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Maori Affairs Committee Secretariat,
Bowen House,
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**Inquiry into the Social Determinants of Wellbeing for Maori children:
Submission No 2 Vulnerable Children Shuttleworth P**

PART A BACKGROUND

PURPOSE

The Green Paper for Vulnerable Children identifies numerous situations where the wellbeing of children was not evident. That Paper does not define vulnerable children, This inquiry by implication needs to consider those Maori children whose wellbeing is challenged.

This paper looks at some of the issues involved for Maori children from a layman's point of view taking into consideration the Convention on the Rights of the Child. Its purpose is to provide a check list of topics that may need to be considered

PART A POSSIBLE DEFINITION FOR VULNERABLE CHILD

A vulnerable Maori child is one for whom there is a significant concern about factors impacting on their safety, development and wellbeing which if left unaddressed may harm a child and/ or prevent a child from reaching their full potential.

The UK Parliament addressed the issue and Appendix 1 has the text.

CONVENTION ON THE RIGHTS OF THE CHILD (UNCROC)

This Convention sets out a vision to identify the wellbeing of children with 42 relevant Articles. Some of those are:

Article

- 2 Non discrimination
- 3 Best interests
- 5 , 9, 18, 19, 23, 24 Parental responsibility
- 6, 26 & 27 Social Security and Standard of Living
- 6.2 Survival and development
- 9, 20, 25, 37, 39 & 40 Juvenile Justice, Care & Protection
- 12 Voice of the child

19, 32-36, & 39 Avoidance of abuse, sexual exploitation
22 Refugees
23 Disabilities
24, 25 & 33 Health
28 & 29 Education

CAUSATION OF VULNERABILITY

The Ministry of Justice paper “Who is vulnerable” paragraph 3.1 has a definition:
“Families and children who are ‘vulnerable’ are those who are most at risk of adverse outcomes, such as poor health, low educational attainment, unemployment, economic disadvantage, or being a perpetrator or victim of crime”.

Table 1 (Appendix 2 below) of that paper sets out four column factors: Child characteristics, Parents and their parenting style, Family factors and life events and Community factors. The paper then goes on to study those who are “Hard to reach”.

Other factors that may influence outcomes are

- a) identification of potential vulnerability at the earliest stage. This may be age dependant or circumstance of environment/family e.g. poor water, poor air quality, family stress
- b) inability to connect with appropriate services either through lack of knowledge, carelessness, inadequate income, poor service provider communication
- c) adverse peer circumstances particularly as evolving capacity increases
- d) social environment that forsakes social conscience e.g. anti social gangs
- e) failure of service providers to act professionally or remain in a silo parameter
- f) failure of respect for cultural norms
- g) Lack of funding either for parents/caregivers or service providers.

In the Human Rights Commission “Briefing to Incoming Minister”, page 3 with reference to Special Education there is an expression for students with “a significant physical, sensory, neurological, psychiatric, behavioural or intellectual impairment”.

Appendix 3 has a definition of violence.

PART B SITUATIONS OF VULNERABILITY

I have identified possible situations where vulnerability may occur. In many cases the issue is well debated and needs no further comment. In other cases some explanatory note is provided.

Abuse and Neglect: See Child abuse

Adolescent health. See also Health, Young Adolescence

Often raises issues around sexual health, alcohol, drugs

Adoption

As children move to adolescence issues of identity can arise, especially where the current law is inadequate for Maori custom

Age Discrimination See also Discrimination

See for instance Child labour where there is no protection for those under 16 for minimum wage

Alcohol: Alcohol use in adolescence. See also Health, Young Adolescence

Breastfeeding

Lack of breastfeeding has been identified with increased health risks

Bullying: Bullying in adolescence. See also Education, School Discipline

Either physical or mental bullying is unacceptable and the recent reporting of mobile phone technology has increased publicity

Cannabis: Cannabis use in adolescence**Child Abuse. See also Domestic violence, Rehabilitation, Sexual exploitation, Violence against children****Child Labour/ failure to ratify LO 138**

Lack of a minimum wage for those under 16 years and no minimum age for employment. can lead to abuse

Child Neglect**Child Poverty****Child Prostitution. See also Sexual exploitation, Trafficking**

Indications are that there are under 18 year old prostitutes. The Government has not met the four recommendations of the Prostitution Law Reform review

Child Support (maintenance)

There is a serious amount of money due not paid by the parent in New Zealand or overseas

Child witness/victim

Although legislation has improved there are still issues to be addressed. Submissions for the Victim of Crime Reform Bill are expected.

