



## STATISTICAL SNAPSHOT

### PĒPI MĀORI 0-3 MONTHS AND THE CARE AND PROTECTION SYSTEM

This statistical snapshot is part of a review being conducted by the Office of the Children's Commissioner into what needs to change to enable pēpi Māori 0-3 months to remain in the care of their whānau when Oranga Tamariki–Ministry for Children (Oranga Tamariki) is notified of care and protection concerns.

The following statistics identify key trends over the past 16 years and place current statistics in a broader comparative context<sup>1</sup>. This information does not explain what is causing the observed trends, and raises questions to be covered in the review. Over the past 16 years there have been changes in the care and protection system itself, including in 2017 when new practice standards were adopted and a new agency, Oranga Tamariki, was created. There have also been shifts in public attitudes and responsiveness to issues of child abuse and neglect.

The 0-3 month age group was selected because, of all babies in 2019 in Aotearoa taken into State custody before their first birthday, the vast majority (69 percent) of decisions by the State were made before birth or within their first three months of life. This is also an area of public interest since the high profile attempted removal of a newborn pēpi Māori from their whānau in Hawke's Bay earlier this year. The first few months of a life are critical in forming strong attachments between mother (and any other main caregiver) and baby.

#### Background statistics:

- At the end of June 2019<sup>2</sup> there were 6,429 total children<sup>3</sup> in State custody.
- Of that number, 4,420 of them were Māori (69 percent)<sup>4</sup>.
- Tamariki Māori make up only 25 percent of all children in Aotearoa, so the proportion of Māori in State custody reveals a considerable inequity.
- An annual average of 265 babies under three months of age have been taken into custody over the past six years<sup>5</sup> and an annual average of 171 pēpi Māori have been taken into custody in the same period (64 percent, despite making up only 28 percent of births).

Our initial analysis reveals six key findings about what has been happening for pēpi Māori in pregnancy and from 0-3 months when Oranga Tamariki is notified of care and protection concerns.

A baby or child under 18 can be officially ordered by the Court into the care and protection of the Chief Executive of Oranga Tamariki (Child, Youth and Family before April 2017). A baby or child in State custody may be in non-kin care, whānau care or on occasion remain with their parent(s) under supervision. Mothers and babies can also be placed together in residential supported living arrangements or in whānau care.

1 The data was obtained from Oranga Tamariki. Data back to 2004 has been used to assess trends over time. Most of this data pre-dates the establishment of Oranga Tamariki in 2017 and reports on the practices of Child, Youth and Family. We are grateful to Professor Tahu Kukutai and Shefali Pawar from National Institute of Demographic and Economic Analysis, Waikato University for their statistical and demographical expertise.

2 All years referred to in this document are government fiscal years from 1 July the previous year to 30 June in the year stated.

3 Children included in the data are those aged 0-16 years old inclusive up to 2017, and 0-17 years old inclusive from 2018.

4 Throughout this publication, Māori includes all pēpi who are Māori, including those who are Māori/Pacific (this is the current reporting method). Prior to the establishment of Oranga Tamariki, Child Youth and Family used the "primary" ethnicity method for reporting so that data prior to 2017 are likely to undercount the number of Māori and Pacific ethnicities compared to the post-2017 reporting method. That is because some people who identify as, for example primarily NZ European but also Māori would have been recorded as NZ European and included in 'non-Māori' statistics. Caution should therefore be used in comparing ethnicities over time.

5 These are distinct numbers of babies that enter care, where orders were made before birth or in the first 0-3 months of life. Where there is more than one custody order for a baby, the first order is taken and used in the statistics.

