

Statement of Performance Expectations

For the financial year ending 30 June 2023

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Statement of Performance Expectations for the Children's Commissioner

For the financial year ending 30 June 2023

Presented to the House of Representatives pursuant to Section 149L(3) of the
Crown Entities Act 2004

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Preface - The Context of Change

What I have heard since my appointment is a united call for us to do better for those mokopuna¹ whose rights to such basic things as food, warmth, family and education is denied or restricted. If you listen to 100 mokopuna of Aotearoa and ask about their lives you will find 70 or more who report lives full of love and good things.

Another 10 will have some problems, 10 more will have a great many problems and 10 will be leading lives in which their rights as mokopuna and citizens are routinely denied; they are experiencing discrimination, exclusion, hunger, insecure housing, family violence or poor health.

These mokopuna are experiencing these breaches of their rights now.

Many of these mokopuna will have parents whose experiences were similar.

The voices of these mokopuna and the calls for action are certainly not being ignored within government.

Laws have been and are being reviewed, including the Oranga Tamaki Act 1989, and the Children's Commissioner's Act 2003. The first results of the Child Poverty Reduction Act 2018 setting out targets for poverty reduction are being seen. And the Children's Amendment Act 2018 proposes strategy to improve the wellbeing of all mokopuna and young people, with a particular focus on child poverty and those with greater needs.

The Child Poverty Reduction Act 2018 requires the government of the day to set long-term (10-year) and intermediate (three-year) targets on a defined set of child poverty measures. It also reports annually on the set of child poverty measures, and reports on how the Budget will reduce child poverty and how the government is progressing towards its targets.

The Children's Amendment Act 2018 changed the Children's Act (2014) to require successive governments to develop and publish a strategy to improve the wellbeing of all mokopuna and young people, with a particular focus on child poverty and those with greater needs.

The strategy sets out a shared understanding of what is important for child and youth wellbeing, what government is doing and how others can help. It also outlines how

¹ In Te Ao Māori we are all mokopuna, no matter our culture or background. By using "mokopuna" to talk about mokopuna aged under 18 we are acknowledging their connection to family, to hapū and iwi, and to their ancestors and descendants. It's saying that who they are matters, throughout every stage of their life.

progress will be measured and reported on so that we can all see the difference being made, and where more work might be needed.

The will of government and all parliamentarians is strong. There continue to be debate about the emphasis of policy and the nature of state responsibility.

My intention is to develop a common understanding and commitment across the political spectrum on what, practically, can be done and on the evidence. Mokopuna are important so it is natural that their experiences will be a part of politics. But no child or their situation should be exploited for political gain. Serious proposals from all parties deserve consideration by Ministers. No political cause is more important than mokopuna in need now.

I have outlined as part of the Children's Commissioner's Statement of Responsibility about the importance, in the year ahead, of the Oversight of Oranga Tamariki System and Children's and Young People's Commission Bill.

Under that bill the Office of the Children's Commissioner, which has the status of a Board under the Crown Entities Act 2004, will be continued by a Commission.

When the present Act was passed there was discussion in parliament about whether the role should be 'Commissioner for Children' or 'Children's Commissioner'. It was decided that the possessive 'Children's' best described the role of the Commissioner – someone who was a Commissioner not just 'for' children, but 'of' children. This is to give them their own voice in policy and advocacy on their behalf, and not merely 'in their interests'.

The Children's Commissioner now has three main functions:

Advocacy and Inquiry

To advocate, initiate inquiries into, and raise awareness of the interests, rights and welfare of children; to inquire into matters affecting individual children; to promote effective complaints mechanisms and monitor complaints; and undertake and promote research.

Oversight of Oranga Tamariki

Under the Oranga Tamariki Act 1989 I have broad oversight powers to monitor, assess, and report on actions taken by the Department in respect of any individual child and also on the policies and practices of the Department and any other person or organisation working under the Act and its regulations.

Oversight of the situation of children who are detained

This function results from the designation in 2020 of the Children's Commissioner as a 'National Preventative Mechanism' as part of New Zealand's

obligations under Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), reflected in the NZ Crimes of Torture Act 1989.

Under the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill before Parliament at the time of writing the Children's Commissioner function would continue for only the first and third functions. The role of monitoring Oranga Tamariki would pass to a new agency, proposed as a departmental agency within the Education Review Office.

Two reasons have been put forward for this change. One is that the functions of oversight and inquiry are best separated because of a conflict between the roles. The other is the need for an agency that can act as a 'trusted advisor' to Ministers to have the oversight role. An agency within the core public service is thought to fill this role better than an independent agency such as the Children's Commissioner.

The Children's Commissioner will retain wide powers of inquiry, and report into Oranga Tamariki, the monitoring agency and any other organisation working with children. The detained children role will also be retained.

While I would have preferred a more well-developed and coherent policy base for this change in functions between agencies in 2022/23 I will work with the new agency, Oranga Tamariki and central agencies such as the Department of Prime Minister and Cabinet, to get the best possible result for children, whatever the form of the legislation that is finally passed.