Children of prisoners**Children in care of CYF. See also Fostered children****Children in detention or before the Courts: see Juvenile Justice****Christchurch children affected by the earthquakes**

Apart from the media reports on school dislocation there is yet to be a study on the physical and mental outcomes of those children

Conduct Problems: Childhood. See also Early years problems

The term used in "Improving the Transition"

Corporal Punishment

Legislation has improved the protection of children but a section of the community still wants the law nullified.

Culture:. See Maori,**Definition of the child**

Children not protected by the State e.g. 17 yr olds outside CYF jurisdiction who need protection

Depression in young people. See also suicide**Detention of children- asylum seekers****Detention of children in or before the Courts see Juvenile Justice****Detention of children- police cells See IPCA- JTR Review, OPCAT****Detention of children under mental health Acts: OPCAT****Digital Media: Adolescents and digital media**

Incorrect use of technology can expose children to abuse

Disabled children. See also Education, Special education,

This is a complex area for health, education and caring issues and involves support for parents/ caregivers

Discrimination. See also Disparity of Outcomes, Non Discrimination**Disparity of outcomes. See also Discrimination, Non discrimination**

A major issue for health and education issues particularly for Maori children

**Domestic violence and child maltreatment. See also Child abuse
Drug related problems. See also Health, Young adolescence**

Early Childhood Education

Issues around access

Early years problems. See also Conduct problems

Referred to in "Improving the Transition"

Education See also Bullying, School discipline, Sexual health education, Teen parents

Educational outcomes

Any student who is not achieving at school (to their full potential)

Education outcomes in adolescence for Maori students

Exploitation: general

Family Court

A review seeks to improve processes for children coming before the court

Family environment- assistance

A complex range of issues concerning the family environment that mitigates child wellbeing, with the associated challenges of identifying and supplying appropriate assistance

Family Group Conferencing

Although conceptually well received there are issues that need to be addressed

Forms of violence

See Appendix 3

Fostered children. See also Children in care of CYF

Much work remains to be done to continue progress to establish a stable environment for some of the children.

Gang children

Not well documented but a situation prone to difficulties for children involved

Gay, lesbian and transgender children

Depending on the family recognition and response adverse outcomes are possible with personal difficulties and social environmental factors (bullying)

Health. See also Adolescent health, Drugs, Infant Mortality, Sexual health, Smoking, Teen parents

Homeless children. See Right to Life, Child Poverty, Child abuse

Housing

Issues here are poor quality housing (dampness, lack of maintenance) and overcrowding. examples of medical outcomes: meningococcal disease, rheumatic fever, tuberculosis, mastoiditis (NZ Herald 9 Feb 2012).

Immunisation

Although rates for 2 years old at 91% are increasing towards the 95% target, pockets of resistance/failure to immunise puts the individual and society at risk

Infant mortality: see also Health

Information sharing to protect children. See also Privacy

IPCA- Joint thematic Review children in police custody. See also Detention

A report is due mid 2012

Institutional Reviews. See also, Children in care of CYF, OPCAT

Reports are helpful in identifying cases of breach of safety/wellbeing and their monitoring are

essential to protection

Juvenile Justice. See also children in detention, OPCAT, Police Cells, and the lack thereof (regarding the exceptions to youth court jurisdiction e.g. murder/ manslaughter/minor traffic/referrals to District/charged as adult if not youth age at time of charge)

Legislation

Impacts on defining vulnerability and legal obligations of children, parents or caregivers

Life skills: The value of evidence-based life skills education

Identified in "Improving the Transition"

Mandatory Reporting. See also Information sharing

Concept addressed in the Green Paper, primarily for abuse

Maori/indigenous children. See also Culture, Special Rapporteur

Serious concerns for poor outcomes on a number of health and education circumstances and responses to juvenile justice

Media: Adolescents and the media: consequences and policy implications

Identified in "Improving the Transition"

Never shake a baby. See also Child abuse

A media programme to improve abuse outcomes

Non Discrimination: including refugees, immigrants, gender related issues

Research papers identify that discrimination is still apparent.

This include discrimination on the basis of age i.e. is a vulnerable young person one whom stereotypes / unjustifiable attitudes have been portrayed in the media

Not in Education, Employment or Training (NEET)

Children possibly with no commitments and therefore easily bored

Obesity: Adolescent obesity: prenatal and early life determinants of metabolic compromise. See also Health

Quoted in "Improving the Transition"

Operation 8 Ruatoki: Urewera Trial

Arising from events in 2007 a trial is currently before the Courts. It is alleged that during the police operation children were poorly treated. Subsequent to the completion of the Trial reports from the Human Rights Commission and Independent Police Complaints Authority are expected.

