

# Family group conferences for care or protection concerns – the provisions of section 28(b)

Section 28(b) of the Oranga Tamariki Act 1989 was amended in July 2019 to allow decisions, recommendations and plans to be made for te tamaiti or rangatahi where the family group conference considers these desirable for a tamaiti or rangatahi who is in need of assistance.

This is in addition to the ability to make decisions, recommendations and plans where the family group conference considers these desirable for a tamaiti or rangatahi in need of care or protection.

The policy for family group conferences for care or protection concerns and its associated guidance have been updated to clarify the application of the amendment to section 28(b) in our practice.

The focus of the family group conference remains to empower whānau or family to develop a plan to address care or protection concerns or a need for assistance for te tamaiti or rangatahi.

Our role remains to support them by facilitating a process appropriate to the whānau or family, ensuring they are fully informed, and supporting active and full participation in the conference and the implementation of their plan.

## What do I need to know?

**Before the conference, the whānau or family will be informed about the options available to them, including the ability to make decisions, recommendations and a plan based on the conference considering that these are desirable to address a need for assistance**

- Sharing this information is a requirement for both the care and protection coordinator and the social worker.
- The coordinator is required to provide this information to te tamaiti or rangatahi and their whānau or family during the convening process while they are explaining the family group conference process to them.
- The social worker is required to provide this information to te tamaiti or rangatahi and their whānau or family at the hui ā-whānau or family meeting held as part of convening the family group conference.

**The care or protection concerns must be presented to the conference for consideration. There does not need to be agreement at the family group conference that te tamaiti or rangatahi is in need of care or protection for a family group conference plan to be developed**

- The social worker still presents to the conference for their consideration the specific, evidenced concerns that led to them forming the belief that te tamaiti or rangatahi is in need of care or protection.
- The conference does not need to agree that te tamaiti or rangatahi is in need of care or protection for a family group conference plan to be developed.

**After the care or protection concerns have been considered by the conference, the care and protection coordinator will invite the conference to make a plan**

- If te tamaiti or rangatahi and their whānau or family agree to making a plan, the coordinator will ask them on what basis the plan will be made, and this must be recorded.
- The plan may be made because there is agreement that it's desirable to make a plan to:
  - address care or protection concerns for te tamaiti or rangatahi, or
  - provide assistance for te tamaiti or rangatahi.
- Both options will be presented equally to the conference without one being preferred over another. The conference may opt to make a plan to address care or protection concerns and a need for assistance. Either plan may address care, protection, needs and oranga (wellbeing).

**The social worker will inform the conference if they have care or protection concerns that have not been addressed in the plan**

- The social worker will share with the conference any care or protection concerns that they believe have not been addressed in the plan.
- The social worker will tell the conference if they intend taking steps outside the conference to address any of those care or protection concerns, and, if so, what their intended actions are.
- The social worker will explore alternative ways of working with te tamaiti or rangatahi and their whānau or family to address those concerns.
- The social worker will also consider proposing to the conference that an earlier review date be considered for the plan.
- The care and protection coordinator will ensure te tamaiti or rangatahi and their whānau or family leave the conference with a clear understanding of what was agreed and what they can expect to happen after the conference.

## **The ability to make an application to the Family Court for a care and protection order remains**

- If the social worker holds a belief that te tamaiti is in need of care or protection and a care and protection order is desirable, the ability for the social worker to file an application to court for a care and protection order remains. This is because a family group conference has been held and the family group conference considered the care or protection grounds that led to the referral for the family group conference.
- Agreement from the whānau or family that te tamaiti or rangatahi is in need of care or protection or in need of assistance is not required before an application can be made.

## **The social worker will work in partnership with te tamaiti or rangatahi and their whānau or family to implement the plan**

- The social worker will make sure that te tamaiti or rangatahi and their whānau or family understand the plan and their role in it and provide them with support to complete their tasks.
- If, at any stage during the implementation of the plan, the social worker believes that steps need to be taken to pursue any unresolved care or protection concerns, they must clearly explain their intentions and what their next steps will be to te tamaiti or rangatahi and their whānau or family so there are no surprises.

## **Questions and answers**

### **Does the care and protection coordinator still need to record whether the whānau or family agree that there are care or protection concerns as outlined in the referral under section 14?**

- No. There is no requirement to ask the whānau or family whether they agree that there are care or protection concerns.
- The care and protection coordinator will record the specific, evidenced grounds that formed the belief that te tamaiti or rangatahi is in need of care or protection and that these concerns were considered at the conference.
- The care and protection coordinator will also record that the conference has agreed to make a plan to address care or protection concerns for te tamaiti or rangatahi or a plan to provide assistance for te tamaiti or rangatahi.

### **What can the family group conference plan address?**

A plan being made to address care or protection concerns for te tamaiti or rangatahi and a plan being made to provide assistance for te tamaiti or rangatahi can address care, protection, needs or oranga (wellbeing) for te tamaiti or rangatahi.

### **Is it still a family group conference plan if it is under assistance?**

Yes, a family group conference plan based on the conference agreeing to make a plan to provide te tamaiti or rangatahi with assistance has the same legal standing as a plan made to address care or protection concerns.

### **Do we still review a plan that is based on addressing a need for assistance for te tamaiti or rangatahi?**

- Yes, the same review requirements apply to a family group conference plan made to address a need for assistance for te tamaiti or rangatahi.
- The conference may have agreed to a shortened review date for the plan if there were care or protection concerns that were not addressed in the plan.

### **What is an assistance plan? Can we or the whānau or family ask for financial support for a plan to provide assistance? Will this impact on site funding?**

- Preparation before the family group conference is important. Social workers will discuss the care or protection concerns before the conference and give whānau or family time and space to consider possible solutions, including those that provide assistance for te tamaiti or rangatahi.
- Social workers will talk to their financial managers before the family group conference about any proposals the whānau or family may have made that require funding so they can advocate for and respond to the proposals.
- There is no additional funding provided for a family group conference assistance plan. Site managers will be funding any family group conference plan from the same budget.

### **Can social workers still apply for care and protection orders if the conference agrees to an assistance plan?**

Yes. If the social worker holds a belief that te tamaiti is in need of care or protection and a care and protection order is desirable, the ability for the social worker to file an application to court for a care and protection order remains. This is because a family group conference has been held and the family group conference considered the care or protection grounds that led to the referral for the family group conference.

If you need further advice about the provisions of section 28(b), please contact your Team Leader Family Group Conferences or your site solicitor.