I will take particular interest in the relationship between the monitoring agency, Oranga Tamariki and the 'host' department of the monitor, the Education Review Office. Departmental agencies are a new form of agency and it is important that all potential risks to mokopuna, in the new arrangements are identified, mitigated, monitored and reported.

Should the Oversight of Oranga Tamariki System and Children's and Young People's Commission Bill be passed in its present form, the role of Children's Commissioner as an individual carrying out the role of a Board under the Crown Entities Act 2004 will be abolished.

The incumbent Commissioner will become one of three to six commissioners making up a Board. The Board will have the continued statutory powers and responsibilities of the present Children's Commissioner. The advantages of a single, responsive advocate for children enjoyed by them for the past 32 years will be lost.

A significant restructure will be needed, should this occur, to retain the present agility with which the Children's Commissioner can respond to events. This would mean the

Commission agreeing to individual commissioners having particular roles and the establishment of a Chief Executive role.

Maintaining the effectiveness of the Children's Commissioner over this transition period will be challenging but critical for mokopuna if they are to continue to have the advocacy provided by the Commissioner.

Statement of Responsibility

The Children's Commissioner is an Independent Crown Entity established under the Children's Commissioner Act 2003. It operates pursuant to the Crown Entities Act 2004 and represents and advocates for the 1.2 million New Zealanders under the age of 18, who make up 24 percent of the population.

It is a privilege to introduce my first Statement of Performance Expectations (SPE) for the Children's Commissioner. It indicates the actions I will take to support the 1.2 million New Zealanders under the age of 18 to live their best lives.

Since my appointment in November 2021, I have worked with voluntary organisations, with Ministers, parliamentarians, members of the judiciary and the private sector. Most importantly, I have had the opportunity to hear and consider the voices of mokopuna as citizens and their experiences, understanding, and views should always help form policy.

My primary responsibilities are to advocate for the interests, rights and wellbeing of mokopuna; monitor the services provided under the Oranga Tamariki Act 1989; examine places of detention for mokopuna; and develop means of consulting with them. I also advocate for the implementation of the United Nations Convention on the Rights of the Child.

This SPE is complemented by our 2021-2024 Statement of Intent (SOI), which describes our strategic intentions and outlines the overall direction of the Office of the Children's Commissioner.

With the Oversight of the Oranga Tamariki System and Children and Young People's Commission Bill before Parliament there will be significant changes for the Children's Commissioner, if the Bill is enacted in its current form. These include:

- the establishment of a new 'Children and Young People's Commission' set up with between three and six members in place of a single Children's Commissioner
- removal of the current Oranga Tamariki oversight role (to be the responsibility of a new departmental agency hosted by the Education Review Office).

The last year has seen progress across several key priority areas. I continue to support national progress on child poverty and wellbeing, and our work advancing system change to better support mokopuna and whānau Māori. This resulted in the second

of a two-part inquiry into the care and protection of pēpi Māori – Te Kuku o Te Manawa. Our Te Tiriti o Waitangi journey continues as I look to develop a Te Tiriti unit that will extend across all our work that is delivered.

Looking towards the coming year, the Office of the Children’s Commissioner is on the cusp of significant change for the structure and the statutory functions I am responsible for. As an Office we are prepared to rise to any challenges and make the most of opportunities to advocate for New Zealand’s 1.2 million mokopuna, during this period of uncertainty.

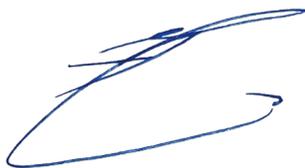
The Office of the Children’s Commissioner will have 38FTE staff members, who are experts in fields of child policy, advocacy and monitoring, and committed to ensuring that mokopuna in Aotearoa New Zealand can flourish and thrive.

As Children’s Commissioner this SPE is my responsibility. It details my annual performance measures and prospective financial statements. It includes the assumptions on which the financial statements are based, and information on the reportable class of outputs I intend to deliver in the 2022/23 financial year.

The prospective financial statements have been prepared in accordance with Generally Accepted Accounting Practice (NZ GAAP) and the Public Benefit Entity International Public Sector Accounting Standards (PBE IPSAS). As a Tier 2 entity with expenditure under \$30 million, under PBE IPSAS I will apply the reduced disclosure requirements for reporting.

The prospective financial statements have been prepared for the purpose of presenting our intentions in Parliament and should not be relied upon by any other party for any alternative purpose without my express written permission. I am of the opinion that these financial statements fairly reflect the expected financial position and operations of the Children’s Commissioner.

I have authorised the issue of the Statement of Performance Expectations on this day, 19 September 2022.