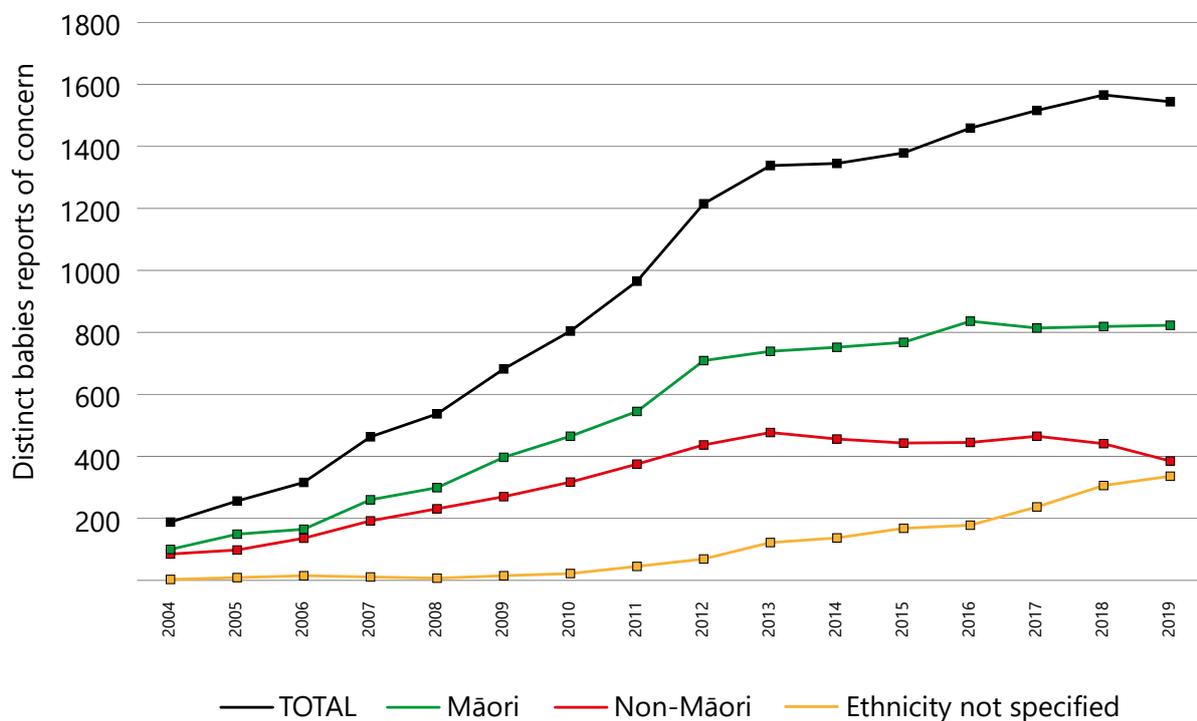
## 1. The number of concerns reported about the safety of babies and children has increased

The total number of concerns reported by members of the public and sector workers, including police, teachers and health workers, regarding the safety of babies and children has increased substantially over the last 16 years. Over this time several factors have raised public awareness about reporting concerns for the safety of babies and children, including the repeal of section 59 of the Crimes Act (1961) in 2007<sup>6</sup>, the Never Ever Shake a Baby Campaign 2009-2011 and high-profile child deaths as a result of neglect and abuse. Public attitudes towards physical punishment of children have shifted over this time<sup>7</sup>.

The increase in concerns reported was especially so for pēpi Māori under 3 months old, and particularly so during pregnancy compared to non-Māori<sup>8</sup>. The total number of concerns reported during pregnancy has stabilised in the past couple of years, as have the total number of concerns notified to Oranga Tamariki.

In 2019, the number of concerns reported to Oranga Tamariki about an unborn pēpi Māori was 8 times greater than concerns reported to Child, Youth and Family in 2004 (823 reports in 2019 up from 100 in 2004)<sup>9</sup>. For unborn non-Māori babies the increase was 4.5 times in 2019 (385 reports) compared to 2004 (85 reports). The disparity means that Māori made up 68 percent of the pregnancy concerns reported in 2019 compared to 54 percent in 2004.

Figure 1: Reports of concern pre-birth



<sup>6</sup> Also known as the Anti-Smacking Bill.

<sup>7</sup> 'Growing up in New Zealand' data collected in 2013/14 - two thirds of mothers report never using physical punishment. This compares with a 2001 Survey on public attitudes towards the physical discipline of children by Ministry of Justice - "80% of the public agreed that a person parenting a child should be allowed by law to smack the child with an open hand if they are naughty." Save the Children survey in 2018 - Support for violence free parenting has more than doubled since 2008, with 43% of New Zealanders disagreeing that it is okay to physically punish children, up from just 20% in 2008.

