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The reclamation of whānau decision making in the context of child welfare. A case study of Iwi-led family group conferences

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Abstract

The Children, Young Persons and Their Families Act (1989) heralded family group conferences as an innovative mechanism to reinforce the role of family in child welfare decision making. While many have regarded family group conferences as a culturally appropriate response, others have argued that continued managerialism reflects a guise of cultural responsiveness that has actively disempowered whānau (wider whānau) and the young person in decision-making processes. Similar to concerns that led to the formation of the 1989 Act, institutional racism inspired Rangitāne o Wairarapa (Rangitāne) to reclaim the family group conference process and child welfare decision making as an Iwi (tribal) function. The current study reports on the development of a family group conference practice model of one Iwi (Rangitāne) as a case study of cultural reclamation. The success of the approach is juxtaposed against the Iwi practice model, critical success factors, and opportunities for the development of such practice models across Aotearoa New Zealand.

Keywords

family group conferences, Aotearoa New Zealand, Oranga Tamariki, cultural appropriation, Māori, Iwi, Indigenous

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Pūao-te-Ata-Tū, the report of the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare (1988), detailed systemic deficiencies in law and child welfare practice that negatively impacted the journey of Indigenous Māori children and their whānau (wider family) through Aotearoa New Zealand's (Aotearoa) state systems for care and protection and youth justice. Complementing previous commentaries (Auckland Committee on Racism and Discrimination [ACORD], 1979; Berridge et al., 1985; Connolly, 1999; Hassall, 1996; Johnston, 1982), Māori were identified as overrepresented in care and protection statistics, and there was considerable concern that the impact of care and protection practices was a reflection of institutional racism, with devastating effects on Māori.

Pūao-te-Ata-Tū led to sweeping statutory reforms (Connolly, 1999; Hassall, 1996; Love, 1999). Most significant was the introduction of the Children and Young Persons Act (1989), which placed family group conferences as a central process, becoming a legal means to address child protection while simultaneously strengthening families and whānau (wider family).

Family group conferences have been acknowledged internationally as originating in Aotearoa, and have been described as providing an empowering and culturally appropriate justice mechanism for Indigenous people and communities (Connolly, 2004; Consedine, 1995; Morris & Maxwell, 1993; Olsen, Maxwell, & Morris, 1995). Further, they have been widely adopted in jurisdictions such as Australia, Canada and the United States (Katz & Bonham, 2006; Maxwell, 2008; Miers, 2007). Despite the wide adoption of family group conferences, a number of significant criticisms have centred on their function as a mechanism of Indigenous disempowerment, effectively acting as a barrier to Indigenous peoples' attainment of jurisdictional autonomy (Lee, 1997; Moyle & Tauri, 2016; Tauri, 2004, as cited in Moyle & Tauri, 2016; Victor, 2007).

Many commentators have promoted family group conferences as being inspired by aspects of Māori dispute resolution whereby whānau, hapū (subtribe) and Iwi (tribe) were given the responsibility and power to make decisions, supported by professional guidance (Connolly, 2004). Others, however, have framed conferences as "one that encloses Indigenous culture and Indigenous participants within Eurocentric, formulaic, and standardized practices" (Moyle & Tauri, 2016, p. 87). Further, family group conferences have been criticised as "an attempt by the State to Indigenise child care and protection and youth justice through the co-option of Māori cultural practices" (Moyle & Tauri, 2016, p. 97).

Such criticisms have been linked to a mystification process, whereby "one of the key marketing strategies deployed by the restorative justice industry and policy entrepreneurs, especially in settler colonial contexts, is the persistent, mythological representation of key interventions like the FGC [family group conference] forum as founded on Indigenous cultural principles and practices" (Moyle & Tauri, 2016, p. 89). Such mythologisation acts to support the dominance of the policy sector and Eurocentric control of justice initiatives. Further, framing such practices as Indigenous removes responsibility from the state for ineffective policy and practices and places responsibility for inefficiencies with Māori (Tauri, 2004, as cited in Moyle & Tauri, 2016).