Judge Frances Eivers

Children’s Commissioner | Te Kaikōmihana mō ngā Tamariki o Aotearoa

Overview and Purpose

Reportable class of outputs

The Children's Commissioner proposes to supply and deliver on outputs purchased by the Minister for Social Development and Employment through the following three outputs:

- 1) **Advocacy & Rights.** This will include strategic research, analysis and advice in respect of issues relating to mokopuna in the context of their whānau/families. This advice will be provided in response to opportunities to influence, such as calls for submissions on policy or legislation, as well as proactively raising awareness of children's rights aligned with the Commissioner's priorities.

I will also monitor and promote Aotearoa New Zealand's progressive implementation of the United Nations Convention on the Rights of the Child (the Children's Convention).

- 2) **Mai World.** This will include developing mechanisms to hear from and collect the voices of mokopuna and amplify their voices in relevant ways to inform public discourse on children's rights and wellbeing
- 3) **Monitoring** of Oranga Tamariki, Health and Corrections facilities. This will include policies, practices and decisions arising under s13 of the Oranga Tamariki Act 1989.

I will be monitoring an increasing number of Places of Detention for mokopuna. This is a designated National Preventive Mechanism (NPM) under the Crimes of Torture Act 2003 (COTA), New Zealand's mechanism for implementation of the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

This output is subject to the Bill becoming law in which case the monitoring under Section 13 will no longer be the responsibility of the Children's Commissioner. However, the OPCAT function will continue and there will be an increase in the number of facilities the Children's Commissioner will monitor.

The activities are primarily funded by the Crown through a non-departmental output expense (Children's Commissioner M63) in Vote Social Development. A small amount of funding is received from interest earned on investments. On occasions, one-off funding is received from other agencies for specific projects. Any operating deficit will be funded through prior-year surpluses.

Why do we have a Children’s Commissioner?

Mokopuna under the age of 18 are an important and integral part of our society. They account for nearly a quarter of our population (there are 1.2 million under 18-year-olds). However, they are not included in our democratic process; they have no vote and often no voice in major decisions that affect them. Governments can sometimes overlook their interests.

It is the role of the Children’s Commissioner to be their strong, independent and influential voice: to encourage organisations to take more child-centred approaches, to advocate for improving their well-being, and to raise awareness of issues that directly or indirectly affect mokopuna. There are also specific monitoring and other responsibilities in respect of Oranga Tamariki and other places of detention for mokopuna. It is also the role of the Children’s Commissioner to develop means of consulting with mokopuna.

We monitor how well New Zealand children are doing

The Children’s Commissioner monitors how well all mokopuna are doing. I consider several perspectives to assess and determine where I should advocate for change. These include a child rights framework based on the United Nations Convention on the Rights of the Child, research, evidence and emerging trends, and the voices and views of mokopuna themselves. Our rights framework is grounded in the Te Tiriti o Waitangi and takes into account Mātauranga Māori.

For mokopuna in the care and protection, youth justice system and in child and adolescent mental health in-patient facilities, I have a legislative mandate to monitor New Zealand’s compliance with the Oranga Tamariki Act 1989, the United Nations Convention on the Rights of the Child, and the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This monitoring enables me to identify areas of concern, to provide advice to Oranga Tamariki, contracted care agencies and District Health Boards, and to advocate for better outcomes for all mokopuna.

Our vision; te moemoeā

All mokopuna live their best lives; Kia kuru pounamu² te rongo.

This means every child in Aotearoa, regardless of their background, grows up knowing they belong with a whānau that has what they need to thrive. It also means mokopuna have a say about what really matters for them, and that their rights are honoured by those in power and who influence their lives.

Our mission

The Children's Commissioner advocates for system change so Aotearoa New Zealand works better for mokopuna in every way, throughout their entire life. For us, child wellbeing is about whānau wellbeing.

I am committed to honouring Te Tiriti o Waitangi in all our work. Alongside that we have three key statutory roles³:

- **Advocating** for the rights⁴, interests and wellbeing of New Zealanders under the age of 18, including implementing the UN Convention on the Rights of the Child
- **Ensuring** the voices and views of mokopuna are heard and acted on by decision makers
- **Monitoring** places where mokopuna are detained and services that care for them.

Our core functions

Our core functions include:

- systemic advocacy and investigation of issues compromising the interests, rights and wellbeing of mokopuna
- raising awareness and understanding of the United Nations Convention on the Rights of the Child, and advancing and monitoring its application by the State
- developing mechanisms for hearing and sharing mokopuna voices and perspectives
- ensuring the voices of mokopuna are included in our work and directly inform our monitoring findings and the advice provided

² A child cherished by their whānau.

³ In addition to our functions in the Children's Commissioner Act 2003, we also have specific statutory responsibilities under several other Acts : Oranga Tamariki Act 1989 / Children and Young People's Well-being Act 1989; Oranga Tamariki (Residential Care) Regulations 1996; Crimes of Torture Act 1989 (COTA); Human Assisted Reproductive Technology Act 2004.

⁴ As articulated in the United Nations Convention on the Rights of the Child.