Optional Protocols (CRC)

Children in Armed Conflict (OPAC)

Sale of children (OPSC)

Ratified in 2011 work should commence in 2012/3 on the Initial report consultation

Optional Protocols (Other)

Convention Against Torture (OPCAT)

Annual report at 30 June provides evidence of outcomes for detained children

Orphans: see Children in care of CYF

Parents See also **Family environment**

Parents In prison: See **Children of prisoners**

Police Cells- Children. See **ICPA JTR, Juvenile Justice,**

Although numbers detained are reducing the ICPA JTR report should provide important information

Preservation of Identity

This may arise in formal or informal adoption processes, or in blended families

Puberty: Puberty and adolescence: transitions in the life course

Raised in “Improving the Transition”

Rehabilitation of victims. See also Child abuse

There is concern that some services are not available, particularly in remote areas, partly through absence of trained staff and partly through lack of money

Resiliency

Part of coping with adversity is resilience. Conversely lack of resilience may mean for individuals remaining vulnerable

Rural communities

Studies have identified that rural communities lack resources to cope with vulnerable children.

School discipline, suspensions and expulsions. See also Education, Truancy

Self Control

A basic requirement of members of society is self control. Failure for this to develop will not be conducive to coping with evolving capacities of the child.

Sensitive Claims ACC (abuse/sexual abuse)

This issue arose when Government withdrew support services

Service Delivery.

The effectiveness of service delivery affects the outcome for vulnerable children and their families.

Sexual exploitation. See also Child abuse, Child prostitution

Sexual health; sexually healthy young people. See also Health

Smoking: Smoking impacts on adolescents development. See also health

Social competence: Social and emotional competence - intervening in infancy

Social security. See also Child Poverty

Special Education needs: See Disability and Education

Suicide, attempted suicide. See Depression

Tasers

There is no minimum age for police to use Tasers

Teen parents: see also Health, Education

Torture, cruel, inhuman or degrading treatment. See also Juvenile Justice, OPCAT

Trafficking. See also Child prostitution, Sexual exploitation

Transition. See also Young adolescents

For those young people on the verge of becoming adults who, for whatever reason, might not attain an adult capacity by the time they reach chronological adulthood (providing for a loose

transitory period of vulnerability extension from e.g. 18-25, or also allowing for social misconduct by those who are adults, but who have been influenced by harmful societal attitudes as children e.g. 18-25 year olds susceptible to alcohol abuse

Truancy. See also Education, school discipline

Unemployed youth (to age 18). See also Child labour, Not in Education,

Unemployment of youth in some areas/ethnicity is up to 22% and the peer factor in local areas can be disruptive.

Violence against children. See also Child abuse, Sexual exploitation

Welfare Working Group

Concern has been expressed that outcomes may put children at risk

Young adolescence. See also Drugs, Education, Health, Smoking, Truancy

Being a time of evolving capacity there are always risk factors to be considered

AUTHORS NOTE

I am a layman interested in UNCROC and have been involved in child advocacy on a voluntary basis for 8 years. I leave to professionals the technical aspects of the definition and response to vulnerable children.

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REFERENCES

Inquiry into the Social Determinants of Wellbeing Maori Select Committee

http://www.parliament.nz/en-NZ/PB/SC/BusSum/9/d/f/00DBSCH_INQ_11080_1-Inquiry-into-the-determinants-of-wellbeing-for.htm

The Green Paper for vulnerable children

<http://www.childrensactionplan.govt.nz/>

Ministry of Justice- "Who is vulnerable or hard to reach"

<http://www.justice.govt.nz/justice-sector/drivers-of-crime/documents/>

[Vulnerable%20and%20Hard%20to%20Reach%20Final%20Report%20-SL%20Changes.pdf](http://www.justice.govt.nz/justice-sector/drivers-of-crime/documents/Vulnerable%20and%20Hard%20to%20Reach%20Final%20Report%20-SL%20Changes.pdf)

Sir Peter Gluckman: Improving the Transition

<http://www.pmcsa.org.nz/wp-content/uploads/Improving-the-Transition-report.pdf>

Action for Child Protection Inc : "The vulnerable child" -:safety assessment 2003