Critiques associated with family group conferences can be linked to their mystification, a process that has become so imbued with managerialism that the process lacks a meaningful reflection of cultural meanings and understandings (Moyle & Tauri, 2016; Palys & Victor, 2008). For instance, mystification is threaded through the growing critiques associated with the practice. Becroft (2017) criticised the incorporation of only some aspects of tikanga Māori (correct procedure, customary processes and practices) rather than the adoption of an Indigenous model in its entirety. Such partial incorporation of certain aspects of Indigenous culture are reflected in the failure of the state

to prioritise hapū and Iwi involvement (Becroft, 2017). Further, placing family group conferences within the control of the state has resulted in variable and inconsistent practice (Becroft, 2017; Carswell, o-Hinerangi, Gray, & Taylor, 2013; Office of the Children's Commissioner, 2017), with inadequate levels of preparation, poor communication and follow-through (Carswell et al., 2013). In addition, criticism has centred on a sense that decisions have been predetermined by Oranga Tamariki (statutory child protection agency of Aotearoa; Carswell et al., 2013). This may reflect complementary findings that some facilitators do not believe in the process of whānau decision making (Office of the Children's Commissioner, 2017), that processes receive inadequate resourcing (Becroft, 2017), and that there is insufficient whānau at family group conferences and insufficient consideration to identifying and inviting hapū and Iwi to attend (Becroft, 2017). Concern has also centred on whānau feeling disempowered by the process, often feeling confused, with little benefit noted by whānau (Carswell et al., 2013; Moyle & Tauri, 2016; Office of the Children's Commissioner, 2017). Disempowerment has also been noted with regard to rangatahi (young people), whose voices have been found to be minimised by the process and, as such, not fully represented (Carswell et al., 2013; Office of the Children's Commissioner, 2017). Other critiques have focused on the poor quality of the plans arising from the family group conferences (Becroft, 2017; Carswell et al., 2013; Office of the Children's, 2017) and the common practice of holding conferences at Oranga Tamariki or other statutory offices, a practice that has been viewed as antagonistic to whānau engagement (Becroft, 2017).¹

Moyle and Tauri (2016) proposed the need for a radical shift from state managerialism to community-led initiatives; placing Māori as central in the development of meaningful, transformative experiences (Moyle, 2013, 2014; Moyle & Tauri, 2016). Similarly, McGrath asserts that "only embodied self-determination strategies have the potential to decolonize criminal justice paradigms and create spaces of sovereignty for Indigenous peoples" (McGrath, 2020, p. 2). Within the context of Aotearoa, an essential component of this shift is the implementation of power-sharing partnerships developed between the service agencies, Māori and providers (Moyle & Tauri, 2016).

Rangitāne o Wairarapa and Iwi-led family group conferences

Mirroring growing nationwide dissatisfaction, family group conferences facilitated by Oranga Tamariki in the Wairarapa region were reported to have failed to operate as efficiently or effectively as they could. This was especially noted in terms of a shift away from a culturally responsive approach embedded within whānau decision making to heavily bureaucratised practice occurring outside of the original intention of the Act and in opposition to the cultural frameworks that led to the development of family group conferences. Participants cited managerialism as resulting in long waiting lists and backlogs for family group conferences; a lack of resourcing to enable adequate levels of pre-family group conference whānau meetings, which compromised the ability of whānau to participate; and whānau perception that the outcomes were predetermined by Oranga Tamariki and that staff were influenced by negative stereotypes of whānau and Māori in general. The minimisation of the young person's voice and a lack of confidence, knowledge and fear among whānau to challenge the process and the outcomes arising from the family group conference were also expressed. This was especially reported with regard to whānau choosing not to challenge the process or outcomes out of fear that they would experience negative repercussions.

The Iwi saw a process that was gifted under what the new legislation under CYF [Child Youth and Family]. They felt that we [Oranga Tamariki] had over-complicated a simple process and the feedback was that they didn't think it was an empowering model. Whānau viewed it as prescribed and the outcomes were well decided before they were given an opportunity. Half of

that was a lack of preparation and the other part was biases, and in particular, for Māori families. A lot of those families were worried and concerned that if they gave feedback on our internal processes then there would be repercussions against their particular families. So families weren't engaging in a process, they were accepting whatever Oranga Tamariki had predetermined they never had a chance of changing. (Oranga Tamariki staff member, group interview)

Within this context, in April 2017, Rangitāne o Wairarapa (Rangitāne is a tribe affiliated with the Wairarapa region) and the Oranga Tamariki Regional Manager met to discuss how the Iwi (tribe) might assist with coordinating care and protection family group conferences. A primary driver was a large backlog of cases waiting for a family group conference, aggravated by insufficient staffing and high levels of staff attrition. As an outcome of this meeting, in mid 2017 Oranga Tamariki contracted Rangitāne to coordinate care and protection Iwi-led family group conferences. Rangitāne employed two Iwi-led family group conference coordinators and a staff member to undertake whakapapa (genealogy) searches. In addition to operational staff, funding was also provided to fund the provision of cultural guidance from kaumātua (Māori cultural elder, person of status). It is noteworthy that the monitoring and review function remained within Oranga Tamariki.