<sup>8</sup> Māori and non-Māori data are reported, excluding 'ethnicity not specified' for concerns reported, progression to social work assessment and Family Group Conferences.

<sup>9</sup> In 2004 there were thousands of unallocated cases across all ages of children that were not followed up, and this may have affected the number of concerns reported.

Table 1: Numbers of distinct babies subject to reports of concern pre-birth

Pre-birth	2004	2005	2006	2007	2008	2009	2010	2011	2012	...
Māori	100	149	165	260	299	397	465	545	709	
Non-Māori	85	98	136	192	231	270	317	375	437	
Ethnicity not specified	3	9	15	11	7	15	22	45	69	

Pre-birth	2013	2014	2015	2016	2017	2018	2019
Māori	739	752	768	836	814	819	823
Non-Māori	477	456	443	445	465	441	385
Ethnicity not specified	122	137	168	178	237	306	336

The increase in reports of concern places an increased demand on the care and protection system to assess the safety or potential risk of babies both before birth and for babies aged 0-3 months. Concerns for unborn and 0-3 month old babies made up just 4 percent of concerns reported for all age children in 2019.

## 2. The number of social work assessments that find substantiated abuse for babies has decreased from a peak in 2013

Once concerns are reported, staff in the care and protection system decide whether they need to progress the reported concern to a social work assessment. Due to the increase in concerns reported, whānau are more likely to be subject to social work assessments than 16 years ago. The number of social work assessments that found substantiated abuse in pregnancy and for 0-3 month old babies peaked at 1142 in 2013 and there has been a general downward trend since then, with 848 assessments finding substantiated abuse in 2019.

Thirty-eight percent of social work assessments about unborn pēpi Māori and 53 percent of social work assessments about 0-3 month old pēpi Māori resulted in unsubstantiated findings<sup>10</sup>. Rates of unsubstantiation for non-Māori are 8-9 percent higher<sup>11</sup>.

Social work assessments that do not find substantiated abuse can identify particular needs and may still result in referrals to support services. Substantiated abuse does not automatically mean a child is taken into State custody<sup>12</sup>.

<sup>10</sup> Total sum of 'findings unsubstantiated' out of all findings, over the last 10 years (2010-2019).

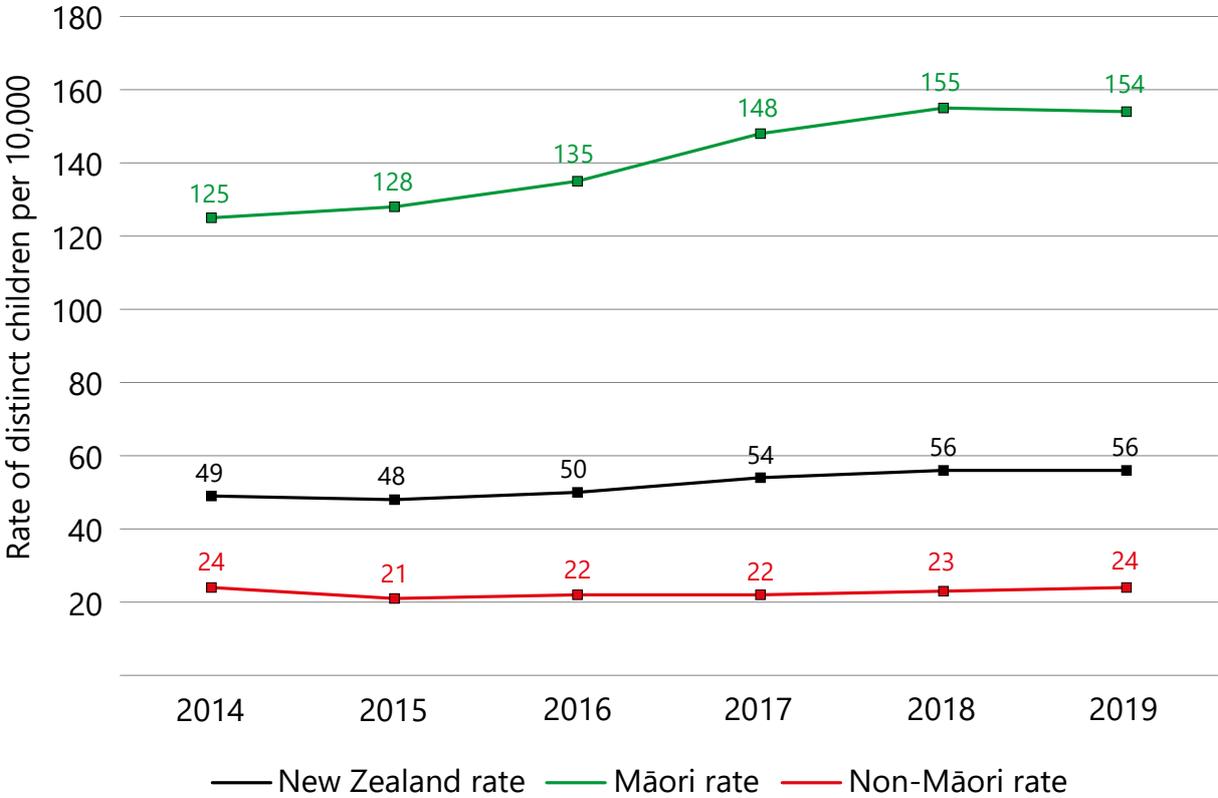
<sup>11</sup> Over the past 10 years, 47 percent of non-Māori pre-birth findings were unsubstantiated and 61 percent of 0-3 month findings were unsubstantiated.

