities, whanau, hapu and iwi* and *Children's rights are understood and respected*.

As a measure of the degree of impact we may be having on the contributing outcomes, indicators will draw information from:

- *The Social Report*, Ministry of Social Development, periodic publication
- *Children and Young People: Indicators of well-being*, Ministry of Social Development, 2008
- *Household Incomes in New Zealand: Trends in Indicators of Inequality and Hardship*, Bryan Perry, Ministry of Social Development, 2009 and 2010
- *Non income measures of maternal well-being and hardship*, Bryan Perry, Ministry of Social Development, 2009 and 2010
- *The New Zealand Children's Social Health Monitor*, Liz Craig et al, New Zealand Child and Youth Epidemiology Service, 2009 and 2010
- Child, Youth and Family statistical data



## **Impact sought: Children's rights, when detained, are upheld and effectively monitored.**

In March 2007, New Zealand ratified the Optional Protocol to the United Nations Convention against Cruel, Inhuman, or Degrading Treatment or Punishment. Ratification of the protocol obliges member states to establish one or more National Preventive Mechanisms (NPM) to monitor places of state detention. The Commissioner is designated a NPM and is specifically responsible, jointly with the Chief Ombudsman, for monitoring and reporting on the safety and treatment of children and young people in residences established under section 364 of the CYPF Act<sup>3</sup>. Each residence is visited at least once every two years.

### **Our aims are:**

- residences comply with OPCAT.

### **The results that we seek based on our interventions:**

- Stakeholders are confident in the Office's assessments of places of detention
- Child, Youth and Family residences implement recommendations and suggestions made by the Office.

### **What we will do**

We will:

- visit at least four residences and also make one unannounced visit to a residence to examine conditions of detention and treatment of detainees
- make recommendations for improving the conditions of detention and treatment of detainees, and for preventing torture or other cruel, inhuman or degrading treatment
- monitor actions arising out of the Independent Police Conduct Authority, Office of the Children's Commissioner and the New Zealand Human Rights Commission's Joint Thematic Review of Children and Young People's Detention Issues.

### **Who we will work with**

Our monitoring work involves meeting with the Residential Manager, staff on duty, and informally and formally with the young people in the residences.

We maintain relationships with other NPMs, notably the Ombudsmen and the Independent Police Conduct Authority and work with the Human Rights Commission.

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<sup>3</sup> There are currently nine residences.

## How we will measure progress

### Impact measure

Actual 2009/10	Measure	Target 2010/2011	Target 2011/12
New in 2010/11	Responses and follow up in relation to Child, Youth and Family residence NPM monitoring recommendations	New in 2010/11	100%

### Children's rights and well-being indicators

The impact we seek contributes to all outcomes, and in particular the outcomes *Children in New Zealand are safe, secure and well-nurtured in their families/communities, whanau, hapu and iwi* and *Children's rights are understood and respected*.

As a measure of the degree of impact we may be having on the contributing outcomes, indicators will draw information from:

- *The Social Report*, Ministry of Social Development, periodic publication
- *Children and Young People: Indicators of well-being*, Ministry of Social Development, 2008
- *Household Incomes in New Zealand: Trends in Indicators of Inequality and Hardship*, Bryan Perry, Ministry of Social Development, 2009 and 2010
- *Non income measures of maternal well-being and hardship*, Bryan Perry, Ministry of Social Development, 2009 and 2010
- *The New Zealand Children's Social Health Monitor*, Liz Craig et al, New Zealand Child and Youth Epidemiology Service, 2009 and 2010
- Child, Youth and Family statistical data

## **Impact sought: Individual cases where the Children's Commissioner intervenes have outcomes that improve the interests, rights and well-being of the individual child**

It is important that children and young people and their parents have access to information and complaint processes.

### **Our aims are:**

- to provide timely, accurate and effective information, advice and advocacy.

### **The results that we seek based on our interventions:**

- that individual callers are better informed on issues relating to children's interests, rights and well-being
- that the information and advice we give provides ways in which the issue can be addressed
- that we are able to advocate on behalf of the child where our intervention can provide more weight to resolving the issue
- that the child's interests, rights and well-being are improved.

### **What we will do**

In 2010-11 we will continue to maintain the child rights line to provide information and advice to members of the public.

We expect to receive approximately 900-1,000 calls on matters relating to individual children's interests, rights and well-being. In the main, these calls concern children who are involved with Child, Youth and Family, who have been suspended or expelled from school, or who are subjected to bullying.

The Office will continue to fund the Wellington Community Law Centre's Parent Legal Information Line (PLINFO) where callers requiring specific legal advice can seek advice and support.

### **Who we will work with**

We will work with the Wellington Community Law Centre. We will also work with a wide range of Child, Youth and Family officials, school staff, Boards of Trustees and others on individual situations.

## How we will measure progress

### Impact measure

Actual 2009/10	Measure	Target 2010/2011	Target 2011/12
New in 2010/11	The percentage of individual case inquiries <sup>4</sup> where intervention by the Office has led to improvements to the interests, rights and well-being of the individual child	New in 2010/11	75%

### Children's rights and well-being indicators

The impact we seek contributes to all outcomes, and in particular the outcome *Children's rights are understood and respected*.

As a measure of the degree of impact we may be having on the contributing outcomes, indicators will draw information from:

- *The Concluding Observation of the United Nations Committee on the Rights of the Child on Zealand Reports*, United Nations, 2003, 2011.