While Oranga Tamariki encouraged Rangitāne to develop their own local and culturally appropriate approaches to coordinating care and protection for family group conferences, there was still need to ensure that legislative requirements were followed. As such, Oranga Tamariki and Rangitāne jointly agreed on the need for training around the requirements outlined in the Oranga Tamariki Act (1989).

The aim of this article is to report on an outcome evaluation of an Iwi-led family group conference practice model developed by Rangitāne, an approach that counters the predominant role of the state in the coordination of family group conferences to date. A comparison of the Iwi-led approach and traditional state-driven practice resulted in the identification of critical success factors. The opportunities for the development and delivery of such practice models across Aotearoa is also explored.

Method

A qualitative, holistic, single-case study design (Yin, 2003), informed by an Indigenous Māori-centred methodology, was used to inform an outcome evaluation of the Iwi-led family group conference initiative (Patton, 2002). The case study placed stakeholders' experiences of the Iwi-led family group conference as central to the evaluation and provided an opportunity to explore their realities in depth (Yin, 2003). This was especially important for gathering a variety of perspectives within specific cultural understandings, namely Te Ao Māori (Māori world or worldview), about the implementation of the Rangitāne-led whānau decision-making initiative, the identification of critical success factors, successes arising from the initiative, opportunities for further development, and the way in which the initiative has addressed concerns and aspirations that led to the need for the initiative in the first instance. A single-case study was deemed applicable when the experiences of multiple stakeholders in one environment are explored. Ethics were approved by the Oranga Tamariki Human Ethics Committee in December 2018.

Participants

Twenty-four people participated in the evaluation. The majority of participants identified as female ($n = 17$, 71%) and approximately three quarters of participants identified as Māori ($n = 18$, 75%). Participants included three Rangitāne Iwi staff members, seven Oranga Tamariki staff members,

five community stakeholders, six whānau (wider family members), and three rangatahi (young people) who had participated in a family group conference process. Participants received an information sheet, the contents were explained, and time was provided for any questions prior to signing a consent form. Whānau and rangatahi participants were given a koha (an acknowledgment of the time and contribution to the research) of a \$50 voucher per interview.

Data collection

Purposive sampling was used to identify and recruit participants. The following eligibility criteria were developed in collaboration with Rangitāne Iwi stakeholders: whānau who have experienced a Rangitāne-led whānau decision-making process in the last 18-months; staff employed by Rangitāne Iwi involved with the delivery of the Iwi-led family group conference (e.g. the family group conference coordinator, social workers, administrative staff and non-government organisation, hapū or Iwi representatives); Oranga Tamariki site staff (e.g. social workers, the site manager, and practice leader); and community stakeholders associated with the Iwi-led family group conferences (e.g. the courts, high school and Whānau Ora providers²). Representatives from Rangitāne used the eligibility criteria to assist with the recruitment of whānau and community stakeholders. Rangitāne liaised directly with participants and organised the location and time of the interview. The evaluator was available to contact participants should they require additional information.

A mixture of individual and small group semistructured interviews were undertaken over a two-month period. Interviews lasted approximately 60 minutes and were audio recorded with participant consent. Where necessary, additional follow-up interviews were carried out with Rangitāne, Oranga Tamariki and community stakeholders.

The involvement of the Rangitāne whānau in the recruitment process was both invaluable and ethical. Because of whānau vulnerabilities, it was decided that the most ethical approach to recruitment would be for Rangitāne representatives to contact potential participants directly. Similarly, because whānau have past experiences with the Rangitāne Social Service offices, it was “natural” to carry out the interviews at the Rangitāne premises. While this decision was guided by a principle of manaakitanga (kindness, generosity, caring for others) the decision to hold the interviews at Rangitāne Social Service acknowledged that whānau might need psychosocial support during and/or after the interview. It should be noted that no whānau participants required support during or following the interview process.

Data analysis

An inductive approach to data analysis was used, drawing on grounded theory analytic strategies of comparative analysis (Glaser & Strauss, 2017). Throughout the process, emerging findings were consistently tested to determine the extent to which they were common across participants. The process of constant comparative analysis provided an opportunity to explore in greater depth the reasons for underlying emerging patterns.