<sup>12</sup> See Office of the Children's Commissioner (2020) 'Care and Protection: Key Decision Making Points'.

### 3. Inequities for Māori compared with non-Māori are substantial and persistent

The care and protection system assesses, intervenes and can remove children and babies into State custody<sup>13</sup>. Pēpi and tamariki Māori are taken into custody at a higher rate than non-Māori. The rate of tamariki Māori in custody has been comparatively higher than non-Māori over a long period of time. In 2018<sup>14</sup>, the rate of State custody for under 18 year old tamariki Māori was 155 per 10,000 population. This was almost 7 times higher than non-Māori, up from 5 times higher in 2014. These inequities for Māori continue to widen over time.

Figure 2: Rates of all children in State custody per 10,000



Before birth and for babies 0-3 months, a larger share of those selected for further intervention are pēpi Māori, at every stage of social work assessment, interventions and decisions. The Family Group Conference is a legally-binding process used for planning the care of babies and children with the parents, social workers and wider whānau present. In 2019, 75 percent of Family Group Conferences for babies 0-3 months were for pēpi Māori<sup>15</sup>.

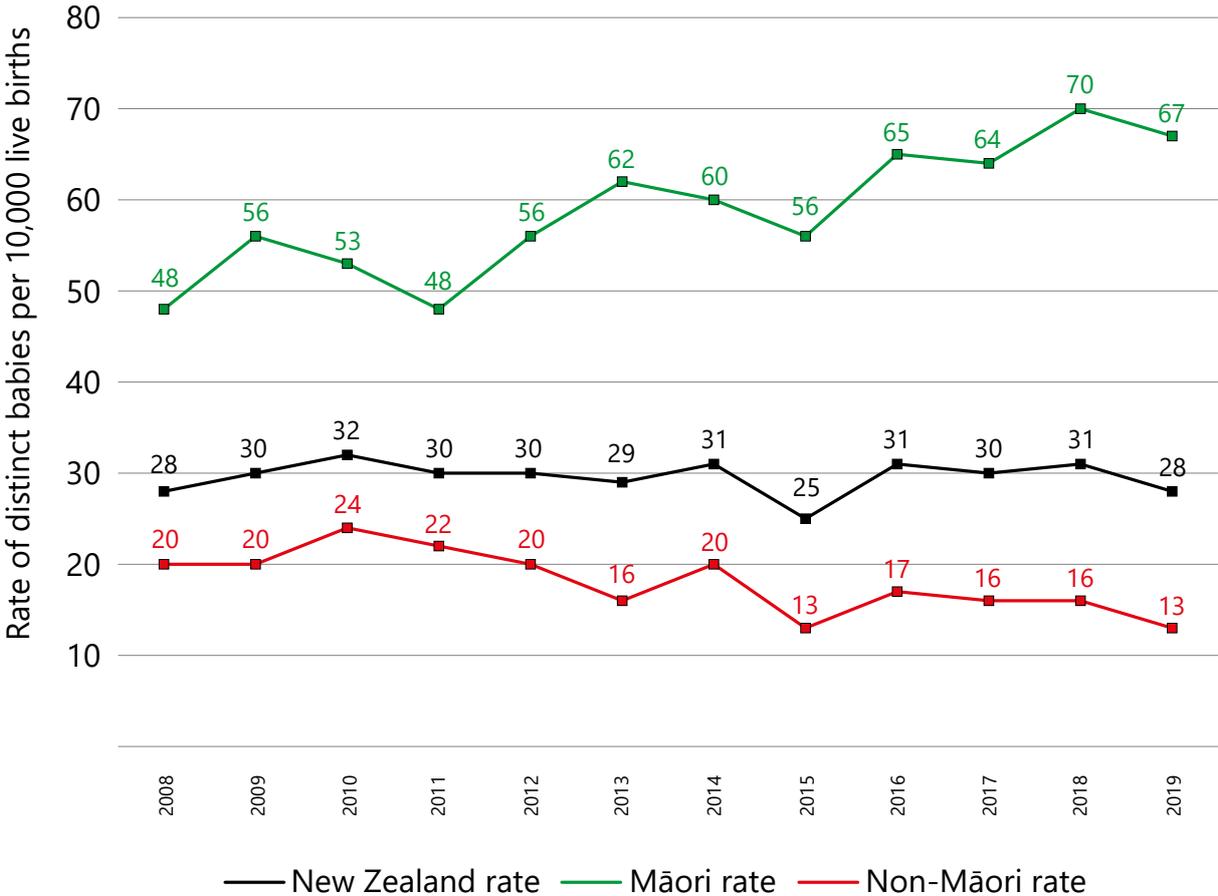
13 On occasion this can include remaining or returning to their immediate family under monitoring while in 'custody'.  