- demonstrating best practice in listening to children and using their views in decision-making
- providing child-centred advice to select committees, ministers, and government and non-government organisations
- providing support to members of the public relating to their enquires related to concerns for individual children or issues
- maintaining membership of and providing advice to the Advisory Committee on Assisted Reproductive Technology (ACART)
- raising awareness of mokopuna interests among New Zealanders generally
- encouraging the development within Oranga Tamariki of policies and services that are designed to promote the wellbeing of mokopuna
- monitoring and assessing the services provided by Oranga Tamariki
- investigating the actions of Oranga Tamariki and contracted agencies that provide care services under the Oranga Tamariki Act 1989 (also referred to as the Children's and Young People's Well-being Act 1989)
- monitoring the eight Oranga Tamariki care and protection and youth justice Oranga Tamariki residences and the secure residential care hub in Auckland, as well as the youth justice community-based remand homes under our NPM mandate
- monitoring the three DHB managed child and adolescent mental health units and the two-youth forensic inpatient units, under our NPM mandate.

Improving lives for mokopuna

Most mokopuna aged under 18, and their families enjoy a high quality of life and experience good outcomes. However, a significant proportion of our mokopuna need extra support and services so they can live their best lives.

For approximately 70 percent of Aotearoa New Zealand's 1.2 million mokopuna that goal is fulfilled. By and large they are doing well. For approximately 30 percent there is much work to do to ensure they can also thrive. On many measures, approximately 20 percent are doing it tough, and 10 percent experience persistent, or inter-generational, life-damaging disadvantage.

While there are mokopuna across all ethnic groups who are achieving excellent outcomes and thriving, there is significant over-representation of mokopuna Māori among those experiencing poor outcomes. Te Tiriti o Waitangi obligations mean that extra attention is needed to address systemic inequities for mokopuna Māori.

I am also concerned about the disproportionate levels of low wellbeing for Pacific mokopuna and those who are neurodiverse or disabled.

There exists intersectionality of disadvantage for neurodiverse or disabled mokopuna due to experiencing higher levels of poverty, as well as facing ableism, and racism,

that affects things such as equitable access to education.

For both Māori and Pacific mokopuna, lower levels of wellbeing apply across physical and mental health measures, often as a result of systemic socioeconomic factors.

These concerns are why my advocacy will focus on supporting every child in Aotearoa New Zealand regardless of their background, to grow up knowing they belong with their whānau and have what they need to live their best life.

Our strategic approach

The strategic approach I have established is built around four priorities that have the potential to contribute to transformational shifts for mokopuna:

1. **Education – advocating for all mokopuna to have access to, and participate in, inclusive and equitable education**

I will engage with mokopuna and advocate for better outcomes, including improved access to and participation in holistic education. This will include, ensuring mokopuna have input into critical projects such as the Curriculum Refresh Project, and that there is support for mokopuna to ensure full participation and reducing absenteeism from education. We will advocate to develop partnerships across the system and ensure whānau, hapū and iwi participation and tangata whenua representation on every School Board of Trustees.

2. **Mental Wellbeing – advocating for the mental wellbeing of mokopuna to be prioritised, so that they may thrive and flourish**

I will advocate for easier, earlier and equitable access to community based mental health services through developing partnership relationships with government agencies and NGOs and working with community and whānau. We will prioritise by Māori for Māori approaches for mokopuna Māori and focus on improving wellbeing outcomes for mokopuna, especially during adolescence.

3. **Ending Family Violence – advocating to end family violence and to help families heal**

I will work to ensure mokopuna voices are heard so we can understand the impact of family violence and will advocate for properly resourced support services and co-designed solutions that encourage healthy, positive relationships which are effective, healing and therapeutic.

4. **Monitoring places of detention – independently and regularly monitoring places where mokopuna are deprived of their liberty and advocate for system change**

I will continue to monitor mokopuna in places of detention, to understand their experiences and take action to ensure that their well-being is prioritised. Through our reporting on and relationships with organisations responsible for the safety and wellbeing of mokopuna in places of detention I will advocate for change needed.

We achieve change by

- Listening – to the voices of mokopuna and their whānau to guide our work
- Influencing – so decision makers prioritise structural change for the long-term wellbeing of mokopuna
- Advocating – to raise awareness of issues for mokopuna, so people demand better outcomes
- Monitoring – to ensure mokopuna in state care and detention are safe and can flourish
- Amplifying – the voices of mokopuna and ensuring agencies listen and act on them
- Growing – understanding of by Māori for Māori approaches both within our work, and that of the public sector
- Engaging – mokopuna and whānau, building trust among communities and partners.