Findings

Participants unanimously perceived Oranga Tamariki as having developed an approach that supported organisational interests as opposed to one that reflected a whānau-centred worldview. This preference was heavily criticised as having de-emphasised whānau voice and disempowered whānau in their decision making. Further, there was a perception across all participants groups

that managerialism had resulted in an emphasis on the completion of the family group conferences rather than a process that could lead to informed and empowered decision making. In response, Rangitāne developed an approach to family group conferences that emphasised relationship building. The emphasis on relationships was underscored by the centrality of whakapapa (genealogical) connections interwoven within cultural obligations and responsibilities of Iwi to their members and the importance of kaitiakitanga (guardianship) of other Iwi living within the area. The centrality of relationship connections was underpinned by a belief that whānau decision making is contingent upon ensuring whānau relationships are sufficiently nurtured to enable decision making to take place. While care and protection family group conferences exist as an option for when whānau are not able to come to a satisfactory agreement, the Iwi-led approach regarded care and protection family group conferences as a last resort because whānau risk losing control of decision making surrounding their tamariki (children).

In the first instance, Rangitāne placed considerable energy in whānau hui (meetings with the wider family) whereby whānau members were afforded an opportunity to meet with Rangitāne staff, separately or collectively, in order to inform them about the family group conference referral, de-escalate possible tensions, problem solve possible obstacles to participation in future meetings, and ensure that whānau are fully prepared to engage in the process.

The Rangitāne whānau hui process was viewed as significantly different to Oranga Tamariki's common practice in that multiple whānau hui, commonly up to six, were often required. This can be understood in that whānau hui provided a process to heal historic and intergenerational whānau trauma. Such healing afforded an opportunity to reconnect whānau and address outstanding relational issues before engaging in a family group conference forum.

One of the things the Iwi have done really well is the pre-FGC [whānau hui] — having meetings beforehand. They have facilitated meetings for me with the whānau so whānau are clear about what the FGC is and what is expected. Because a successful FGC relies on being really well prepared. The Iwi does a really good job of that. (Oranga Tamariki staff member, individual interview)

It is groundwork. We are working with the whānau so they can get to a point of thinking about how they are going to address the safety of the child in either a hui-a-whānau or a [care and protection] FGC. You have to do this first before you progress to the next stage. (Rangitāne staff member, individual interview)

Next, whānau were encouraged to engage in a hui-a-whānau process. At a broad level hui-a-whānau provides an opportunity for whānau to develop their own plans when concerns for the wellbeing of tamariki (children) have been raised but when there are enough positive safety factors in place for the whānau to engage in a voluntary agreement with Oranga Tamariki. Rangitāne described hui-a-whānau as the culmination of the whānau hui, where whānau are brought together to collectively address the care and protection issues and formulate a plan. Hui-a-whānau occur when whānau are able to secure agreement about what a whānau plan should include. Notably, hui-a-whānau are the same as a care and protection family group conference, but it is led by the whānau and not a statutory body.

Hui-a-whānau is about giving the whānau the mana [status, authority, prestige] to lead the process and determine the outcome. This is the preferred end of journey because, for us, it is important to let the whānau take control. (Rangitāne staff member, group interview)

Because of the success of the Iwi-led engagement process, namely whānau hui, many of the Rangitāne family group conference referrals were resolved through a hui-a-whānau. In this sense,

the actual running of a care and protection family group conference became a secondary concern as the hui-a-whānau process often resulted in an informal agreement about the actions that will be taken to improve tamariki (children) or rangatahi (youth) wellbeing that did not require a formal family group conference process.

The organisation [Oranga Tamariki] is beginning to understand that the success of lwi-led FGC is inseparable from whānau hui. It is not about the number of FGC, it is about the number of whānau hui. The more successful we become it will be more about hui and we would expect fewer FGC. (Oranga Tamariki staff member, individual interview)

Successes

All participant groups viewed the implementation and ongoing provision of the lwi-led family group conference process as highly successful. Overarchingly, Oranga Tamariki staff, community stakeholders and Rangitāne staff stressed that the lwi-led approach has reclaimed the original spirit underlying the advent of family group conferences. This has been achieved by emphasising whānau autonomy and ensuring that lwi-led processes support whānau decision making. As a consequence, emphasis has been placed on hui-a-whānau, an emphasis that contrasts with what was commonly referred to as an assumed Oranga Tamariki practice of automatically opting for a care and protection family group conference, in lieu of a hui-a-whānau.

