



MANAAKITIA A TĀTOU TAMARIKI

**Children's
Commissioner**

Maiea te Tūruapō **Fulfilling the Vision**

**SUPPORTING YOUNG PEOPLE WITH AT-RISK BEHAVIOUR TO
LIVE SUCCESSFULLY IN THEIR COMMUNITIES**

Office of the Children's Commissioner

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STATE OF CARE AT A GLANCE

This State of Care report falls naturally into three parts.

Part One, the Commissioner's Statement, contextualises the revised 1989 Oranga Tamariki Act, and in particular Section 7AA*¹. It anchors the Act's potentially revolutionary character within the genius of the 1989 Children, Young Persons and their Families Act that held great promise but never gained the traction originally intended. Specifically, it addresses the potential for community group homes* conceived and run in partnership with iwi and Maori organisations.

It also reflects on the ground-breaking opportunities the revised Act offers iwi, hapū, whānau* and other communities. These opportunities encompass critical roles each of these groups can play in the care, support and restoration of their children and young people.

Part Two provides guidance at a practical level about how care and support within the context of community based group homes can contribute to a future where children in care can thrive. This section is based on interviews with children and young people in care contexts, as well as with adults who have been part of these young people's lives.

It identifies and explains 21 desired experiences young people with alleged offending or at-risk behaviour* believe will contribute to their rehabilitation. Delivery of these 21 desired experiences would be a signal that some of the opportunities offered by the revised 1989 Oranga Tamariki Act are being grasped.

Part Three of the report identifies further signs that the new landscape of care, born of the revised Oranga Tamariki Act (1989), is taking shape.

It emphasises a call for genuine partnership with iwi and Māori agencies. It underscores that this partnership must find expression at the local level in the way care is provided, who is providing it, how it is experienced and what difference it makes.

The final recommendations point to some specific actions Oranga Tamariki can take to give expression to the intention of the Act.

RECOMMENDATION ONE:

We recommend that Oranga Tamariki ensures the 21 desired experiences are delivered for all young people living in community group homes, using the findings in Part Two, as good practice guidance.

RECOMMENDATION TWO:

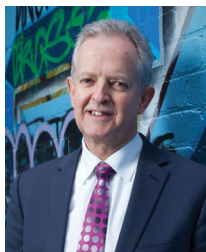
We recommend that Oranga Tamariki continues to expand the number of community group homes, so that the specialised care needs of young people with alleged offending or high risk behaviour can be met within their local communities.

RECOMMENDATION THREE

In accordance with the new Section 7AA of the Oranga Tamariki Act 1989, we recommend that Oranga Tamariki engages proactively in strategic partnerships with iwi and Māori organisations, to improve outcomes for tamariki Māori, including those living in community group homes.

*¹In this report, an asterisk signifies words that are defined in the glossary in Appendix One

PART ONE: Commissioner's introduction



“The future is not something we walk into, it is something we create”

— Rangatahi, Breakfast event at New Zealand Parliament, August, 2017.

While our footsteps inevitably lead from the past into the future, sometimes staying on the same track leads us away from the potential the future holds.

This report in our State of Care series is about taking deliberate steps to change our path, moving our thinking and action away from the past and towards a revolutionary new landscape. It indicates the significance and potential of the revised Oranga Tamariki Act 1989, for the way whānau and family groups, hapū, iwi and communities are supported and resourced to care for their tamariki.

This new path leads to greater opportunities for our children, their families and communities. It opens up the way for us to provide the love, nurture, tailored support, identity and belonging children and young people need to live flourishing lives.

A central element in this change of track is the shift away from placing young people in large secure residences* which are now outmoded. Historically, these have been the state's default option when providing custodial care for children and young people with alleged offending or seriously at risk behaviour.

The evidence is clear that in most cases young people who are alleged to have offended should be placed back into their own communities, with plans that support them and their families for change. However, we recognise that a much diminished provision of residential care will probably always be necessary in the youth justice setting.

It is worth emphasising that having more community group home options will reduce the need for the

Chief Executive of Oranga Tamariki to place young people who are alleged to have offended, in custodial youth justice institutions. That will free up bed space in these institutions which will, in turn, make the use of adult police cells, usually necessitating solitary confinement for young people who are alleged to have offended. If the recommendations of this report are followed, the option to remand young people into police cells by the youth court can be removed from the statute books.

In respect of care and protection, the tide is going out on residential care. We look forward positively to the five national care and protection residences being phased out over time (Refer to Appendix Three).

The community group homes we focus on in Part Two of this report offer an important alternative to institutional residential care when a specialised and professionally supervised and supported care or custody arrangement is required. We are encouraged to see that Oranga Tamariki has started to increase investment in this option, beginning the work to develop community based alternatives to residential placement. The desired experiences we have learned about must be a central consideration when developing any type of community based non-kin care option.

