



FASD-CAN

Fetal Alcohol Spectrum Disorder
Care Action Network

24 January 2022

Committee Secretariat
Social Services and Community Committee
Parliament Buildings
Wellington

ssc@parliament.govt.nz

Submission: Oversight of Oranga Tamariki System and Children and Young People's Commission Bill

Kia ora

We are presenting this submission to the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill (the Bill) on behalf of FASD-CAN Incorporated. FASD-CAN is a registered charity and is the national organisation supporting parents and caregivers of individuals with Fetal Alcohol Spectrum Disorder (FASD). Our membership comprises individuals living with FASD and their parents, caregivers and whānau, and professionals involved in the education, care, diagnosis, treatment and management of these individuals.

We have previously received government funding to enable FASD-CAN to develop capacity to support individuals with FASD and their caregivers. Additionally, we have made representations on behalf of caregivers and FASD individuals to Oranga Tamariki on the treatment of individuals with FASD within the care and protection system, and by social workers. We are currently working with OT on the preparation of the practice guidelines for FASD. We therefore have a strong interest in the proposed alterations to the oversight of any government agency's interactions with our vulnerable FASD tamariki and rangitahi.

Our FASD individuals have already benefited from the representations of the previous Children's Commissioner in, particularly in the report he prepared for the Prime Minister (together with the Commissioner for Disabled People) on Human Right breaches by the government, and his advocacy for the recognition of FASD as a disability which should be supported by the government. We therefore have significant concerns about the impact of the proposed changes on the ability to have a high level, recognized, and independent voice to speak for this very vulnerable group. Our submission is concerned about the number of aspects of the bill.

Firstly, the totally inappropriate timeframe available for submissions on this bill (i.e. over the Christmas holiday break when many, if not most, organisations and individuals affected by the bill will be either closed down for the Christmas/summer holiday or without personnel available to formulate a submission to adequately represent the interests of their stakeholders). As a volunteer organisation with limited capacity, we are unable to provide a full analysis of the proposal and the impact on us within the time available. Quite frankly we see this submission process as a cynical move to reduce the committee's workload, but in doing so, has moved the Bill away from being a truly representative democratic process.

"With shared strength, guidance and wisdom, those with FASD CAN grow and achieve"



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<https://www.fasd-can.org.nz>



We submit that Parliament and the committee should extend the timeframe for submissions on this bill which has far-reaching effects for our tamariki. We request to be kept informed of the future steps about the progress of this Bill and would like to be involved in any subsequent submission process.

Secondly, given the short timeframe available to prepare this submission is not easy to establish what problems the Bill is attempting to fix. Our members are of the opinion there are a number of shortcomings in the operation of Oranga Tamariki in relation to FASD. Most of those shortcomings relate to the organisation's lack of ability, capacity, and willingness to respond to neuro diversity amongst tamariki and rangitahi in its care and protection system, but particularly in respect of FASD. We note that Oranga Tamariki is not alone in having these issues – they are also prevalent in health, education, justice and other social services. Truly addressing neuro diversity in Aotearoa will require a multi-agency approach to funding and other supports.

In 2020 the Commissioner for Children and the Commissioner for Disabilities submitted a report entitled: "Fetal Alcohol Spectrum Disorder: A Call to Action" (copy **attached** to this submission) to the Prime Minister's office. Without the high-level support of these independent Commissioners FASD would not doubt still be languishing at the bottom of the government's priorities lists. This shows the importance and strength of these roles. For this reason, we are particularly concerned that any dilution of the Children's Commissioner role, and a lower profile of that role, would work against advancing not only the equitable treatment of those with FASD in Aotearoa, but also all tamariki and rangitahi in our country.

Thirdly, we submit that the Bill should be amended/redrafted to provide for the following:

1. Continuation of the Children's Commissioner role along with a supporting office. As noted above, our organisation has benefited from advocacy and guidance of the Children's Commissioner, as do other NGOs with similar interests. The Children's Commissioner has made a strong submission to the Prime Minister's office on behalf of the FASD community and we are hopeful that submission will lead to meaningful changes within a number of government agencies.
2. The Children's Commissioner remain independent of Oranga Tamariki to ensure the Commissioner can continue to make representation on significant matters affecting our children and youth, directly to the Prime Minister and Cabinet. This avenue would not be available to the panel proposed in the Bill, and the profile and impact of any report from a panel would not be as effective as that of a commissioner. This vital opportunity for our most vulnerable would be lost under the proposed bill.
3. The Children's Commissioner role must be to advocate for tamariki and rangitahi in a number of settings, and they must have the power to report to a wide range of organisations and agencies, be adequately funded to do so, and the mandate and power to effect necessary changes. This Commissioner's role needs to be strengthened rather than diminished in any way.
4. Many young people in the Oranga Tamariki system are neurodiverse, and many have FASD, often undiagnosed. The Bill should strengthen the channels available for neurodiverse individuals to have their complaints processed in a manner that recognises and supports their disability.

We are aware from public statements that a number of other organisations are making submissions which are aligned with the points we have made above (e.g. SPAA, Save the Children, VOYCE). While the short timeframe given to file submissions does not allow us to review their submissions prior to making our own, in principle we support their views that the Commissioners Role must be retained and strengthened.

Yours faithfully



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