The beauty of it is ... if you look at the generic model, we need to form a belief [that the child is in need of care and protection] to send it to FGC. Whereas what you are seeing with Rangitāne is that people wanting them at an earlier stage, hui-a-whānau, which, to be perfectly fair, was the intent of the Act. The problem is, somehow we have overprocessed it and saying that, actually, even if we form a belief, it doesn't necessarily mean that it will lead to taking orders. But that has been the interpretation of the current internal practice environment whereas externally, that is not what they are after. They are trying to avoid bringing more children into care, particularly their own children in their own areas. (Oranga Tamariki staff member, individual interview)

As a consequence, Oranga Tamariki staff unanimously noted that the lwi-led approach has resulted in fewer care and protection family group conferences and an increase in hui-a-whānau, which has resulted in an unintended outcome of decreased family group conference waiting periods.

Associated with an emphasis on hui-a-whānau is the likelihood that care-related concerns are being addressed earlier through the hui-a-whānau approach. This was attributed to: a willingness of whānau to engage with a non-statutory body, the importance of tikanga Māori (correct procedure, customary processes and practises) guiding whānau interactions and the whānau-decision-making process, and Oranga Tamariki not being constrained by having to form a belief of concern before initiating a referral. Participants also attributed the success of the lwi-led approach to an increase in whānau participation in the family group conference process. This was evidenced by a noted shift from few whānau to a wider representation of whānau attending family group conferences.

Whānau weren't showing up. Two or three years ago we would have two whānau members turn up, mum and dad and an aunty, if we were lucky. Since Rangitāne started running FGCs we have wider whānau participation, wider whānau consultation. (Local stakeholder, individual interview)

Initially, increased whānau participation was attributed the importance of meeting in an environment perceived as independent from Oranga Tamariki, as neutrality was entwined with meeting in a Māori setting; a factor that was directly related to feeling at ease. Others attributed increased participation to manaakitanga, a strong sense of being supported. This was most clearly articulated in relation to whānau hui and efforts to prepare whānau for either a hui-a-whānau or a care and protection family group conference.

Coming to Rangitāne is so much better than meeting at Oranga Tamariki. Oranga Tamariki is like a clinical environment. It has no heart. It doesn't feel safe. Coming here is like being in a home. You see all those photos on the wall? They are photos of my tipuna (ancestors).
(Whānau participant, individual interview)

Most significant, however, were whānau perceptions that improved whānau outcomes are more likely to occur when working with Rangitāne because the Iwi has a reputation for holding Oranga Tamariki accountable. This was especially discussed in relation to Rangitāne adopting a role of ensuring Oranga Tamariki will follow through with any promises made in the formation of plans arising from the family group conference process.

With Rangitāne it felt like the [Oranga Tamariki] social worker was responsible to someone else. Before Rangitāne there were lots of promises but there was little follow through. Now with Rangitāne it feels as though [Oranga Tamariki] social worker is accountable to someone else and so the work is getting done. (Whānau participant, individual interview)

Next, the tamariki (children) and whānau were described as being more likely to attain better outcomes. Because Rangitāne emphasised extensive whānau engagement and pre-meeting preparation, whānau were described as being better positioned to develop whānau-derived responses to address the needs of the child. As a consequence, children were noted as being placed in positive whānau environments with pertinent plans in place.

I have had two outcomes. Really good robust discussions with the whānau and good engagement where the whānau take lead on how they are going to address the take [the cause]. (Oranga Tamariki staff member, individual interview)

Further, due to a whānau-centric focus, whānau were treated holistically. As a consequence there was an increased likelihood of wider whānau needs being identified with the increased likelihood of wider issues impacting on the whānau being addressed, all to the betterment of the child.

I have seen children who have moved environment within the whanau cared for by other whānau members, succinct plans put in place, I have seen whānau who have engaged with a variety of services and do amazing work towards understanding their role as parents, understanding the effects of drugs and alcohol and moving towards a more positive view of life.
(Community stakeholder)

Finally, rangatahi reported being more engaged in the process and feeling as though their perspectives and aspirations were "... heard". Young people and whānau often described a sense that neither the Oranga Tamariki social worker nor the lawyer for the child were able to adequately ensure young people's perspectives were gathered and shared. Most commonly cited examples focused on a system that results in the lawyer for the child meeting with the young person a few minutes before the family group conference, or social workers who have insufficient capacity to develop the type of relationship that lends itself to the young person expressing their feelings, wants and needs. More importantly, however, whānau and young people agreed that past experiences with Oranga Tamariki acted as a barrier to the young person being able to express themselves.