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<sup>4</sup> Of the total number of calls answered, 82 percent of calls (2008/09) are resolved through the provision of information and advice, with no further action. The remainder of these calls (18 percent) require further investigation or follow up. We will be monitoring the impact of our investigation/follow up work to measure the extent to which there have been improvements to the interests, rights and well-being of the individual child.

## **Impact sought: Children's rights are incorporated in New Zealand's law, upheld in policy and delivered in practice**

The United Nations Convention on the Rights of the Child, which New Zealand ratified in 1993, sets out goals for children's well-being and defines the obligations of governments to take the best interests of children into account in their laws, policies and operations.

### **Our aims are:**

- decisions are made with robust information on the impact on children and weight is given to children's interests, rights and well-being
- good progress is made on the progressive realisation of UNCROC.

### **The results that we seek based on our interventions:**

- decision-makers make the best interests of children a primary consideration in all relevant decisions
- decision-makers understand the international human rights obligations of New Zealand through its ratification of UNCROC.

### **What we will do**

In 2010 – 2011 we will continue to

- provide independent advice to Parliament, Ministers, government agencies and other organisations on issues that affect children
- advocate ways to give children's interests more weight in central and local government policy work through the Green Paper/White Paper process and Auckland planning
- promote the progressive realisation of UNCROC and follow up the recommendations of the United Nations Committee on the Rights of the Child after their hearing into its implementation in New Zealand.

### **Who we will work with**

We will work with Ministers, government agencies, academic institutions, NGOs and experts in the areas we have identified as priorities to advocate for changes that will improve the well-being of children. We will consult with the Young People's Reference Group to ensure their views are represented.

## How we will measure progress

### Impact measure

Actual 2009/10	Measure	Target 2010/2011	Target 2011/12
New in 2010/11	Organisations we have engaged with agree that the Commissioner's advocacy has impacted on their decision-making.	New in 2010/11	80%

### Children's rights and well-being indicators

The impact we seek contributes to all outcomes, and in particular the outcomes *Children's rights are understood and respected* and *International obligations regarding children, with respect to UNCROC are met*.

As a measure of the degree of impact we may be having on the contributing outcomes, indicators will draw information from:

- *The Concluding Observation of the United Nations Committee on the Rights of the Child on Zealand Reports*, United Nations, 2003, 2011.

## **Impact sought: Social attitudes and behaviours change towards better understanding of the key issues for children**

We work at many levels to increase awareness of children's interests, rights and well-being and to promote the importance of children's place in society. We will support the strengthening of advocacy services that are available to children and young people.

### **Our aims are:**

- that attitudes and behaviours change towards better understanding children's interests, rights and well-being
- there is a greater recognition of children as members of society in their own right and increased participation in decisions that affect them.
- there is a greater understanding of a collective responsibility for the well-being of children

### **The results that we seek based on our interventions are:**

- there is wide awareness of UNCROC and acceptance that children have a specific set of rights
- that children are aware of, and confident to claim, their rights
- that adults working with children understand the importance of child-focused practice

### **What we will do**

In 2010-11 we will carry out public education activities that promote the interests, rights and well-being of children. We will do this in a variety of ways including:

- the delivery of speeches or presentations
- using the media as a platform to promote the interests, rights and well-being of children
- distributing resources to agencies, community groups and members of the public
- distributing *Children* magazine to over 2,000 readers
- delivering advocacy training packages to communities throughout New Zealand
- consulting with the YPRG in a variety of ways, including quarterly meetings, teleconferencing and web-based communication.

### **Who we will work with**

We will give presentations to a wide variety of groups, including government agencies, NGOs, specialists and members of the public. We will provide training and deliver resources to agencies and communities who deliver services to children and young people.

## How we will measure progress

### Impact measure

Actual 2009/10	Measure	Target 2010/2011	Target 2011/12
New in 2010/11	Organisations that receive our services find the information useful and their understanding of children's interests, rights and well-being is increased.	New in 2010/11	80%

### Children's rights and well-being indicators

The impact we seek contributes to all outcomes, and in particular the outcome *Children's rights are understood and respected*.

As a measure of the degree of impact we may be having on the contributing outcomes, indicators will draw information from:

- *The Concluding Observation of the United Nations Committee on the Rights of the Child on Zealand Reports*, United Nations, 2003, 2011.



## **Impact sought: Children are able to participate as appropriate in governance and the management of institutions and their voices are heard**

UNCROC recognises that children are subjects of rights, rather than just recipients of adult protection, and that those rights demand that children themselves are entitled to be heard. Article 12 of the convention recognises children's right to be listened to and to be taken seriously. We also need to recognise the value of children's own experiences, views and concerns.

### **Our aims are:**

- children's voices are heard and taken account of
- children are able to participate in legislative, judicial and administrative decision-making that affects them.

### **The results that we seek based on our interventions:**

- that there is effective modeling of best practice of children's participation
- decision makers are presented with views and proposals that are demonstrably child focused, evidence based and well considered.

### **What we will do**

In 2011-12 our focus will be on supporting and developing the new Young People's Reference Group (YPRG) which formed in early 2011. The group will meet formally once every quarter for weekend meetings based in Wellington, as well as monthly conference calls and regular communication through social media. Opportunities will be sought throughout the year for the YPRG's views and experiences to be used in advice, submissions and media releases produced by the Commissioner.

We will take other opportunities to advocate for consultation with children.

### **Who we will work with**

The Office engages with children in different settings, for example talking with children in schools and in Child, Youth and Family residences and establishing, maintaining and consulting regularly with the YPRG. Their views are sought on all submissions the Commissioner produces.