Appropriation Assessment of Performance

This appropriation is limited to the provision of services from the Children’s Commissioner including the discharge of the Commissioner’s duties under the Children’s Commissioner Act 2003, monitoring and reporting on services delivered under the Oranga Tamariki Act 1989, and the identification of aspects of law, policy and practice that might adversely affect children and the development and proposal of remedies.

| Non-Departmental Output Expense | 2021/22 | | 2022/23 |
|---------------------------------|----------------------|------------------------|--------------|
| | Final Budgeted \$000 | Estimated Actual \$000 | Budget \$000 |
| Total Appropriation | 3,157 | 3,157 | 4,797 |

| Policy Initiatives | 2021/22 Final Budgeted \$000 | 2022/23 Budget \$000 | 2023/24 Budget \$000 | 2024/25 Budget \$000 | 2025/26 Budget \$000 |
|--|------------------------------|----------------------|----------------------|----------------------|----------------------|
| Baseline Funding | 3,157 | 3,157 | 3,157 | 3,157 | 3,157 |
| Addressing Cost Pressure and Additional Capacity | - | 1,640 | - | - | - |
| Capital Injection | - | - | - | - | - |
| Total | 3,157 | 4,797 | 3,157 | 3,157 | 3,157 |

| Assessment of Performance | 2021/22 | | 2022/23 |
|---|-------------------|---------------------------|-----------------|
| | Budgeted Standard | Estimated Actual Standard | Budget Standard |
| The percentage of key deliverables agreed with the Minister for Social Development and Employment in the Children's Commissioner's Statement of Performance Expectations completed to agreed standards will be no less than | 90% | 100% | 90% |

Output One: Advocacy & Rights

What is intended to be achieved?

This year the Children's Commissioner's will further enhance Advocacy and Rights to ensure that mokopuna interests and rights are clearly put before Government decision makers and the public. We improve child wellbeing and outcomes of mokopuna by influencing others.

Activities the Office of the Children's Commissioner will undertake include:

- providing advice to agencies on child-centred policy, legislation and services for children
- continuing to advocate for use of the Child Impact Assessment Tool and for Child Impact Assessments to underpin all policy development and legislation
- influencing others to advocate or take action for mokopuna
- engage, listen to, and collaborate with schools and community organisations to inform our advocacy for mokopuna
- providing reports, as requested, to inform judicial hearings
- raising awareness of issues and needs of mokopuna
- producing an annual Child Poverty Monitor, in partnership with JR McKenzie Trust and University of Otago
- providing advice and support to callers on our Child Rights Line (CRL)
- promoting progressive implementation by the State of the United Nations Convention on the Rights of the Child obligations, including by convening of the Convention Monitoring Group (CMG), advising the Deputy Chief Executives on Convention Work Programme, MSD, and advising the Ministerial Group on the Child and Youth Wellbeing Strategy
- preparing a detailed submission to the United Nations Committee on the Rights of the Child, for that Committee's five-yearly review of New Zealand's compliance with the Convention delivering on the Children's Commissioner's priorities.

Expected revenue and forecast expenses

| | |
|--------------------------------------|------------------|
| Output 1: Advocacy & Rights | 2022/23 \$000 |
| Crown Revenue | 1,507 |
| Other Revenue | 29 |
| Expense | 1,725 |
| Surplus/(deficit)⁵ | (189) |

Outputs

| Performance measures and standards | 2021/22 | 2022/23 |
|---|----------|----------|
| The number of items of child focused policy advice or submissions to select committees, government departments or ministers will be at least ⁶ | 5 | 10 |
| The number of reports to advance child rights in Aotearoa New Zealand will be at least | 1 | 1 |
| Keynote presentations on child rights and wellbeing will be at least | 4 | 3 |
| Child Poverty Monitor released | Achieved | Achieved |
| The percentage of submissions, reports and other pieces of advice that are produced within required timeframes will be no less than | 100% | 100% |

⁵ Deficits funded by retained equity

⁶ This is a demand-driven measure

Impacts

We advocate for the needs of mokopuna to ensure they get the services, supports and resources they need to be kept safe and thrive. While we do not provide direct support services to children, we achieve impact by influencing agencies and government departments to consider the needs of mokopuna in their policy advice and services. We also achieve impact by consulting with and supporting children to have a voice in matters that impact them, and then incorporating their views in decision making.

| | 2021/22 | 2022/23 |
|--|---------|---------|
| Impact: Our advice is valued and sought by stakeholders and is used to shape policy and legislation for mokopuna | | |
| The number of examples of impact achieved by advocacy activities will be at least | 2 | 2 |

Output Two: Mai World

What is intended to be achieved?

This year the Children’s Commissioner’s will further expand our Mai World: Child & Youth Voices initiative to ensure that mokopuna interests and rights are clearly put before Government decision makers and the public.

Activities the Office of the Children’s Commissioner will undertake include:

- engage, listen to, and collaborate with schools and community organisations to inform our advocacy for mokopuna
- gathering and sharing the voices, views and opinions of mokopuna
- using diverse methods to amplify child and youth voices to diverse communities
- developing mechanisms for hearing from mokopuna
- providing reports, as requested, to inform Government policies
- raising awareness of issues and needs of mokopuna.

