

# Policy Brief: Preventing baby removal in Aotearoa New Zealand

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## Context

### High or rising cases of baby removal have become a subject of research and public interest worldwide.

Like Aotearoa New Zealand, in many countries including Australia, England, Canada, Wales, Scotland, Norway, Sweden, Finland and Denmark, baby removal receives high public and academic interest. While some Scandinavian states take a family service approach, and others more of a protectionist stance, all are experiencing high or rising cases of baby removal from the family of origin. This was the trend in Aotearoa New Zealand until 2019, before a large reduction in removal occurred between 2019 and 2021. This aligns with the shift away from Aotearoa New Zealand's protectionist approach to child protection.

### Aotearoa New Zealand has recently re-oriented towards a family service approach, to counter the negative impact of protectionist reforms, especially for Māori.

In Aotearoa New Zealand, the 2015 protectionist reforms of the 'expert panel', which led to an increase of children entering and remaining in care, had several negative consequences for babies, parents, wider family members, whānau and hapū, and society. Between 2019 and 2020, the need for a family service approach underpinned by Te Tiriti o Waitangi, and the need to address inequities for Māori became apparent. Increased evidence of the need for wider provision of intensive family services, whānau care and partnerships with iwi – combined with intense media and other independent stakeholder criticism (such as from the Children's Commissioner, the Ombudsman, Whānau ora Commissioning Agency, the Waitangi Tribunal) – fuelled the shift to a family service approach to child protection. Tightening access to the legal orders required to remove children, and efforts to consistently support women and their whānau earlier in their pregnancies have also played a part. Now, emphasis is on the need for family support before child protection system contact occurs, to preserve and strengthen families and strengthen whakapapa connections.

### Recognising authority and restoring resources to Māori is needed to counter the realities that continue to disadvantage Māori in the child protection system.

Despite recent reductions of children entering care, Māori children remain significantly overrepresented in the child protection system. This has been fuelled by colonisation, cultural oppression and subsequent socioeconomic inequities for Māori. From the mid-twentieth century, Māori children began to be removed from their whānau by the child protection system, and institutional racism was embedded in punitive, disempowering and surveillant interventions. Overtime, traditional Māori whānau structures, with the protective factors known to support Māori children to flourish, have been fragmented for some whānau. Alongside this, continuing biases affected child protection decision-making. Restoring authority and resources to Māori through institutional arrangements that give effect to Te Tiriti o Waitangi particularly through recognising tino rangatiratanga over kāinga, is needed. This will ensure an effective child welfare orientation in Aotearoa New Zealand, which upholds the Te Tiriti rights of Māori – as well as those enshrined by United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

### Limited research on the outcomes for children and their whānau from family service reforms and practices that prevent removal.

Despite the recent shift towards a family service approach, and the reduction of babies entering care, it is difficult to draw conclusions on the effectiveness of recent reforms for whānau. Oranga Tamariki report disparity indicators for Māori but provide little evidence on the effects of reducing care entry for children or their whānau (whether removed or not). A greater focus on the outcomes and drivers of changing patterns of care entry is needed, incorporating Māori and system-involved family and whānau perspectives on how desirable outcomes are defined.

Understanding policies and practices that contribute to positive outcomes is also paramount, but knowledge on what works to prevent removal is limited.

## Our study

### The aim of our study was to identify effective systemic factors, service components and practices that prevent baby removal

We wanted to identify effective systems, service components and practices that help prevent baby removal. Our study is the first in Aotearoa New Zealand that draws on people's experiences of when removal has been avoided to identify what works best for whānau. We completed case stories, focus groups and interviews with key stakeholders. For the case studies, we interviewed three mothers and their community practitioners who were involved over the period of pregnancy and the early years of a baby's life. We also ran focus groups and completed interviews with community-based practitioners who work with whānau more generally.

All the outputs from our study can be found on our website: [www.preventionprojectwhanau.squarespace.com](http://www.preventionprojectwhanau.squarespace.com)

## Recommendations

### Our findings highlight factors at the child protection system and practitioner levels that are needed to respond more effectively to babies at risk of removal and their whānau.