## How we will measure progress

### Impact measure

Actual 2009/10	Measure	Target 2010/2011	Target 2011/12
New in 2010/11	Organisations we have engaged with agree that through the Commissioner's advocacy work, children's views have been conveyed and these views have impacted on their decision-making.	New in 2010/11	80%

### Children's rights and well-being indicators

The impact we seek contributes to all outcomes, and in particular the outcome *Children's right to participate as citizens are fully realised*.

There is little information on levels of children's participation and there may be a need for research or evaluation to be undertaken about current practice. The Office will continue to explore possible sources of information on potential indicators.

## Strategic capability – organisational strength

Our objective is to ensure the Office of the Children's Commissioner is respected as a credible, well-informed and considered advocate for children, and as an active monitor and accurate assessor of the quality of services provided to children under the CYPF Act.

Financial sustainability is a critical part of our strategy. We expect funding for the Children's Commissioner to remain static for the next 3-5 years. The Office will continue to assess how its services can be delivered most efficiently and effectively while ensuring that:

- we have good strategic and business planning
- our legal obligations are met
- we maintain a capable organisation with skilled staff, reliable systems and processes, and strong relationships with our stakeholders
- the service standards and cost drivers of the business are understood and managed well
- tight, realistic budgets are established
- pay and employment conditions are realistic.

The Office requires a high level of knowledge and expertise of children's issues and the machinery of government. It needs skills in research, advocacy and communications and media work.

The Office is committed to employment equity in all employment practices. The Office's aim is to maintain and enhance practices which eliminate all forms of discrimination in employment matters and that ensure the organisation meets "good employer" and "equal employment opportunity" requirements. Staff are supported through flexible working arrangements and access to training and development. A culture is encouraged where staff are valued and feel that they are making a contribution to the outcomes the Office seeks to achieve.

Our human resource policies are consistent with good employer obligations. We have policies in three key good employer areas: health and safety, recruitment and equal employment. Our Office is a member of the EEO Trust.

We will set pay and employment conditions that are realistic and consistent with the Government's expectations for pay and employment conditions in the State Sector.

Our policies and processes are up to date, reflect best practice, and are regularly reviewed and communicated to staff.

Regular fortnightly staff meetings that are chaired by the Commissioner support staff communication and engagement. All staff have scheduled individual catch-up sessions with their manager.

In 2011 – 12 we will:

- **Manage resources efficiently** – we will continue to work closely with the Families Commission to identify any further efficiencies that can be gained from shared accommodation and greater coordination of operational activities.

- **Be prepared** – we will review business continuity plans, especially those relating to responding to a major natural disaster and, where necessary, enhance these plans.
- **Follow best practice** – we will review information and communication systems along with associated policies and, where necessary, update these to ensure that they are compliant with the recently promulgated *Directions and Priorities for Government ICT*.
- **Enhance our cultural competencies** – we will continue to enhance our commitment to the Treaty of Waitangi and biculturalism by developing a manaaki policy to provide clarity around the protocols that are used in the Office to provide manaaki to people.

### ***How we demonstrate success***

We will know we are making progress if:

- we continue to receive unqualified audit results from the Office of the Auditor-General
- we receive positive feedback from our Minister on our overall performance.

### **Risks**

The major risks to which we are exposed and our responses to these are:

<b>Risk type</b>	<b>In response, our office will</b>
<i>Credibility</i> : The risk that the Office loses the confidence of key stakeholders.	<ul style="list-style-type: none"> <li>• Maintain the quality of its investigation and reporting capability, and of its advice and advocacy.</li> <li>• Ensure statutory obligations are met, as well as advocacy and advisory responsibilities.</li> <li>• Ensure that its position and advice on issues is evidence based – through the use of reliable information and robust research.</li> </ul>
<i>Representation</i> : The risk that the Office does not remain the authoritative advocate of the interests, needs and rights of children.	<ul style="list-style-type: none"> <li>• Maintain and develop the input it receives from children – particularly the Young People's Reference Group.</li> <li>• Keep informed of national and international good practice and emerging issues.</li> </ul>
<i>Results focus</i> : The risk that the Office could lose focus on its key outcomes and results and on business priorities.	<ul style="list-style-type: none"> <li>• Maintain results-focused planning systems within the office.</li> <li>• Manage external pressures and demands on the work agenda of the office.</li> <li>• Manage and monitor a sustainable, office-wide work plan and individual work plans.</li> <li>• Achieve a workable balance between the main lines of business: investigations, monitoring, advocacy and advisory.</li> </ul>

Risk type	In response, our office will
<p><i>Staff skills:</i> The risk that key skill capabilities are not available for the Commissioner's work.</p>	<ul style="list-style-type: none"> <li>• Plan recruitment and retention to ensure that the required skills are developed and maintained.</li> <li>• Ensure induction programmes are supported with development and performance management systems.</li> <li>• Ensure adequate funding (for salaries and to meet good employer obligations) to attract and retain quality staff.</li> </ul>
<p><i>Governance:</i> The Office systems fail to support the smooth transition to a new Commissioner.</p>	<ul style="list-style-type: none"> <li>• We will work closely with Minister's advisors.</li> </ul>

Other business risks, such as maintaining business continuity in the case of emergencies, are dealt with through specific plans.

### ***Managing fraud***

The Office has a zero tolerance approach toward internal fraud and the inappropriate misuse of information which is supported by a formal policy. This policy is reviewed annually and communicated to staff. We also maintain an interests register for the Commissioner and staff to declare any conflicts of interest. The Management team reviews this register regularly.

## **Consultation and reporting to the responsible Minister**

### ***Reporting to the responsible Minister***

The Children's Commissioner has agreed to establish and sign an Output Agreement with the responsible Minister, setting out details on the way in which the Commissioner will continue to consult and report on the Government's purchase interests in the office.