Expected revenue and forecast expenses

| | |
|--------------------------------------|------------------|
| Output 2: Mai World | 2022/23 \$000 |
| Crown Revenue | 1,102 |
| Other Revenue | 261 |
| Expense | 1,565 |
| Surplus/(deficit)⁷ | (202) |

Outputs

| Performance measures and standards | 2021/22 | 2022/23 |
|--|---------|---------|
| The number of reports published on Child & Youth Voices will be at least | 2 | 3 |

⁷ Deficits funded by retained equity

| Performance measures and standards | 2021/22 | 2022/23 |
|--|----------------|---------|
| Keynote presentations on child voices will be at least | - ⁸ | 2 |

Impacts

We achieve impact by consulting with and supporting children to have a voice in matters that impact them, and then incorporating their views in decision making.

| Impact: Our advice is valued and sought by stakeholders and is used to shape policy and legislation for mokopuna | 2021/22 | 2022/23 |
|--|---------|---------|
| The number of examples of impact achieved by voices of mokopuna will be at least | 1 | 1 |

⁸ Measure split from Strategy, Rights & Advice Output in 2021/22

Output Three: Monitoring

What is intended to be achieved?

This year our monitoring activities will not only include the services delivered under the Oranga Tamariki Act 1989, but also enhanced monitoring of Places of Detention for mokopuna as a designated National Preventive Mechanism (NPM) under the Crimes of Torture Act 2003 (COTA).

Through our monitoring activities we support:

- Oranga Tamariki to deliver quality and child focused statutory care and protection and youth justice residential care and social work services,
- Oranga Tamariki to deliver quality and child focused youth justice remand home care and social work services
- Corrections to deliver quality and child focused care services for mothers with babies, and
- The Auckland, Canterbury and Capital and Coast DHBs to deliver quality and child-centred in-patient care services for mokopuna.

Our monitoring framework takes a broad systemic approach, with a strong focus on capturing the voices and service experiences of mokopuna. Our monitoring activity will continue to support the envisioned transformation of the Oranga Tamariki statutory service delivery system.

Our monitoring activity will identify best practice and areas for development, including recommendations for system and practice changes to improve the service experiences of mokopuna, their families and whānau. With a focus on continuous improvement, we will continue to support the effective design and implementation of the new Oranga Tamariki operating model by:

- under our COTA mandate, undertaking performance reviews of between 8 and 10 Oranga Tamariki secure residences to assess how well they are implementing the changes required to improve outcomes for mokopuna in care
- under our COTA mandate, undertaking a monitoring review of between 3 and 4 of the newly established youth justice remand care homes, contracted by Oranga Tamariki to Iwi, Māori and community providers
- under our COTA mandate, monitoring the quality of care and services provided by three DHBs (Auckland, Capital and Coast and Canterbury) for mokopuna placed in New Zealand's three child and adolescent mental health and two youth forensic inpatient units

- under our COTA mandate, monitoring the quality of care and services provided by at least one of the three Mother's with Baby Units located within three Women's Prisons in Auckland, Wellington and Christchurch
- reviewing and responding to section 47 reports⁹
- applying our developmental mandate under section 13(1)(c) of the Children's Commissioner's Act 2003 to inform organisational change, new service design and capability development within Oranga Tamariki and/or contracted care providers to mobilise a positive transformation in the service experience of children, young people, their families and whānau
- robustly and systematically obtaining the views of mokopuna in care or custody or involved with Oranga Tamariki, Mental Health and Corrections services and their families and whānau
- increasing transparency of the monitoring work through publishing one or more public reports on our monitoring activity
- providing professional advice.

Expected revenue and forecast expenses

| Output 3: Monitoring | 2022/23 \$000 |
|---------------------------------------|------------------|
| Crown Revenue | 2,188 |
| Other Revenue | 2 |
| Expense | 2,500 |
| Surplus/(deficit)¹⁰ | (310) |

⁹ Under section 47 of the Oranga Tamariki Act 1989, reports must be provided to the Commissioner when a child or young person is released from custody under section 39, 40, 42 and 45(a) before being required to be brought before the court.

¹⁰ Deficits are funded by retained equity.

Outputs

| Performance measures and standards | 2021/22 | 2022/23 |
|--|---------|-----------------|
| The number of COTA (OPCAT) monitoring visits to Oranga Tamariki secure residences will be at least | 6-10 | 8-10 |
| The number of COTA (OPCAT) monitoring visits to Oranga Tamariki youth justice remand homes will be at least | 2-4 | 3-4 |
| The number of COTA (OPCAT) monitoring visits to DHB child and adolescent mental health and youth forensic inpatient units will be at least | 2-4 | 3-5 |
| The number of COTA (OPCAT) monitoring visits to Corrections Mother & Baby Units will be at least | 1 | 1 |
| The percentage of findings from monitoring visits that will be reported to Oranga Tamariki, relevant DHB and Corrections within three months of the visit will be no less than | 100% | 100% |
| The percentage of the OCC monitoring of Oranga Tamariki and subsequent reporting that complies with agreed standards and processes will be no less than | 100% | 100% |
| The percentage of OCC professional advice and assistance into the development and establishment of the new independent monitoring service that complies with agreed standards and processes established by a Memorandum of Understanding between OCC and the Ministry of Social Development will be no less than | 100% | _ ¹¹ |
| The number of COTA (OPCAT) public reports produced | 2 | 16-20 |

