

Whānau Ora Partnership Group

Terms of Reference

1. Background to Whānau Ora

Since its inception in 2010, the Government's investment in Whānau Ora has focussed on achieving outcomes for whānau through effective service provision. With whānau-centred service delivery progressing well, the Government agreed to focus investment on supporting whānau to become more confident about making decisions to improve their lives and for developing the skills and accessing the support to achieve their goals.

The Government also accepted that it needed to reduce unnecessary compliance and bureaucracy while improving funding and accountability mechanisms to enable Whānau Ora to become more successful. Three Whānau Ora Commissioning Agencies have been established as part of the improved efficiency and accountability drive. These are:

- Te Pou Matakana;
- Te Putahitanga o Te Waipounamu; and
- Pasifika Futures.

Iwi have a particular interest in the wellbeing and prosperity of their whānau, hapū and communities. Te Tiriti o Waitangi (The Treaty of Waitangi) forms the underlying foundation of the Crown-Iwi relationship. The next transformative phase for Whānau Ora will be led by a new Whānau Ora Partnership Group, comprising Iwi Chairs and Ministers of the Crown (Ministers). This group supports the new accountability and institutional arrangements for Whānau Ora and represents the shared interest and desire for tenable and long-term solutions in respect of whānau well-being, prosperity and independence.

2. Purpose

These terms of reference formalises the relationship between Iwi Chairs and Ministers. The Whānau Ora Partnership Group has two key roles:

- 1) Set the direction for Whānau Ora by:
 - i. establishing agreed Whānau Ora outcomes;
 - ii. agreeing on key Whānau Ora priorities; and
- 2) Oversee the progress and success of Whānau Ora by:
 - i. monitoring progress toward achievement of Whānau Ora outcomes;
 - ii. identifying emerging opportunities and trends that may impact or contribute to the success of Whānau Ora.

Fundamentally these terms of reference will support Iwi Chairs and Ministers to be informed and engaged on Whānau Ora in good faith and confidence.

3. Values

The Whānau Ora Partnership Group exemplifies a Te Tiriti o Waitangi (The Treaty of Waitangi) based relationship and is underpinned by the following key values:

- I. Whānau ngatanga (Cooperation)**
 - The Whānau Ora Partnership Group, when giving effect to the values within these Terms of Reference, accept that each must work within statutory frameworks
- II. Tika (Transparency)**
 - The Whānau Ora Partnership Group will guide decision making for the development of opportunities that provide certainty of outcomes
- III. Rangatiratanga (Accountability)**
 - Nothing in this agreement shall diminish the rights of Iwi Chairs to exercise their Rangatiratanga over those matters that are confirmed as part of an Iwi's Settlement legislation

These values underpin all the matters outlined in these terms of reference to enable a partnership between Iwi and Crown of good faith, trust and confidence.

4. Role and Responsibilities

The Whānau Ora Partnership Group will act as a high-level forum to inform complimentary effort across ministerial portfolios and to identify opportunities between Iwi and the Crown to support shared development, aims and aspirations. Responsibilities to deliver on this role include:

- Developing a strategy that ensures the sustainability of Whānau Ora;

- Building Iwi and Crown collaboration on their shared and respective priorities for whānau;
- Informing the development of the Minister for Whānau Ora's priorities for incorporation into the annual Whānau Ora funding and commissioning agreement with the respective Whānau Ora commissioning agencies; and
- Sharing information on complimentary initiatives and approaches across sectors.

5. Membership

The Whānau Ora Partnership Group consists of equal membership comprising representatives from the Iwi Chairs Forum (identified by the Iwi Chairs Forum), and Ministers. The Chair will invite the following Ministerial portfolios to represent the Crown:

- Minister for Whānau Ora (Chair) or Minister of Māori Affairs
- Minister of Finance
- Minister of Education
- Minister of Health
- Minister for Social Development
- Minister for Business Innovation and Employment

Six positions will be reserved for representatives from the Iwi Chairs Forum and will be appointed by the Minister for Whānau Ora on advice from the Iwi Chairs Forum.

6. Term of Appointment

Appointments to the Whānau Ora Partnership Group will be up to a three year term.

7. Engagement Protocols

Good faith engagement and informed communication between Iwi Chairs and Ministers is critical as members on the Whānau Ora Partnership Group. This is an important step in the process of addressing tangata whenua values and interests in Whānau Ora and achieving shared outcomes.

There are three key desired outcomes underpinning the protocols for engagement:

1. to enable informed engagement between Iwi Leaders and Ministers with the aim of finding mutually acceptable solutions to the development and success of Whānau Ora;
2. to ensure Cabinet decisions on policies related to the success of Whānau Ora is informed by iwi views; and

3. to ensure Iwi Leaders and Ministers can engage on Whānau Ora issues in good faith and with confidence.

7.1 Engagement Scope

The scope for engagement between the Iwi Chairs and Ministers covers discussions and agreed actions regarding Whānau Ora. It covers advice prior to Cabinet decisions on Whānau Ora.

Certain issues will fall outside this scope for engagement, although this does not prevent these matters being discussed between parties if and when they arise. Parties can table, discuss and agree to new issues arising which fall outside the scope of the Protocol.