Reporting will include:

- regular meetings with the responsible Minister and briefings on issues relating to the interests, rights and welfare of children
- quarterly reports on output delivery, key developments in the reporting period and financial reports.

The Commissioner will continue to work with the Minister on a "no-surprises" basis and raise issues at the earliest opportunity rather than waiting for formal reporting to be done. We will continue to brief the Minister on significant publications, speeches and releases.

### ***Annual reporting***

The Commissioner is required by the Crown Entities Act 2004 (Section 150) to provide the responsible Minister with an Annual Report on operations for each year. This report is separate from the quarterly reports already mentioned above and will provide information about the financial performance of the Office and our performance against the key deliverables agreed with the Minister.

Reporting will focus on:

- delivery of outputs – a detailed year-to-date report against progress and commitments, as detailed in the Output Agreement.
- financial statements – a comprehensive set of year-to-date reports and (where required) commentary against the forecast financial reports specified in the Output Agreement, and informative and accurate non-financial information.

### ***Longer-term financial targets***

The Commissioner looks to maintain Working Capital (Current Assets – Current Liabilities) at a base level of approximately \$250,000. This equates to approximately one month's operational activity.

## **Part three: Prospective statement of service performance and financial information**

### ***Statement of responsibility***

The Children's Commissioner is an Independent Crown Entity under the Crown Entities Act 2004 with its role established under the Children's Commissioner Act 2003 to advocate for the interests, rights and welfare of children generally.

The Commissioner and his Office are responsible for the preparation of the Statement of Intent and prospective financial statements, including the assumptions on which the financial statements are based.

The prospective financial statements have been prepared in accordance with NZ IFRS, as have the retrospective financial statements at the end of the financial years 2008-09 and 2009-10.

The prospective financial statements have been developed for the purpose of presenting the Commissioner's intentions in Parliament, and should not be relied upon by any other party for any alternative purpose without the express written permission of the Commissioner. Actual results are likely to be different from the prospective financial statements and the variation may be material.

The Commissioner reviews the first half-year result and third quarter result in April of each year and restates the estimated out-turn for the current fiscal year.

I have authorised the issue of the financial statements on this day, 20 May 2011.

A handwritten signature in black ink, appearing to read 'John Angus', with a large, sweeping loop at the bottom left.

Dr John Angus  
Children's Commissioner

## ***Statement of forecast service performance***

The statement of service performance sets out the key activities and services the Commissioner will undertake in the 2011 – 2012 year period with associated performance measures.

The Commissioner's outputs are determined by its statutory functions. The Commissioner categorises these as:

- monitoring and investigating
- individual and systemic advocacy

The performance measures in this section relate to the outputs for 2011 – 2012, which in turn contribute to the longer-term impacts described in the outcome areas of part two, as illustrated in the table on page 10.

The Office's activities are primarily funded by the Crown through Vote Social Development, Non-departmental Expense, Children's Commissioner, with minor funding from interest earned from investments and the sale of resources.

The output agreement for 2011 – 2012 with the responsible Minister sets out the work programme designed to achieve our 2011 – 2012 objectives. It also details performance measures relevant to specific initiatives.

We adhere to the following quality principles for all outputs the Office produces:

- timeliness: all reporting deadlines are met or alternative arrangements made
- consultation and participation: potential affected parties and interested parties are consulted and their views considered
- presentation: documents adhere to internal guidelines and are presented clearly, logically and in plain, grammatically correct language
- practicality: viable options are presented and assessed practicalities are identified and solutions proposed, when appropriate
- internal standards: responsiveness, accessibility and professional behaviour are adhered to.



## ***Output: Monitoring and investigating***

### **Description**

Through this output the Children's Commissioner monitors and assesses the policies and practices of Child, Youth and Family and other agencies providing services under the CYPF Act. Under this output the Commissioner also acts as a National Preventive Mechanism with specific responsibility for monitoring and assessing the safety and treatment of children in nine Child, Youth and Family residences. This output contributes to two outcomes that the Children's Commissioner is seeking to impact on – *Child safety, security and nurturing* and *Children's interests, rights and well-being* – by generating evidence of the quality of services delivered by Child, Youth and Family and other agencies.

### **Performance measures and goals**

#### ***Impact sought***

Services to children under the CYPF Act are of high quality.

#### ***Scope***

The scope of the work to support this goal in 2011 – 2012 includes routine site and residence visits and performance reports as well as implementing changes resulting from a review, undertaken in 2010, of the effectiveness of the monitoring framework developed to monitor Child, Youth and Family.

#### **Quantity**

Measure	Standard
Number of Child, Youth and Family site visits undertaken	6
Number of performance reports on Child, Youth and Family sites completed and delivered to the Deputy Chief Executive of the Ministry of Social Development responsible for Child, Youth and Family	6
Number of Child, Youth and Family residence visits undertaken	4
Number of performance reports on Child, Youth and Family residences completed and delivered to the Deputy Chief Executive of the Ministry of Social Development responsible for Child, Youth and Family	4
Changes arising out of the 2010 review of the Children's Commissioner's framework for monitoring Child, Youth and Family implemented	1

## Timeliness

Measure	Standard
Activity undertaken in line with agreed standards and timeframes in line with the monitoring framework and schedule of visits agreed with Child, Youth and Family	100%
Specific work to be delivered in 2011-12	Standard
Changes arising from review of monitoring framework implemented	31 December 2011

## Quality

Measure	Standard
Monitoring of Child, Youth and Family complies with agreed standards and processes established by the memorandum of understanding between the Office and Child, Youth and Family, reported against in the site and residence reports	100%
The number of recommendations made to Child, Youth and Family that are implemented or responded to within agreed timeframes	75%
Recommendations resulting from the review of the effectiveness of the monitoring framework addressing any areas identified as needing improvement are implemented.	100%

## ***Impact sought***

The rights of children who are detained are upheld and effectively monitored (Crimes of Torture Act).