¹¹ ICM has been established

Impacts

We will achieve impact when Oranga Tamariki acts on our advice and recommendations.

| Impact: Our recommendations for improving Oranga Tamariki systems and services are responded to | 2021/22 | 2022/23 |
|--|---------|-------------------|
| The percentage of monitoring report recommendations accepted by Oranga Tamariki – Ministry for Children and/or contracted care providers as evidenced and in line with the provisions of the Oranga Tamariki Act 1989 and Oranga Tamariki – Ministry for Children policies and practices, will be no less than ¹² | 90% | 90% ¹³ |
| The percentage of monitoring report recommendations to Oranga Tamariki and/or contracted care providers that are followed by actions will be no less than | 100% | 100% |

Outcomes

Our monitoring activity will identify required improvements in the services and care being provided by Oranga Tamariki, other approved care providers and DHBs, for mokopuna in the care and protection, youth justice and in-patient mental health systems. Our reports and recommendations are designed to assist Oranga Tamariki, other contracted care providers and the DHBs, to continually improve so that they can more effectively support and enable immediate safety and sustained wellbeing for these mokopuna and their families and whānau.

¹² Appropriations Performance Measure

¹³ The measure will be evidenced in the minutes of meetings held between the Office of the Children’s Commissioner and Oranga Tamariki – Ministry for Children, to confirm which monitoring recommendations are to be accepted

Forecast Financial Statements

Statement of forecast comprehensive revenue and expense for the year ending 30 June 2023

| | 2021/22 Budget \$000 | 2021/22 Actual \$000 | 2022/23 Budget \$000 |
|--|----------------------------|----------------------------|----------------------------|
| REVENUE | | | |
| Revenue from the Crown | 3,157 | 3,157 | 4,797 |
| Other revenue | 1,297 | 1,512 | 287 |
| Interest | 5 | 12 | 5 |
| Total revenue | 4,459 | 4,681 | 5,089 |
| EXPENSES | | | |
| Personnel | 4,045 | 3,820 | 4,564 |
| Operating | 875 | 706 | 833 |
| Projects | 82 | 88 | 342 |
| Depreciation | 4 | 3 | 3 |
| Amortisation | - | 13 | 47 |
| Total expenses | 5,006 | 4,630 | 5,789 |
| Surplus/(deficit) | (547) | 51 | (700) |
| Other comprehensive revenue and expense | 0 | 0 | 0 |
| Total comprehensive revenue and expense | (547) | 51 | (700) |

Statement of forecast financial position for the year ending 30 June 2023

| | 2021/22 Budget \$000 | 2021/22 Actual \$000 | 2022/23 Budget \$000 |
|--------------------------------------|----------------------------|----------------------------|----------------------------|
| ASSETS | | | |
| Current assets | | | |
| Cash and cash equivalents | 806 | 1,899 | 1,198 |
| Receivables | 61 | 121 | - |
| Investments | - | - | - |
| Prepayments | 2 | 1 | - |
| GST receivable | - | 65 | - |
| <i>Total current assets</i> | 869 | 2,086 | 1,198 |
| Non-current assets | | | |
| Property, plant and equipment | 3 | 5 | 2 |
| Intangible asset | | 91 | 44 |
| <i>Total non-current assets</i> | 3 | 96 | 46 |
| Total assets | 872 | 2,182 | 1,244 |
| LIABILITIES | | | |
| Current liabilities | | | |
| Payables | 88 | 429 | 90 |
| Employee entitlements | 270 | 242 | 150 |
| Revenue received in Advance | - | - | - |
| Accruals | 210 | 153 | 178 |
| GST Payable | 16 | 0 | 22 |
| Lease Inducement | 1 | 1 | 1 |
| <i>Total current liabilities</i> | 585 | 825 | 441 |
| Non-current liabilities | | | |
| Employee entitlements | - | - | - |
| <i>Total non-current liabilities</i> | - | - | - |
| Total liabilities | 585 | 825 | 441 |
| Working Capital | 284 | 1,261 | 758 |
| Net Assets | 287 | 1,357 | 803 |

Statement of forecast changes in equity for the year ending 30 June 2023

| | 2021/22 Budget \$000 | 2021/22 Actual \$000 | 2022/23 Budget \$000 |
|---|----------------------------|----------------------------|----------------------------|
| Balance as at 1 July | 834 | 1,160 | 1,357 |
| Total comprehensive revenue and expense | (547) | 51 | (700) |
| Capital contributions | - | 146 | 146 |
| Balance as at 30 June | 287 | 1,357 | 803 |

