

Recommendations of the Phillips Inquiry

Recommendation 1: The Inquiry recommends that Police review their existing policies and practices regarding making reports of concern to Oranga Tamariki to ensure that:

1.1 Police fully explain their concerns and the reasons for them, and establish a shared understanding of concerns. This should include meeting if appropriate and possible to do so, and

1.2 Police and Oranga Tamariki have ongoing and regular discussion and disclosure of relevant information, particularly where there is an ongoing Police investigation or involvement into matters that are related to the report of concern or that may be related to the child's safety, including a parent's conduct.

Recommendation 2: The Inquiry recommends that Oranga Tamariki review the role and operation of s 132 (Care of Children Act) reports, in terms of scope, guidance, and facilitation of its interaction with the Court. This should include:

2.1 a particular focus on developing guidance and training for staff, to ensure staff are well-equipped to recognise exclusion and alienation behaviours when they arise, and take these into account in s 132 reports provided to the Family Court.

2.2 raising staff awareness, where needed, of the use of proceedings to exclude, isolate or alienate a parent,

2.3 guidance to ensure consideration is given to the requirements of section 5 of the Care of Children Act 2004, including section 5(e) that it is the child's welfare and best interests to have a relationship with his or her family group, whānau, hapū or iwi, and this should be preserved or strengthened.

Recommendation 3: The Inquiry recommends that in its ongoing policy implementation and updates, Oranga Tamariki ensures:

3.1 Police reports of concern – Police concerns and evaluations are understood, rather than listed; and that there is a pathway for Oranga Tamariki and Police to take a joint or collaborative approach to reports of concern where there is an active Police investigation into matters directly relevant to the report of concern.

3.2 sibling reports of concern – parental and sibling exclusion and alienation is identifiable as a form of harm under s 14 of the Oranga Tamariki Act,

3.3 ongoing training and support is provided to staff, where needed, to better understand and identify the causes for distress of notifiers; including that Oranga Tamariki encourages and supports staff to engage effectively, preferably in person, with distressed family members to understand the full context and dimension of their concerns,

3.4 staff consider making referrals for mental health assessment when concerns about mental health of a parent have been raised in the context of safety to children.

3.5 reporting to the Family Court – that when reporting to the Family Court about reports of concern, Oranga Tamariki makes the Family Court aware of all concerns raised by the

relevant parties, including unresolved concerns by family members, and the fact of any ongoing and related Police investigation.

Recommendation 4: The Inquiry recommends that the Ministry of Education requires additional information when considering applications for, or reviewing, exemptions from enrolment

4.1 The Inquiry recommends the Ministry continues to progress its review of law and policy to address the information gaps in the exemption application and review process. The Ministry should consider:

4.1.1 requiring additional information about the parent proposing to home educate their child to assess any safety and wellbeing concerns,

4.1.2 establishing policies and processes to obtain information from other agencies, including Oranga Tamariki and Police, regarding applicants and home educators, and any current wellbeing concerns relating to the children, and

4.1.3 ensuring home educators are subject to regular review to provide an opportunity for education and wellbeing issues to be reviewed after the exemption is granted.

Recommendation 5: The Inquiry recommends that the Ministry of Education requires consent from all parents and guardians

5.1 The Inquiry recommends the Ministry considers review of s 38(1) of the Education and Training Act 2020 to require the consent of all parents or guardians to an application for exemption.

Recommendation 6: The Inquiry repeats the findings concerning Oranga Tamariki from chapter 3.2, and further recommends Oranga Tamariki uses the insights arising from this Inquiry to strengthen its practice guidance and training. This should include:

6.1 ensuring staff understand how to recognise, where possible, parental exclusion and alienation, and adult mental health issues,

6.2 ensuring its view and assessment of harm is expressed clearly to, and understood by, Police, and that it understands Police concerns of harm. Further, that there is continuing communication with Police when there is ongoing, and unresolved, concerns with respect to the wellbeing of children, and

6.3 accurately informing the Family Court as to the concerns expressed by family, and any ongoing and unresolved concerns raised by Police of which it is aware.

Recommendation 7: The Inquiry recommends early operational planning by NZDF and the requesting agency

7.1 Interagency operational planning should occur between NZDF and the requesting agency as early as practicable. If possible, it should occur prior to lodging a formal request for specific or general NZDF capabilities. This requirement could usefully be incorporated into the MOU between NZDF and Police, which the Inquiry understands is under review.

Recommendation 8: The Inquiry recommends further review of the aspects of section 9 of the Defence Act 1990 may be appropriate

8.1 Section 9 of the Defence Act does not specifically provide for NZDF to assist Police in non-emergency situations. Nor does section 9 address the arming of NZDF personnel, or the powers and protections of NZDF personnel, in such situations. The Inquiry heard that section 9 is being reviewed and that the Ministry of Defence considers that it is currently fit for purpose. The Inquiry considers further review of the aspects of section 9 described above may be appropriate.

Recommendation 9: The Inquiry recommends that Police ensure that:

9.1 concerns raised by former spouses to Police as to gun safety are actioned promptly and in accordance with Police process, and

9.2 on suspension of a firearms licence, Police exercise the discretionary power to check safety and security of other weapons, where held by other licence holders, in the home.