## ***Scope***

### Quantity

Measure	Standard
Number of Child, Youth and Family residence NPM visits undertaken	5
Number of performance reports on Child, Youth and Family residences in compliance with OPCAT completed and delivered to the Deputy Chief Executive of the Ministry of Social Development responsible for Child, Youth and Family	5
A summary compliance report is drafted for inclusion in the Human Rights Commission's annual report	1

## Timeliness

Measure	Standard
A summary compliance report is drafted for inclusion in the Human Rights Commission's annual report	30 June 2012

## Quality

Measure	Standard
The number of recommendations made to Child, Youth and Family that are implemented or responded to within agreed timeframes	75%

## Resources<sup>5</sup> (GST exclusive) for Output: Monitoring and Investigating

Revenue	\$794,499
Expenses	\$754,893
Net surplus	\$39,606

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<sup>5</sup> All figures are GST exclusive. Indicative application of costs only.

## ***Output: Individual and systemic advocacy***

### **Description**

This output gives effect to the general functions of the Commissioner set out in Section 12 of the Children's Commissioner Act 2003. It includes:

- investigating decisions or recommendations made in individual cases (including within Child, Youth and Family under Section 13 (1) (a)) and making recommendations
- advocating for children's interests generally in the policy and legislative work of government departments and Crown agencies. Achieved through the provision of advice and making submissions, and at a systemic level advocating for operational policies and practices that enhance the interests of children. For example, the participation of children in decisions that affect them, the establishment of robust complaints systems and compliance with the provisions of UNCROC
- promoting children's interests, rights and well-being, in relation to decisions that affect the lives of children and the participation of children in those decisions
- undertaking public education activities to raise awareness of children's interests, rights and well-being, and of UNCROC.

This output contributes to three outcomes the Children's Commissioner is seeking to impact; *Children's interests, rights and well-being, Children's participation* and *New Zealand's International obligations*.

### **Performance measures and goals**

#### ***Impact sought***

Individual cases where Children's Commissioner intervenes have outcomes that improve the interests, rights or well-being of the individual child.

#### ***Scope***

The scope of the work to support this goal in 2011-12 includes maintaining a toll free Child Rights Line to provide members of the public with information or advice on issues concerning children. Based on historical activity, the Office expects to receive between 900-1,000 enquiries from respondents seeking advice or information on issues concerning children.

Quantity

Measure	Standard
Toll free child rights line offered to members of the public seeking advice and information on issues concerning children.	Service is offered during the business hours of 250 working days during the 2010-11 year.

## Timeliness

Measure	Standard
Respondents' satisfaction with response time rated as satisfactory or better	80%

## Quality

Measure	Standard
Respondents' satisfaction with the advice and information provided via the Child Rights Line is rated as satisfactory or better	80%

## ***Impacts sought***

Children's rights are incorporated in New Zealand's law, upheld in policy and delivered in practice.

## ***Scope***

The scope of the work to support this goal in 2011-12 includes the delivery of independent advice that relates to the interests, rights and well-being of children to government departments, Ministers, academics and other organisations. We will also make submissions to select committees examining Parliamentary Bills and/or undertaking enquiries. We seek to influence decision-makers to ensure that children's perspectives are taken into account.

Projects will continue to investigate priority areas identified, including:

- the sexual health of young people
- children's place in public policy, with a focus on contributing to Government's Green Paper/White Paper on child policy, and to Auckland planning.

## Quantity

Measure	Standard
Number of submissions provided to select committees examining Parliamentary Bills and/or undertaking enquiries and reports/advice provided to government agencies and Ministers	10
Number of projects/scoping exercises undertaken	2

## Timeliness

Measure	Standard
Submissions, reports and advice produced within required timeframe	100%
Reports on projects/scoping exercises undertaken	30 June 2012

## Quality

Measure	Standard
All published reports are peer reviewed by at least one external expert in the field and comments incorporated into the final report	100%

## ***Impact sought***

Social attitudes and behaviours change towards better understanding of the key issues for children.

## ***Scope***

The scope of the work to support this goal in 2011-12 includes a child rights and education advocacy training programme delivered to community groups and agencies that provide services to children and young people. We will deliver speeches, presentations and issue media statements on issues that concern children's interests, rights and welfare and distribute resources and publish *Children* magazine.

### Quantity

Measure	Standard
Advocacy training workshops delivered	6
Speeches and presentations delivered	20
Editions of <i>Children</i> magazine published	4

### Timeliness

Measure	Standard
Advocacy training workshops delivered within agreed timeframes	100%
Speeches and presentations delivered within agreed timeframes	100%

### Quality

Measure	Standard
The percentage of speaking event organisers with a level of satisfaction that the information provided and delivery of speech or presentation were of benefit to them and their audience will be no less than:	75%
The percentage of participants with a level of satisfaction that the workshops and information provided through advocacy training workshops were of benefit to them will be no less than:	75%
The percentage of the Young People's Reference Group that provide feedback that their views were sought and considered in the work of the Office.	100%

### ***Impact sought***

Children's rights to participate as citizens are fully realised.