With OT [Oranga Tamariki] my child did not have a proper voice. With OT the lawyer for the child would meet with my boy five minutes before the meeting. But more importantly, because he had such bad experiences with OT, before he came to me, any attempt to talk to him by OT; straight away a defence would go straight up and he wasn't talking. (Whānau member, group interview)

In contrast, all participating whānau stressed that the Iwi-led approach, embedded within manaakitanga, established a safe environment that naturally led to the young person's engagement and facilitated a process of the young person disclosing their perspectives.

The awhi [embrace] and manaakitanga was huge. They [Rangitāne] went through what I should think about before the meeting, what might arise in the meeting, lots of questions to reflect on before, what the child might want. At OT [Oranga Tamariki] I would have butterflies in my stomach not knowing what is coming up. (Whānau member, individual interview)

Factors underpinning the initiative's success

The success of the Iwi-led family group conferences was attributed to four critical factors. First, the relationship between the local Oranga Tamariki site and Rangitāne was identified as a critical factor in the initiative's early development. Critical to the development of Rangitāne leading the family group conference process was open and transparent communication between Oranga Tamariki and the Iwi. This was evidenced by Oranga Tamariki engaging in a transparent process with Rangitāne, revealing the problems faced by the local site, and Rangitāne bringing their concerns about the way Oranga Tamariki engaged with whānau to the attention of the site manager. Notably, an existing relationship, developed from previous service-related contracts, had reinforced the development of a trusting relationship.

It was a combination of talking through, and hearing from Iwi what the Iwi was particularly interested in about and why they were interested in being involved in the family group conference process, and what aspect of FGC did they enjoy and feel were useful. They talked about wanting to be empowering whānau again. Wanting to improve whānau attendance. They had seen, as an Iwi organisation attending FGC hui, from a professional capacity, as whānau support, their view of it was that it had become so structured to such a point where whānau didn't feel comfortable, they always held at OT [Oranga Tamariki] offices, they felt that the FGC was predetermined, that the whānau weren't being given enough notice, that they weren't prepared, that they were rocking up to the FGC and didn't know what was going to happen. That they weren't consulted about who was attending the FGC, inadequate and not informed and they were always predetermined. That the coordinator facilitated the process and the social worker ran the show. They had experiences from the other side of the fence. So that was a big driver for them. It helped us understand why they were interested and what we could build upon. (Oranga Tamariki staff member, individual interview)

The majority of participants regarded tino rangatiratanga³ as a critical success factor. Rangatiratanga was underscored by Iwi insistence that Rangitāne would design their own processes and practices. This was fully endorsed by the local site as there was a clear intention that the Iwi-led process and practice should not duplicate the mistakes made by Oranga Tamariki.

Because one thing that we didn't want them to do was to be another mirror of Oranga Tamariki, otherwise we wouldn't be having anything different. The whole time, right from the start, and even now, it has been led by Rangitāne as far as they set up the environment and how they spend time with whānau. The only time that Oranga Tamariki comes in is when, under the Act, there are certain things that we legally need to follow. But even that is only through training and coaching and understanding. Everything else is asking Iwi what is it that they want, what is it

that they need and then for our leadership team ensuring it happens from a site point of view. (Oranga Tamariki staff member, group interview)

Rangatiratanga was synonymously discussed as something that needed to be guarded, a continual process of protecting lwi independence and ensuring tino rangatiratanga was not eroded by unintentional behaviours or policy dictates arising out of Oranga Tamariki. In this sense, while Rangitāne had been clear that they wanted to design their own processes in accordance with tikanga Māori values and practices, the success of the initiative was supported by a small number of local Oranga Tamariki staff who were acutely aware of the difficulties facing Māori providers and were engaged in a rigorous process of “protecting” Rangitāne from influences that could detract from their practice. Within this context, the role of champions based in the local Oranga Tamariki site was identified as critically important.

It was a struggle at the time, with the relationship with the OT [Oranga Tamariki] site, but part of my role was to bridge those relationships. (Oranga Tamariki staff member, individual interview)

Finally, whānau transformation was linked to the therapeutic model Rangitāne had developed. Rangitāne adopted a strengths-based, whānau-centric approach to ensuring the attainment of the child’s wellbeing. The approach was based on a therapeutic model whereby whānau were empowered to make their own decisions and be accountable for the various decisions arising out of the family group conference plans. Importantly, whānau empowerment was premised on the need for many whānau to relearn to function as a unit, free from intergenerational dependency on third-party intervention. Through this process, whānau were described as engaging in transformational journeys, reinforced by experiencing successes arising from their own decision making. In this sense, whānau were supported to make their own decisions, which resulted in a restoration of mana (status, authority, prestige), while whānau simultaneously learnt to address their own issues.