<http://www.actionchildprotection.org/PDF/Feb2003TheVulnerableChild2.27.pdf>

Vulnerable C : Health Professionals Victoria Australia- vocabulary

<http://www.vfpms.org.au/childrenatrisk/vuln.htm>

Vulnerable Children and Youth Studies

An International Interdisciplinary Journal for Research, Policy and Care

<http://www.tandf.co.uk/journals/titles/17450128.asp>

APPENDIX 1

UK Parliamentary Business

<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmwelaf/576/57605.htm>

Select Committee on Welsh Affairs Fifth Report

2 Definitions of terms used in the proposed Order

The definition of "vulnerable children"

43. An addition to the proposed Order when published in its revised form was the inclusion of a definition of the term "vulnerable children",^[55] as follows:

"vulnerable children" means children -

- (a) who are unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for them of social care services,
- (b) whose health or development is likely to be significantly impaired, or further impaired, without the provision for them of social care services,
- (c) who have a physical or mental impairment,
- (d) who are in the care of a public authority, or
- (e) who are provided with accommodation by a public authority in order to secure their well-being.

44. The Explanatory Memorandum notes:

Vulnerable children are defined within the Order ... to relate to the needs of a diverse range of children: any child in need (including disabled or very sick children), children on the periphery of care, in care, or who have left care. It is drafted so as to include support to parents who may need help for their mental health, substance misuse, learning disability, poverty or other problems that may affect a child's opportunities and wellbeing.^[56]

45. The Deputy Children's Commissioner, while concerned that the definition

contained in the Explanatory Memorandum was too narrow,[57] said in evidence to us that she was now "broadly satisfied" with the definition contained in the revised Order itself.[58] **We believe that the inclusion of a definition of the term "vulnerable children" is a significant improvement to the proposed Order as revised, and agree with the Deputy Children's Commissioner that the definition provided is satisfactory.**

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**APPENDIX 2
 EXTRACT**

Who is vulnerable or hard-to-reach in the provision of maternity, Well Child and early parenting support services?

Table 1: Risk factors in early childhood associated with adverse outcomes

| Child Characteristics | Parents and their parenting style | Family factors and life events | Community factors |
|--|---|--|---|
| <ul style="list-style-type: none"> • Low birth weight • Birth injury • Disability • Chronic illness • Delayed development • Low intelligence • Difficult temperament • Poor attachment • Poor social skills • Disruptive behaviour • Impulsivity | <ul style="list-style-type: none"> • Single parent • Young maternal age • Depression or other mental illness • Drug or alcohol abuse • Harsh or inconsistent discipline • Lack of stimulation of child • Lack of warmth & affection • Rejection of child • Abuse or neglect | <ul style="list-style-type: none"> • Family instability, conflict or violence • Marital disharmony / divorce • Disorganised • Large family size / rapid successive pregnancies • Absence of father • Very low level of parental education | <ul style="list-style-type: none"> • Socio-economic disadvantage • Poor housing conditions |

APPENDIX 3

FORMS OF VIOLENCE: CRIN

<http://crin.org/violence/formsofviolence/index.asp#settings>

Forms of Violence

Defining "Violence"

The UN Study on Violence Against Children was informed by the concept of violence reflected in the Convention on the Rights of the Child, especially in articles [19](#), [34](#) and [37](#), other human rights treaties and human rights instruments such as the 1993 [Declaration on the Elimination of Violence against Women](#).

In accordance with article 19 of the Convention and the work of the Committee on the Rights of the Child, violence, for the purpose of the study, included:

"all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse"

The study was also underpinned by the general definition of child abuse agreed by the experts participating in the WHO [Consultation on Child Abuse Prevention](#) in 1999:

"child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power."

The settings of the Violence Study

By 'settings' we are referring to subsections, or areas of study in which violence may occur. You can also view relevant resources linked to each setting in the CRIN database. Or use the [Search](#)

1. [Violence in the home and family](#): Includes infanticide, physical, psychological and sexual violence [\[view relevant resources\]](#)
2. [Violence in schools and education settings](#): This includes violent and humiliating discipline, physical, emotional, and sexual violence and harassment, and bullying in special schools (including military schools) and mainstream schools. [\[view relevant resources\]](#)
3. [Violence in institutions](#): Includes violence in alternative care situations such as orphanages, foster and other care homes, NGO shelters, and institutions for disabled children and young people. [\[view relevant resources\]](#)
4. [Violence in the community and on the streets](#): Including children in conflict with the law, gang violence and children and young people involved in organised crime, but not "war" situations. Also includes private security guards, death squads and vigilantes, as well as harmful traditional practices. [\[view relevant resources\]](#)
5. [Violence in work situations](#): Includes children in domestic work, trafficking (for forced labour and sexual exploitation), commercial sexual exploitation, (includes sex tourism), and child labour in hazardous conditions