### ***Scope***

The scope of the work to support this goal in 2011-12 will be to maintain and support the YPRG, facilitate quarterly meetings and to regularly seek their views and experiences to support the Office's advocacy work.

#### Quantity

Measure	Standard
Number of meetings convened of the Young People's Reference Group	4

#### Quality

Measure	Standard
The percentage of the Young People's Reference Group that provide feedback that their views were sought and considered in the work of the Office.	100%

### Resources (GST Exclusive)<sup>6</sup> for Output: Individual and Systemic Advocacy

Revenue	\$1,403,501
Expenses	\$1,374,042
Net surplus	\$29,460

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<sup>6</sup> All figures are GST exclusive. Indicative application of costs only.

## ***Financial Statements***

### **Prospective statement of comprehensive income**

	Estimated out turn 2010/11	Estimated out turn 2011/12	Estimated out turn 2012/13	Estimated out turn 2013/14
Revenue Crown	2,157	2,157	2,157	2,157
Revenue Other	12	1	1	1
Interest	40	40	40	40
<b>Total Revenue</b>	<b>2,209</b>	<b>2,198</b>	<b>2,198</b>	<b>2,198</b>
Personnel	1,419	1,465	1,519	1,565
Operating	412	497	512	527
Other	13	8	8	8
Projects	110	124	124	124
Depreciation	24	35	28	21
<b>Total Expenditure</b>	<b>1,978</b>	<b>2,129</b>	<b>2,191</b>	<b>2,245</b>
<b>Net</b>	<b>231</b>	<b>69</b>	<b>7</b>	<b>(47)</b>



## Prospective statement of comprehensive financial position

	Estimated out turn 30 June 2011	Estimated out turn 30 June 2012	Estimated out turn 30 June 2013	Estimated out turn 30 June 2014
Current Assets	989	1,027	1,041	1,001
Current Liabilities	227	230	230	230
Net Working Capital	762	797	811	771
Fixed Assets	31	55	48	55
Net Assets	793	852	859	812
<b>Taxpayers Funds</b>	<b>793</b>	<b>852</b>	<b>859</b>	<b>812</b>

## Prospective statement of movement in equity

	Estimated out turn 30 June 2011	Estimated out turn 30 June 2012	Estimated out turn 30 June 2013	Estimated out turn 30 June 2014
Taxpayers' equity brought forward (as at 1 July)	562	793	852	859
Net operating surplus/(deficit)	231	59	7	(47)
Total recognised revenues and expenses for the year	231	59	7	(47)
<b>Taxpayers' equity as at 30 June</b>	<b>793</b>	<b>852</b>	<b>859</b>	<b>812</b>

## Prospective statement of cash flows

	Estimated out turn 30 June 2011	Estimated out turn 30 June 2012	Estimated out turn 30 June 2013	Estimated out turn 30 June 2014
<i>Cash flows from operating activities</i>				
Cash will be provided from:				
Government grant & other sources	2,157	2,157	2,157	2,157
Revenue from services	12	1	1	1
Interest received	40	40	40	40
	<b>2,209</b>	<b>2,198</b>	<b>2,198</b>	<b>2,198</b>
Cash will be applied to:				
Payments to Commissioner & employees	1,419	1,475	1,519	1,565
Payments to suppliers	535	628	644	659
	<b>1,954</b>	<b>2,103</b>	<b>2,163</b>	<b>2,224</b>
<b><i>Net cash flows from operating activities</i></b>	<b>255</b>	<b>95</b>	<b>35</b>	<b>(26)</b>
<i>Cash flows from investing activities</i>				
Sale of fixed assets	10	0	0	0
Purchase of fixed assets	0	50	0	0
Net increase/(decrease) in cash held	10	(50)	0	0
Plus opening cash balance	494	759	804	839
<b>Closing cash balance</b>	<b>759</b>	<b>804</b>	<b>839</b>	<b>813</b>

## **Statement of accounting policies**

### ***Reporting entity***

The Children's Commissioner is a Crown Entity as defined by the Crown Entities Act 2004 and is domiciled in New Zealand. As such, the Commissioner's ultimate parent is the New Zealand Crown.

The Children's Commissioner was first established on 1 November 1989 under the Children Young Persons and Their Families Act 1989, but whose functions were then mandated by the Children's Commissioner Act 2003. Its primary objective is to ensure that the interests and rights of every child and young person are recognised and each enjoys safety, good health and education, economic and sociocultural well-being and opportunities to actively participate in matters that affect them

Accordingly the Children's Commissioner has designated itself as a public benefit entity for the purposes of New Zealand Equivalents to the International Reporting Standards (NZIFRS).

The financial statements included in the Statement of Intent, report on the expected out turn of the Children's Commissioner for the year ended 30 June 2011 and the activities planned for the year ended 30 June 2012.

### ***Statement of compliance and basis of preparation***

The financial statements of the Children's Commissioner have been prepared in accordance with the requirements of the Crown Entities Act 2004, which includes the requirement to comply with New Zealand Generally Accepted Accounting Practice (NZ GAAP). The financial statements comply with the Framework for Differential Reporting for Public Benefit Entities adopting the NZ equivalents to International Financial Reporting Standards (NZ IFRS) and its interpretations as appropriate to public benefit entities that qualify for and apply differential reporting concessions.

The Children's Commissioner qualifies for Differential Reporting exemptions as it meets the criteria set out in the Framework for Differential Reporting.

Differential reporting exemptions as available under the Framework for Differential Reporting have been applied where applicable and have been consistently applied to all periods presented in these financial statements.

### ***Measurement base***

The financial statements have been prepared on a historical cost basis, except for the measurement of derivative financial instruments which is at fair value.