 14 2018 is the latest year for which we have official estimates of population: 2019 rates are similar, but the denominator (population) was calculated from previous years, so is considered an unofficial estimate.  
 15 Excluding the 11 babies whose ethnicity was not specified in 2019.

Since 2010, the overall rate of babies aged 0-3 months being placed in State custody has remained steady. However, the difference in the likelihood of pēpi Māori being placed in State custody compared to non-Māori babies has almost doubled.

During 2019, 67 pēpi Māori per 10,000 aged 0-3 months were placed in State custody, compared with 13 non-Māori babies per 10,000 aged 0-3 months (see figure 3). Over half of the 44 total babies 0-3 months in State custody were in non-kin care on 30 June 2019<sup>16</sup>. For some this is short-term and they return to whānau or parental care.

In 2019, pēpi Māori aged 0-3 months were 5 times more likely to be placed into State custody than non-Māori (based on 111 pēpi Māori, rate of 0.67 percent, and 55, rate of 0.13 percent non-Māori babies, under 3 months placed in custody)<sup>17</sup>. In comparison, in 2010 pēpi Māori aged 0-3 months were more than twice as likely to be placed into State custody than non-Māori (97 pēpi Māori, rate of 0.53 percent, and 109 non-Māori babies, rate of 0.24 percent). The inequities for Māori are stark and widening.