It makes it very different from the OT [Oranga Tamariki] approach. It is a model of empowerment based in a recognition that whānau need to reclaim their power and learn to do for themselves. (Rangitāne staff member, group interview)

Many of our whānau have become dependent on agency intervention. And there is a need to break cycles of dependency, breaking away from being used to people doing things for them. So we walk alongside them and encourage them to make decisions and to carry out certain tasks. For instance, where possible we ask the whānau to get hold of whānau in the whakapapa line. We use a similar approach with hui-a-whānau, like, “Guys who do you want to attend? This is your opportunity to bring them in.” (Rangitāne staff member, group interview)

Developing a fully lwi-led family group conference process

The lwi-led family group conferences were described as a culturally appropriate process that exists within a wider state apparatus. As such, the identified successes were regarded as vulnerable to shifts in operational policy as dictated by Oranga Tamariki. Furthermore, the lwi was in the position of needing to demonstrate the benefits of their approach, very much relying on state endorsement. More importantly, however, the lwi had not been given the freedom to develop a comprehensive practice model that encompassed all family group conference functions. Rather, Rangitāne were restricted to coordinating the family group conference process and were not given responsibility for monitoring and review of whānau plan functions.

Rangitāne and community stakeholders suggested the development of a truly lwi-led family group conference approach would require a role extension to include monitoring of whānau plans and

convening plan reviews. Extended responsibilities were regarded as a natural progression from existing functions, and the centralised provision of coordination, monitoring and review would ensure holistic service provision. On one level, the extended responsibilities were viewed as an optimal solution to capacity issues that have an impact on how Oranga Tamariki effectively monitor whānau plans. In addition, and arguably more importantly, the extension was especially appreciated in that whānau reportedly develop a trusting relationship with Rangitāne through the coordination process, and it appears illogical to expect whānau to engage with Oranga Tamariki when such engagement was viewed as disempowering and likely to result in poorer whānau outcomes. It is especially noteworthy that such an extension was endorsed by the local Oranga Tamariki site and community stakeholders. These participants noted that Rangitāne had successfully engaged whānau in decision-making processes and the creation of robust plans; Oranga Tamariki social workers and community stakeholders' preference for an Iwi-led process; a growing number of tauiwi (non-Māori) and non-Iwi Rangitāne whānau who have requested an Iwi-led process in lieu of an Oranga Tamariki-led process; and a lack of capacity within Oranga Tamariki to provide a comparable level of whānau engagement.

At the moment the roles are working really well. Ideally, we would like, based on the outcomes we have given them, the coordinator roles to be run purely from Iwi. So, we wouldn't need OT [Oranga Tamariki] running FGCs as well as Iwi. We have got our own FGC coordinators here, but if we had that FGC resource moved to the Iwi, then the Iwi could pick them up all together. (Oranga Tamariki staff member, individual interview)

It is, however, acknowledged that the intricacies of what a holistic Iwi-led coordination, monitoring and review service would look like needs to be developed in collaboration with the Iwi and Oranga Tamariki. Further, such an extension would require a review of funding allocation.

Conclusion

The family group conference process developed by Rangitāne represents a radical shift from state managerialism to an Iwi-led initiative that places Te Ao Māori (Māori world or worldview) as central to the development of meaningful, transformative whānau experiences. This shift is, however, qualified, as the initiative reflected aspects of tino rangatiratanga only.

The family group conference processes occurred within a state-controlled justice system. Within this context, the importance of relationships was identified as underpinning the success of the Iwi-led process. Relationships greatly assisted the initiative's implementation and sustained operation. In addition, aspects of tino rangatiratanga were especially noted as critical and this was underscored by Rangitāne designing their own processes and practices, albeit within the confines of what the state dictates. Because tino rangatiratanga existed tenuously, Iwi sovereignty was supported by some Oranga Tamariki staff actively ensuring tino rangatiratanga was not eroded by unintentional behaviours or policy dictates arising out of Oranga Tamariki.