### ***Functional and presentation currency***

The financial statements are presented in New Zealand dollars and all values rounded to the nearest thousand dollars (\$000). The functional currency of the Children's Commissioner is New Zealand dollars.

***Going concern***

The going concern concept is assumed when preparing these financial statements.

***Revenue***

Revenue is measured at the fair value of consideration received or receivable.

The Children's Commissioner is primarily funded by the Crown for the purposes and objectives set out in the Statement of Intent.

Revenue for services (Crown and other parties) is recognised when it is earned and is reported in the statement of comprehensive income in the period to which it relates.

***Interest***

Interest income is recognised using the effective interest method.

***Operating leases***

Leases that do not transfer substantially all the risks and rewards incidental to ownership of an asset to the Children's Commissioner are classified as "operating leases". Lease payments under an operating lease are expensed as incurred in the Statement of Financial Performance. The Children's Commissioner leases Office premises and photocopiers only.

***Finance leases***

The Children's Commissioner does not enter into finance leases.

***Cash and cash equivalents***

Cash and cash equivalents include cash on hand, deposits held at call with domestic banks, other short-term, highly liquid investments with original maturities of three months or less, and bank overdrafts.

***Debtors and other receivables***

Debtors and other receivables are initially measured at fair value and subsequently measured at amortised cost using the effective interest method, less any provision for impairment.

***Bank deposits***

Investments in bank deposits are initially measured at fair value plus transaction costs. After initial recognition, investments in bank deposits are measured at amortised cost using the effective interest method.

***Property, plant and equipment***

Property, plant and equipment asset classes consist of furniture, office equipment, motor vehicles and computer equipment. Property, plant and equipment are shown at cost or valuation, less any accumulated depreciation and impairment losses.

### **Additions**

The cost of an item of property, plant and equipment is recognised as an asset only when it is probable that future economic benefits or service potential associated with the item will flow to the Children's Commissioner and the cost of the item can be measured reliably. Individual assets or groups of assets are capitalised if their costs are greater than \$1,000 (excluding GST).

### **Disposals**

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount of the asset. Gains and losses on disposals are included in the statement of comprehensive income.

### **Subsequent costs**

Costs incurred subsequent to initial acquisition are capitalised only when it is probable that future economic benefits or service potential associated with the item will flow to the Children's Commissioner and the cost of the item can be measured reliably. The costs of day-to-day servicing of property, plant and equipment are recognised in the statement of financial performance as they are incurred.

### **Depreciation**

Depreciation is charged on a straight-line basis so as to write off the cost of the fixed assets over their expected economic lives. The depreciation rates of major classes of assets used in the preparation of these statements are:

Office furniture and equipment	5 years	20%
Computer equipment	3 – 5 years	20 – 33%

The residual value and useful life of an asset is reviewed and adjusted if applicable at each financial year end.

### **Intangible assets**

#### **Software acquisition and development**

Acquired computer software licenses are capitalised on the basis of the costs incurred to acquire and bring to use the specific software.

Costs that are directly associated with the development of software for internal use by the Children's Commissioner are recognised as an intangible asset. Direct costs include the software development, employee costs and an appropriate portion of relevant overheads. Staff training costs are recognised as an expense when incurred. Costs associated with maintaining computer software are recognised as an expense when incurred.

Costs associated with the maintenance of the Children's Commissioner web-site are recognised as an expense when incurred.

### ***Amortisation***

The carrying value of an intangible asset with a finite life is amortised on a straight-line basis over its useful life. Amortisation begins when the asset is available for use and ceases at the date that the asset is de-recognised. The amortisation charge for each period is recognised in the Statement of Comprehensive Income. The useful lives and associated amortisation rates of major classes of intangible assets have been estimated as follows:

- acquired computer software: 5 years, 20%

### ***Impairment of non-financial assets***

Property, plant and equipment and intangible assets that have a finite useful life are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

### ***Creditors and other payables***

Creditors and other payables are initially measured at fair value and subsequently measured at amortised cost using the effective interest method.

### ***Employee entitlements***

#### ***Short-term employee entitlements***

Employee entitlements that the Children's Commissioner expects to be settled within 12 months of balance date are measured at undiscounted nominal values based on accrued entitlements at current rates of pay. These include salaries and wages accrued up to balance date, annual leave and long-service leave earned, but not yet taken at balance date. Long-Service leave is calculated using Treasury actuarial guidelines.

#### ***Defined contribution schemes***

Obligations for contributions to Kiwisaver, less the Crown employer subsidy, and the State Sector Retirement Savings Scheme are accounted for as defined contribution superannuation schemes and are recognised as an expense in the Statement of Financial Performance as incurred.

### ***Provisions***

The Children's Commissioner recognises a provision for future expenditure of uncertain amount or timing when there is a present obligation (either legal or constructive) as a result of a past event and it is probable that expenditures will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation.

Provisions are measured at the present value of the expenditures expected to be required to settle the obligation using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the obligation. The increase in the provision due to the passage of time is recognised as a finance cost.

### ***Goods and services tax (GST)***

All items in the financial statements are presented exclusive of GST, except for receivables and payables, which are presented on a GST inclusive basis. Where GST is not recoverable as input tax then it is recognised as part of the related asset or expense. The net amount of GST recoverable from, or payable to, the Inland Revenue Department (IRD) is included as part of receivables or payables in the statement of financial position. The net GST paid to, or received from the IRD, including the GST relating to investing and financing activities, is classified as an operating cash flow in the Statement of Cash Flows.