- **Recognise the impact of systemic discrimination, particularly racism and ableism on inequity.** Te Ao Māori perspectives on the impacts of systemic discrimination in the child protection system need to be acknowledged, so historic harms related to colonisation and its impacts on current inequities can be addressed. A rights-based approach to disability that asks what support a family needs to be able to parent, instead of a risk-based approach that focuses on individual deficits is needed.
- **Strengthen existing partnerships between Oranga Tamariki and kaupapa Māori services, and hapū and iwi.** Giving effect to Te Tiriti o Waitangi requires the sharing of power and resources through existing and developing Māori services.
- **Adopt a whole system response to preventing baby removal.** Collaborative working arrangements between Oranga Tamariki and others in the child protection system need to be strengthened, to support a joint response to reducing removals and generating better outcomes for babies and their whānau. This requires consensus around risk thresholds for when services are offered, communication between different services, and agreement on the nature of services offered.
- **Strengthen communication processes between Oranga Tamariki and whānau.** Improved communication processes from initial engagement by whānau with Oranga Tamariki will likely lead to mutual respect and trust, improved accuracy of risk assessments, strengthened service responsiveness and whānau empowerment.
- **Improving pathways to service entry.** Improving universal services through the development of 'hooded services' (specialist intensive services) – that refer to accessible tertiary services if needed – would create a more effective referral pathway. Continuity of relationships to bridge between services improves equity and ease of access.
- **Provide timely services from early pregnancy.** Early support would enable adequate time to identify and address whānau needs, build parenting confidence, and engage whānau and support people in pre-birth planning.
- **Provide ecological, long term, intensive and tailored services.** A relational approach that builds respectful, whānau-like relationships, works intensively in the home setting, and addresses the individual situational stressors affecting parenting capacity is required.
- **Build social cohesion through community development to strengthen whānau and community networks for families.** Networks need to be strengthened for families with multi-generational ties to the foster care system or who have experienced other life events that have fragmented their informal networks.
- **Address stereotypes and risk proxies that serve to increase inequities in removal, especially for Māori whānau.** A decision for removal based on recorded family history (that often fails to recognise increasing protective factors or life changes), a history of being in care, and higher risk perceptions if people have engaged multiple services, serves to increase inequities for Māori<sup>1</sup> and other groups, such as people with disabilities.

<sup>1</sup> The move away from an emphasis on deficits and risks towards one of needed support aligns with the social model of disability adapted to the child protection context [www.od.govt.nz/guidance-and-resources/guidance-for-policy-makers](http://www.od.govt.nz/guidance-and-resources/guidance-for-policy-makers)

## Key findings for practitioners who work with whānau:

- **Adopt a holistic rights-based approach, as opposed to a risk-based approach to practice.** Taking a rights-based approach moves the focus of practice away from establishing risk and demanding compliance, to a focus on what practices, services and resources are needed to ensure the rights to parent one's child, Indigenous peoples' collective rights to self-determination (per UNDRIP), Treaty-based rights of rangatiratanga over kāinga, and children's rights to be parented safely are upheld.
- **Adopt a whānau-centred practice orientation.** Understanding whānau-defined needs and priorities and supporting the whole whānau where possible, is likely to help prevent baby removal.
- **Take a strengths-based approach to support parent capability.** Focusing on parent's current capabilities, their care and commitment to children, and their aspirations and strengths will help to build parenting confidence.
- **Focus on building whānau social networks.** Whānau social networks are essential for providing stress-reducing support to parents and sustaining positive changes in parenting capability over time.
- **Understand and address barriers to whānau engagement in services.** Barriers to address may be caused by material factors (e.g. lack of transport); fear of retribution from personal issues being surfaced (e.g. alcohol or other drug dependencies); or discrimination (e.g. towards people who have a disability).
- **Ensure practitioners are parenting, experienced and culturally responsive.** Parents may engage better with practitioners who are/have been parents or share the same cultural values. Practitioners need the expertise and cultural capabilities to strengthen, build and maintain relationships with whānau throughout the parenting journey.
- **Use rigorous and fair assessment processes.** Include whānau in decision-making, incorporate procedural fairness, and ensure processes are transparent, consistent and realistic.

## What should Aotearoa New Zealand do?

To ensure an effective approach to prevent removal, findings suggest the need to:

- **Clarify the boundaries and purpose of the child protection system.** Hapū, iwi and Māori collectively, as Te Tiriti o Waitangi partners, have the right to tino rangatiratanga over kāinga, which includes authority over the way tamariki and rangatahi are raised and kept safe. They and others who are (or ought to be) part of the child protection system, need to be brought together to explore a shared understanding of the system's purpose and roles within it.
- **Develop shared principles to guide communication between organisations and practitioners working with whānau.** This would provide a framework to ensure that quality information supports decisions about removal, and support is delivered in a timely and culturally appropriate way, to empower whānau and address any barriers to service access.
- **Develop a monitoring and evaluation framework to guide the collection and reporting of data, for ongoing improvement and accountability purposes.** Such a framework would need to monitor the quality of processes, outcomes and timelines for change that are defined with Māori (and other groups), and adopt a developmental approach to monitoring and evaluation for ongoing learning to meet the system's purpose. Evaluation needs to focus on the long-term outcomes for babies and their whānau across a range of trajectories.
- **Include community development as an important aspect of prevention.** Building sustainable social networks of support for very isolated whānau, and improving neighbourhood social cohesion are often ignored, yet vital elements for prevention.
- **Ensure intensive, ecological services are equitably available to all whānau in need** These intensive services are not consistently available for those who need them in Aotearoa New Zealand – disadvantaging those with limited access but high needs.
- **Create system-wide workforce development opportunities to better embed the Tiriti o Waitangi articles and 'everyday parenting in ecological contexts' concepts.** Workforce development can increase practitioner's understanding of Māori rights of tino rangatiratanga, and the nature of parenting in contexts that can enable or hinder parenting capacity.
- **Incorporate parent and whānau perspectives into system design, advocacy and practice guidance.** Whānau participation in system design, oversight/accountability processes, practice guidance and peer advocacy will provide key insights for improvements that ensure relevance, effectiveness and accountability.

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## Context

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