Figure 3: Entries to State custody of 0-3 month babies per 10,000 live births



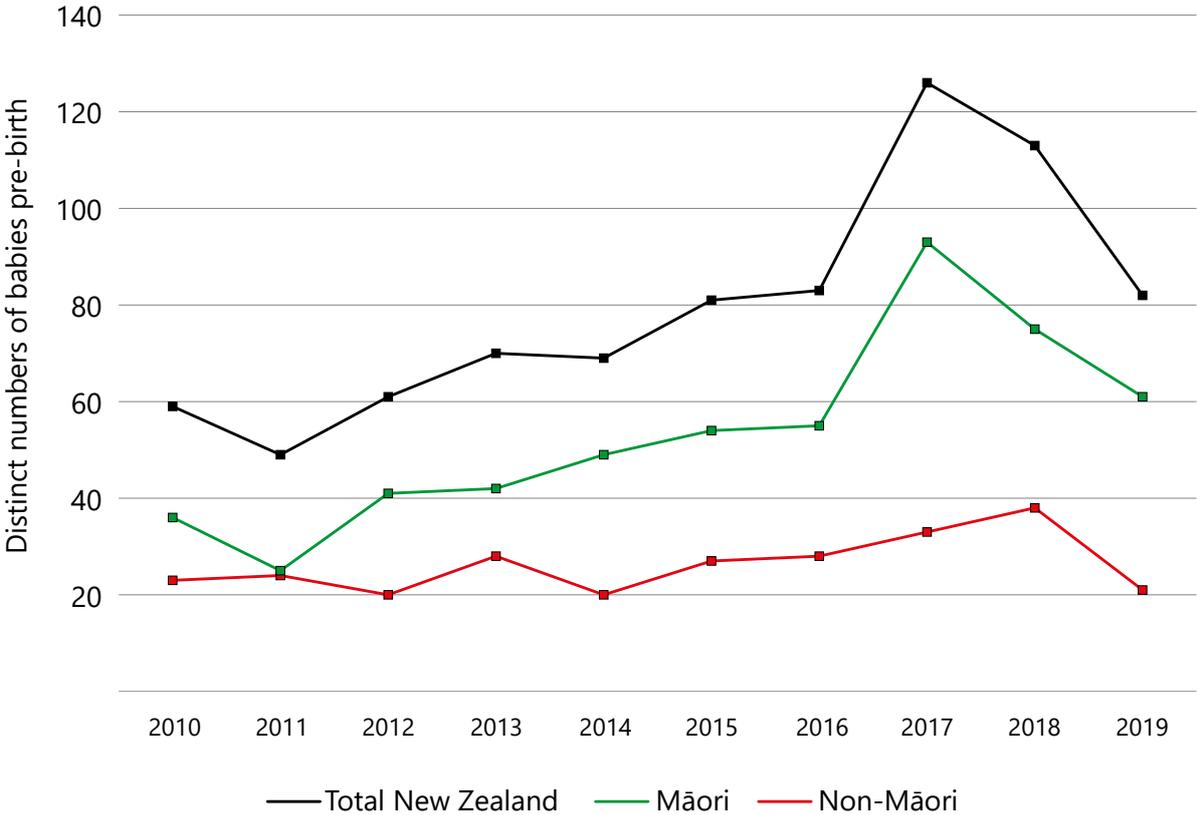
16 Personal communication, Oranga Tamariki.  
 17 Calculated using population rates.

The rate of being taken into State custody between 0-3 months does not include decisions to take a baby into State custody that are made before birth. If they were included, the Māori rate would be even higher<sup>18</sup>.

**4. Assessments and removals of pēpi are happening earlier**

There is an increasing trend towards making decisions before birth to take babies into custody after they have been born, and this trend has been greater for Māori than non-Māori (see figure 4). Ten<sup>19</sup> years ago fewer decisions were made to place a baby into State custody before birth. By 2017 (when pre-birth entries into custody peaked), removal decisions involving unborn pēpi Māori had increased from 36 to 93 pēpi Māori. The number has reduced since the establishment of Oranga Tamariki, to a total of 82 babies taken into custody before birth in 2019, but the inequities for Māori remain, with 74 percent of them (61) pēpi Māori.

Figure 4: Distinct numbers of babies ordered into State custody before birth



<sup>18</sup> As the rate of babies (per 10,000 population) being placed in State custody is calculated using birth rates, the population rate for unborn babies cannot be calculated with accuracy.  
<sup>19</sup> This section compares data since 2010 to provide an adequate trend. While we have data back to 2004, this coincided with a period where there were thousands of unallocated cases following reports of concern – so the lower numbers of taking babies into custody back then could have been due to State inability to respond to reported concerns.