All participants viewed the implementation and ongoing provision of Iwi-led family group conference coordination as highly successful. The initiative's success was indicated by a realignment of whānau decision-making processes with the original intent of the Oranga Tamariki Act (1989). Further, whānau participants stressed that the Iwi-led family group conference approach, embedded within manaakitanga, establishes a safe environment that naturally supports the young person's engagement and facilitates a process whereby the rangatahi discloses their perspectives. This is in stark contrast to previous accounts of Oranga Tamariki minimising young people's voices.

Other successes included decreased waiting periods for whānau decision-making processes, increased whānau participation and a variety of positive whānau outcomes. Notably, whānau were described as being better positioned to develop whānau-derived responses to address the needs of the child. As a consequence, children were described as being placed in positive whānau environments with pertinent plans in place. Further, the Iwi-led family group conference's whānau-centric emphasis was attributed to a holistic provision of whānau needs and the increased likelihood that wider issues impacting on the whānau are addressed, all to the betterment of the child. Finally, the link with a Rangitāne therapeutic model and an emphasis on whānau accountability and transformation generated some positive exemplars of whānau transformation.

A truly radical shift from state managerialism to whānau-centred practice requires the existing Iwi-led coordination function to be extended to include monitoring of whānau plans and convening plan reviews. Extended responsibilities were viewed as an optimal solution to capacity issues impacting on Oranga Tamariki's ability to effectively monitor whānau plans, with the added advantage that this role provides a natural extension to the trusting relationship whānau developed through the coordination process. Combining whānau decision-making coordination, monitoring and review functions was viewed as the most effective means of ensuring whānau are empowered to make decisions for themselves.

It is noteworthy that recent amendments to the Oranga Tamariki Act, 1989, enacted on 1 July 2019, represented an attempt to align Oranga Tamariki practice in relation to commitments under Te Tiriti o Waitangi (Treaty of Waitangi) by placing onus on the Chief Executive to "recognise and provide a practical commitment to the principles of the Treaty of Waitangi (te Tiriti o Waitangi)" (Oranga Tamariki Act, 1989, s 7AA(1)).

Section 7AA was developed in response to an overrepresentation of tamariki (children) and rangatahi (young people) Māori in the care, protection and youth justice systems, and an acknowledgment that Māori communities have demanded a more active and strategic role in the welfare of tamariki and rangatahi Māori (Oranga Tamariki, n.d.). The amendment placed new duties on the chief executive of Oranga Tamariki and requires the Oranga Tamariki Chief Executive to ensure that disparities are reduced for tamariki and rangatahi Māori who come to the attention of the Ministry and have regard to mana tamariki (status, authority, prestige of Māori children), the whakapapa (genealogy) of Māori young children, and the whanaungatanga (relationship, kinship, sense of family connection) responsibilities of their whānau, hapū and Iwi. However, most significantly, the amendment stressed the importance of the department developing strategic partnerships with Iwi and Māori organisations and that Oranga Tamariki and Māori partners "agree on any action both or all parties consider is appropriate" (Oranga Tamariki Act, 1989, s 7AA(c)(vi)). It is within this legislative context that the Iwi-led family group conference initiatives provide a mechanism for the spirit of the Act to be achieved. With this legislation as a launchpad, coupled with significant dissatisfaction with state-controlled family group conference processes, there is considerable opportunity to place family group conferences in the hands of Iwi. Perhaps then, given the experiences and lessons identified in this study, Māori will be a step closer to direct their own systems of justice and transformative journeys.

A growing body of national and international literature has consistently cautioned against the imposition of external systems on Indigenous peoples (Hodgetts et al., 2010; King & Robertson, 2017; Rua, 2015; Smith, 1999; Victor, 2007). Within this context, however, the study's findings have implications for other jurisdictions, namely an example of a radical shift from state managerialism to Indigenous-led initiatives that places the lived experiences, cultural understandings and structures as central to the development of meaningful, transformative family experiences.

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- ¹ The statutory agency has undergone multiple restructurings since the implementation of the Act, with a major restructure in 2017. The agency was referred to as Child Youth and Family (CYF) prior to 2017 and Oranga Tamariki thereafter. Further, the name of the Act was changed from the Children, Young Persons and Their Families Act (1989) to the Oranga Tamariki Act (1989) in 2017.
 - ² Whānau Ora is a cross-government work program that places whānau at the centre of service delivery and integrates health, education and social services (Ministry of Health, 2018).
 - ³ “Tino rangatiratanga” refers to unqualified chieftainship and sovereignty of Māori as the Indigenous peoples of Aotearoa. Within the context of this research, tino rangatiratanga references the right of the Iwi to develop their own culturally informed practice models,