7.2 Engagement between the parties

All engagement and discussions are to be conducted in good faith, with transparency and openness in the exchange of information. The parties agree that information disclosed will only be used for mutually constructive purposes and will not be disclosed to any individual or entity not subject to these terms of reference without the consent of the party that supplied the information.

Effort will be made to ensure there is the earliest opportunity for engagement and input. Where there are drivers which require a response within a certain timeframe, this will be disclosed in order to avoid a situation where feedback is unable to be incorporated into any relevant consideration or decision-making.

7.2.1 Ministers of the Crown Responsibilities

Where the Iwi Chairs request access to a draft Whānau Ora related Cabinet paper prior to consideration of the paper by Cabinet, lead Ministers will determine access to this on a case by case basis. The Iwi Chairs will have the opportunity to ensure their views are accurately represented prior to them being considered by Cabinet.

Ministers are clear that engagement with the Iwi Chairs through this forum does not preclude the Crown from consulting with other iwi or iwi representative groups. The Crown is aware of the necessity for engagement with iwi on a wider scale and will carry out such engagement at the appropriate time(s).

7.2.2 *Iwi Chairs Responsibilities*

The Iwi Chairs accept that they do not have a mandate to make binding agreements on behalf of other iwi and acknowledge that Government may have wider engagement with iwi where necessary in the ongoing development of Whānau Ora policy.

The Iwi Chairs accept that Settlement Legislation (for those Iwi who have completed settlement) does not prevent Iwi from consulting with other Ministries. Iwi are aware (as is the Crown), of the necessity for engagement with other Ministries on a variety of issues and will carry out such engagement at the appropriate time(s).

The model for engagement is appended to the Terms of Reference.

8. Meeting cycle

The Whānau Ora Partnership Group will have a four-monthly meeting cycle per annum focusing on the following:

- i. **First meeting:** identify and agree on key outcomes and priorities;
- ii. **Second meeting:** monitor performance and identify any emerging opportunities and trends; and
- iii. **Third meeting:** review performance.

To ensure Whānau Ora aspirations are fully considered and included in government funding and planning decisions, the meeting cycles will enable timely input into the annual purchasing agreement cycles between Ministers and government departments.

9. Confidentiality

In order to engage effectively, all parties need confidence that sensitive information will be received with an undertaking of confidentiality. If confidence is lost, it will become difficult to continue good faith engagement.

As such, parties' must keep confidential and secure, any information exchanged under this Protocol which would reasonably be expected to be sensitive or confidential (for example, identified by a statement of "IN CONFIDENCE"). If disclosure, use of circulation of such information is to occur, prior consent from the party that provided the information is required. Unless expressly indicated otherwise, all information should be treated in confidence.

10. Publicity

To maintain the confidence of both parties and as a matter of good faith, any party to this Terms of Reference will notify the other party prior to making any public comment or statements regarding matters being discussed under this Terms of Reference. In particular, the consent of the other party is required before either party may discuss the position of the other party publicly, including in any proceedings before the Waitangi Tribunal or the Courts.

11. Secretariat

Te Puni Kokiri will provide administrative support to the Whānau Ora Partnership Group. This role will include:

- Scheduling and coordinating Whānau Ora Partnership Group meetings;
- Taking minutes of discussions and key decisions of the Whānau Ora Partnership Group;
- Arrange travel and accommodation for members living outside of Wellington to attend Whānau Ora Partnership Group meetings;
- Administering payment of fees for Iwi Chairs and arranging reimbursement of reasonable expenses; and
- Administration of resources as negotiated and agreed to by the Whānau Ora Partnership Group.

12. Whānau Ora Partnership Group Officials

To enable the Whānau Ora Partnership Group to undertake their role and responsibilities they will be supported and informed by their respective officials comprising iwi technical advisors and crown officials.

All officials will meet regularly at mutually agreed times to report on the following:

- Information on upcoming Whānau Ora meetings/hui, events, announcements and speeches;
- All foreseeable input likely to be required before the next scheduled meeting;
- Updates on national policy related to Whānau Ora and related processes;
- Updates on engagement with wider iwi; and
- Other information as agreed.

The Whānau Ora Partnership Group will mutually negotiate and agree on resources required for officials to support the Whānau Ora Partnership Group. Key areas of resourcing will include:

- i. **Administration:** actual and reasonable travel-related costs incurred by officials to the Whānau Ora Partnership Group to fully discharge their functions;
- ii. **Advisory:** actual and reasonable costs to provide specialist expertise, knowledge and advice by officials to the Whānau Ora Partnership Group in order to fully discharge their functions; and

- iii. **Special Projects:** specific projects that have been mutually negotiated and agreed to by the Whānau Ora Partnership Group.

13. Remuneration

Iwi members on the Whānau Ora Partnership Group will be paid a daily rate for work related to preparing for, and attending the Whānau Ora Partnership Group meetings in accordance with the Cabinet Office Guidance of Fees and Allowances for their participation.

14. Review

The Terms of Reference will be reviewed jointly by the parties on an annual basis or other term as desired following the anniversary of the date of signing this Engagement Protocol.

Appendix: Engagement Model