Children's Commissioner commitments and contingencies are disclosed exclusive of GST.

### ***Income tax***

The Children's Commissioner is a public authority and consequently is exempt from the payment of income tax. Accordingly, no charge for income tax has been provided for.

### ***Budget figures***

The budget figures are derived from the Statement of Intent as approved by the Children's Commissioner at the beginning of the financial year. The budget figures have been prepared in accordance with NZ IFRS, using accounting policies that are consistent with those adopted by the Children's Commissioner for the preparation of the financial statements.

### ***Critical accounting estimates and assumptions***

In preparing these financial statements the Children's Commissioner has made estimates and assumptions concerning the future. These estimates and assumptions may differ from the subsequent actual results. Estimates and assumptions are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances. There are no known significant risks within these estimates and assumptions that would cause a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

### ***Statement of cash flows***

"Cash" means cash on hand, deposits held at call with domestic banks, other short-term, highly liquid investments with maturities of three months or less and bank overdrafts.

"Operating activities" include cash received from all income sources of the Children's Commissioner and cash payments made for the supply of goods and services.

"Investing activities" are those activities relating to the acquisition and disposal of non-current assets.

### ***Changes in accounting Policies***

All policies will continue to be applied on a basis consistent with other years.

### ***Statement of significant assumptions***

Crown Revenue is \$2,157,000. It is assumed Crown revenue will remain at this level over the next 3-5 years.

## ***Appendix one – Statutory functions***

Under section 12 of the Children's Commissioner Act 2003, the Commissioner's general functions are:

(a) to investigate any decision or recommendation made, or any act done or omitted (other than a decision, recommendation, or act to which section 13(1)(a) applies), in respect of any child in that child's personal capacity:

(b) to promote the establishment of accessible and effective complaints mechanisms for children and to monitor the nature and level of complaints:

(c) to raise awareness and understanding of children's interests, rights, and welfare:

(d) to raise awareness and understanding of the Convention:

(e) to undertake and promote research into any matter that relates to the welfare of children:

(f) to act as an advocate for children's interests, rights, and welfare generally (except before any court or tribunal), and, in that regard, to advance and monitor the application of the Convention by departments of State and other instruments of the Crown:

(g) if there are issues in proceedings before any court or tribunal that relate to the Convention or to the interests, rights, or welfare of children generally, to present reports on such issues to the court or tribunal, at the request of—

(i) the court or tribunal; or

(ii) counsel representing any party to the proceedings; or

(iii) counsel representing any child who is the subject of the proceedings; or

(iv) counsel assisting the court or tribunal:

(h) to receive and invite representations from members of the public on any matter that relates to the welfare of children:

(i) to increase public awareness of matters that relate to the welfare of children:

(j) to promote, in relation to decisions that affect the lives of children,—

(i) the participation of children in those decisions; and

(ii) an approach to children's views that, in each case, gives due weight to those views in accordance with the age and maturity of the relevant child:

(k) to report, with or without request, to the Prime Minister on matters affecting the rights of children:

(l) to inquire generally into, and report on, any matter, including any enactment or law, or any practice or procedure, that relates to the welfare of children.

Under section 13 of the Children's Commissioner Act 2003, the Commissioner has specific functions in relation to Children, Young Persons, and Their Families Act 1989:

(a) to investigate any decision or recommendation made, or any act done or omitted, under that Act in respect of any child or young person in that child's or young person's personal capacity:

(b) to monitor and assess—

(i) the policies and practices of the department; and



- (ii) the policies and practices of any other person, body, or organisation that relate to the performance or exercise by the person, body, or organisation of a function, duty, or power under that Act or regulations made under that Act:
- (c) to encourage the development, within the department, of policies and services that are designed to promote the welfare of children and young persons:
- (d) on the Commissioner's own initiative or at the request of the Minister, to advise the Minister on any matter that relates to the administration of that Act or regulations made under that Act:
- (e) to keep under review, and make recommendations on, the working of that Act.

## ***Appendix two – Organisational structure***

John Angus was appointed as the Children's Commissioner from 2 May 2009 and the appointment was until December 2010. John Angus will remain in Office until a new Commissioner is appointed by the Government and takes up the Office on 1 July 2011.

As at 30 June 2011, the Office employs 14.4 full time equivalents. 11.6 FTEs are based in the Wellington office and 2.8 FTEs work in Auckland.

The General Manager oversees the work of all advisory staff, as well as the Office Manager in Wellington. A small number of staff are based in Auckland to facilitate our advocacy work and key stakeholder relationships there.

### ***Appendix three – Glossary***

CPRP	Care and Protection Resource Panel
CYPF Act	Children, Young Persons and their Families Act 1989
FTE	full time equivalent
NPM	National Preventive Mechanism
OPCAT	The Optional Protocol to the United Nations Convention against Cruel, Inhuman, or Degrading Treatment or Punishment
YPRG	Young People's Reference Group
UNCROC	The United Nations Convention on the Rights of the Child

Children's Commissioner  
6<sup>th</sup> Floor, 117-125 Lambton Quay  
PO Box 5610  
Wellington 6145, New Zealand  
Phone +64 4 471 1410  
Fax +64 4 471 1418

5<sup>th</sup> Floor, AMI House,  
63 Albert Street, Auckland  
PO Box 6516, Wellesley Street  
Auckland 1010, New Zealand  
Phone +64 9 303 2614  
Fax +64 9 303 2861

Freephone: 0800 224 453  
Email: [children@occ.org.nz](mailto:children@occ.org.nz)  
Web: [www.occ.org.nz](http://www.occ.org.nz).

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