Statement of forecast cash flows for the year ending 30 June 2023

| | 2021/22 Budget \$000 | 2021/22 Actual \$000 | 2022/23 Budget \$000 |
|---|----------------------------|----------------------------|----------------------------|
| Cash flows from operating activities | | | |
| Receipts from the Crown | 3,157 | 3,157 | 4,797 |
| Receipts from other revenue | 1,047 | 1,482 | 287 |
| Interest received | 5 | 12 | 5 |
| Goods and services tax (net) | 32 | (19) | (38) |
| Payments to suppliers | (1,069) | (716) | (1,373) |
| Payments to employees | (4,095) | (3,661) | (4,373) |
| Net cash flow from operating activities | (924) | 255 | (695) |
| Cash flows from investing activities | | | |
| Receipts from sale of property, plant and equipment | - | - | - |
| Receipts from maturity of investments | - | - | - |
| Purchase of property, plant and equipment | - | (104) | - |
| Acquisition of investments | - | - | - |
| Net cash flow from investing activities | - | (104) | - |
| Cash flows from financing activities | | | |
| Capital contributions | - | - | - |
| Net cash flow from financing activities | - | - | - |
| Net increase/(decrease) in cash and cash equivalents | (924) | 151 | (695) |
| Cash and cash equivalents at the beginning of the year | 1,730 | 1,743 | 1,894 |
| Cash and cash equivalents at the end of the year | 806 | 1,894 | 1,198 |

Statement of accounting policies for the year ending 30 June 2023

Reporting entity

The Children's Commissioner is a Crown Entity as defined by the Crown Entities Act 2004, is a Commissioner sole 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 (now the Oranga Tamariki Act). However, the functions of the Commissioner were then separately 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 that each child enjoys safety, good health and education, economic and sociocultural wellbeing and opportunities to actively participate in matters that affect children.

Accordingly, the Children's Commissioner has designated itself as a public benefit entity for the purposes of International Public Sector Accounting Standards (IPSAS).

The forecast financial statements for the Children's Commissioner are for the year ending 30 June 2023 and approved in June 2022.

Basis of preparation

Purpose

The forecast financial statements of the Children's Commissioner have been prepared to promote public accountability by providing a base against which its actual performance can later be assessed. The information in these statements may not be appropriate for purposes other than that described.

Statement of compliance

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). These forecast financial statements are the second set of prospective financial statements presented in accordance with public benefit entity (PBE) accounting standards with reduced disclosing requirements, as appropriate for public benefit entities of the size of the Children's Commissioner.

The adoption of these PBE accounting standards has not materially affected financial disclosures in the prospective financial statements or the comprehensive financial information provided.

Measurement base

The forecast financial statements have been prepared on a historical cost basis.

Functional and presentation currency

The forecast 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.

Basis for assumptions, risks and uncertainties

In preparing these forecast financial statements, the Children's Commissioner has made estimates and assumptions concerning the future.

Estimates and assumptions are continually evaluated and are based on historical experience and other factors, including expectation of future events that are believed to be reasonable under the circumstances.

The forecast financial statements have been prepared on a going concern basis. The estimates and assumptions used are consistent with the strategic direction outlined in the Children's Commissioners' Statement of Intent. They also reflect Crown Estimates and existing contractual obligations.

Subsequent actual results achieved for the period may vary from the information presented, and variances may be material.

Significant accounting policies

The following accounting policies, which materially affect the measurement of comprehensive income and expense and financial position, have been applied consistently.

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 specified in its accountability documents.

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.

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.

Investments

At each balance sheet date, the Children's Commissioner assesses whether there is objective evidence that an investment is impaired.

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 and computer equipment. Property, plant and equipment are shown at historical cost or valuation, less accumulated depreciation and any accumulated 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 and expense.

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 on all property, plant and equipment, at rates that will write off the cost (or valuation) of the assets to their estimated residual values over their useful lives. The useful lives and associated depreciation rates of major classes of assets have been estimated as follows:

| | | |
|---------------------------------------|-------------|----------|
| 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. It is important to note that OCC leases all of its computer equipment from the Ministry of Social Development.

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. Software is capitalised if its cost is greater than \$2,000 (excluding GST).

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 website 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: 3 years, 33%
- developed computer software: 4 years, 25%

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 comprehensive income 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, 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.

Restructuring

A provision for restructuring is recognised when the Children's Commissioner has approved a detailed formal plan for the restructuring which has either been announced publicly to those affected, or for which implementation has already commenced.

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.

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 approved by the Children's Commissioner for the beginning of the financial year. The budget figures have been prepared in accordance with PBE accounting standards, using accounting policies that are consistent with those adopted by the Children's Commissioner for the preparation of the financial statements.

Crown Revenue

Crown Revenue is \$4.797 million for the 2022/23 financial year.

Statement of significant underlying assumptions

- (i) Assumptions underlying the forecast financial statements include:
 - that government funding does not change over the period covered by this statement
 - there is a risk that these events and the associated income and expenditure may not occur
- (ii) All figures are GST exclusive
- (i) Financial year end is 30 June.

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