Table 2: Distinct numbers of babies ordered into State custody before birth

Pre-birth	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Māori	36	25	41	42	49	54	55	93	75	61
Non-Māori	23	24	20	28	20	27	28	33	38	21
Total	59	49	61	70	69	81	83	126	113	82

Recently, the total number of babies the State decided to remove into custody, either before birth or 0-3 months old, has reduced, from 301 during 2018 to 248 during 2019, including reduced numbers for pēpi Māori down to 172 from a peak of 197 pēpi Māori in 2017 (both unborn and 0-3 months). However, for pēpi Māori the total number (172) is still higher in 2019 than in any of the past 16 years prior to the peak in 2017. Sixty nine percent of all babies unborn and 0-3 months taken into custody in 2019 were pēpi Māori.

The recent reduction in numbers between 2018 to 2019 has followed a decade long trend of increasing use of State custody for Māori, whereas for non-Māori the trend is relatively flat over the same time period.

## 5. The urgency of decisions to take babies into State custody has increased for pēpi Māori

Since 2013, there has been a change in the way that decisions are made by the State to take babies into custody. The use of 'planned' removal of babies<sup>20</sup> has reduced and the use of 'urgent' removal<sup>21</sup> has increased<sup>22</sup>. 'Planned' removal is a more formal decision making process and involves a Family Group Conference, which can currently take up to six weeks to arrange<sup>23</sup>, so some babies may have aged out of the 0-3 month group before this order type applies. In contrast, 'urgent' removal requires a social work judgement and the application granted by the Family Court, and this may occur without whānau involvement.

The rate of urgent entries approximately doubled from 2010 to 2019 for pēpi Māori aged 0-3 months, but stayed the same for non-Māori babies aged 0-3 months. Care agreements have declined since 2008, for both Māori and non-Māori babies aged 0-3 months.

## 6. State custody is intergenerational

Forty-eight percent of the pregnant women in 2019 for whom the State decided during pregnancy to remove their pēpi Māori after birth, had been in State custody themselves, compared with 33 percent of non-Māori. After birth, the proportions are similar between Māori and non-Māori. Twenty-six percent of pēpi Māori and 29 percent of non-Māori babies 0-3 months old entering State custody in 2019 had a mother who has been in State custody.

20 Planned removals are Court orders under section 101, section 102 and section 110(2)(a) of the Oranga Tamariki Act 1989.

21 Urgent removals relate to Court orders under section 39, section 40, section 42, section 48 or section 78 (interim) and urgent custody applications.

22 All urgent removals and some planned removals are temporary, and additional processes, including a Family Group Conference, are required for a baby to remain permanently in State custody.

23 Personal Communication, Oranga Tamariki – the time to set up a family group conference can vary widely from case to case.

Ninety-five percent of Māori mothers aged 20-28 who were in State custody themselves as children do not have a child placed into custody in the first 3 months of the child's life<sup>24</sup>. However, having been in State custody increases the likelihood of their own pēpi being taken into State custody.

## Conclusion

The data in this snapshot shows deep, persistent and increasing inequity in the removal of pēpi Māori into State custody.

This raises questions for further exploration, including:

- Why is the inequity between Māori and non-Māori increasing?
- Why are assessments and removals of pēpi Māori happening earlier in their lives?
- How well do social work assessments and interventions increase the safety and wellbeing of pēpi Māori by connecting them with services and supports?
- What impact do social work practices have on pēpi Māori and their whānau?

These questions will be explored further in two subsequent reports to be published later in 2020.

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<sup>24</sup> Data provided by Oranga Tamariki, personal communication. Data from Māori mothers aged 20-28, as at 30 June 2018. These results are not official statistics, they have been created for research purposes from the Integrated Data Infrastructure (IDI) managed by Statistics New Zealand. Access to the anonymised data used in this study was provided by Statistics NZ in accordance with security and confidentiality provisions of the Statistics Act 1975. Only people authorised by the Statistics Act 1975 are allowed to see data about a particular person, household, business or organisation and the results in this Excel workbook have been confidentialised to protect these groups from identification. Careful consideration has been given to the privacy, security and confidentiality issues associated with using administrative and survey data in the IDI. Further detail can be found in the Privacy impact assessment for the Integrated Data Infrastructure available from [www.stats.govt.nz](http://www.stats.govt.nz).