Community group homes sit within a set of care options for children and young people that urgently needs to be expanded. These small family-like care environments offer a much preferable alternative to large institutional residential care facilities, when

children and young people are facing serious challenges and need intensive support and oversight.

Building this pathway towards a new landscape of care, including community group homes, is an essential part of our vision, to deliver on the 30 year old promise for radical change enshrined in the 1989 Children, Young Persons and their Families Act. In its approach to tamariki Māori, the original 1989 Act could be described as a statutory prescription for 'revolutionary change'. But this radical change was never implemented. The opportunity was missed.

Central to the vision of that Act was a fundamentally different approach to responding to the needs of Māori children and young people. It was a vision born out of deeply rooted community concern, particularly Māori concern, about the state's prevailing mono-cultural and institutionalised modes of intervention into the lives of Māori children and their whānau.

The genesis of this vision can be found, long before 1989, among Māori whānau, hapū and iwi, and formally in the seminal 1988 report, Puao-Te-Ata-Tu (Daybreak), commissioned by the then Department of Social Welfare. It envisaged a new order where the state assisted and worked in partnership with whānau, hapū and iwi whenever intervention into the lives of Māori children was required. Wherever possible, institutionalised responses were to be dispensed with. Whānau, hapū and iwi were to be resourced to care for and protect their young people and develop their own means of better supporting those who had offended.

Residences are purpose-built institutional facilities designed to provide safe and secure care for children and young people whose behaviour is a serious risk to themselves or others. In situations where it isn't safe or possible for a child or young person to live either with their parents or whānau, or in their community, they may be placed in residential care for a period of weeks or months. In some situations, a young person may stay in a residence for more than a year.

There are currently nine 'secure' residences in New Zealand, where young people cannot voluntarily leave. Four residences are for youth justice purposes and the other five are for care and protection purposes.

More information about residences can be found in the glossary.

Community group homes are based in the community and house up to five young people at a time. The term encompasses 'specialist group homes', 'supervised group homes', and 'remand homes'. They are designed to be home-like and are typically much smaller than residences. Some community group homes are managed by non-government organisations (under contract to Oranga Tamariki), and others are managed directly by Oranga Tamariki.

This inspired insight was faithfully translated into the 1989 legislation. It represented a new paradigm. It could, and should, have led to a 'revolution' within our youth justice and care and protection systems. But early signs of promise did not gain traction. Nor were the intentions of the Act embedded in policy or practice. Over the three decades since, it's potential to revolutionise our approach to state care withered on the vine.

Perhaps the primary problem was that the legislation was never truly understood, let alone properly resourced. I am confident in saying this because, from 2001 to 2016, I was Principal Youth Court Judge for New Zealand. I had a role in interpreting and overseeing the implementation of the Act. But, in retrospect, I realise I neither fully understood nor grasped its prescription for dealing with indigenous children and young people. For years I failed to accurately read a provision such as s.208(c) of the Act that:

"...any measures for dealing with offending by children and young people should be designed –

- 1. To strengthen the family, whānau, hapū and iwi and family group of the child or young person concerned; and,*
- 2. To foster the ability of families, whānau, hapū and iwi and family groups to develop their own means of dealing with offending by their children and young persons".*

It was as if the words hapū and iwi had been deleted from the text. Questions as to how what was proposed for a Māori young person who had offended served to strengthen the hapū and the iwi of the child, or enhance their ability to develop their own response to the offending, were seldom, if ever, seriously addressed.

To memory, I never read a social worker's report or heard a submission in the Youth Court that considered these issues in respect of hapū and iwi - only in respect of whānau. I can only speak for myself, but it was as if generations of youth justice and care and protection practitioners effectively

operated under a version of the legislation where certain recurring phrases such as 'hapū and iwi', words which appeared together 27 times through both the youth justice and care and protection provisions of the legislation were, for all practical purposes, missing. That said, the development of Rangatahi Courts, which rely on partnerships with hapū and iwi, (and s208(c)), has been a more recent catalyst for positive change.

It is deeply heartening that the revised Oranga Tamariki Act 1989 embeds the intentions of the original 1989 Act even more strongly. In addition to the now 32 references to the phrase 'whānau, hapū and iwi' throughout the revised legislation, it contains a new Section 7AA, creating Duties of the Chief Executive in relation to The Treaty of Waitangi (Te Tiriti o Waitangi). These duties significantly strengthen the legal obligations placed on the Chief Executive of Oranga Tamariki. However, it should be observed that this section does no more than make explicit that which was implicit in the original 1989 legislation.

We believe that, like 1989, this is a time of great potential for change. We are hopeful that the 'revolution' that stalled in the 1990s is ready to spark back into life. But to succeed it will require sustained and clear commitment over time from Oranga Tamariki and from all organisations with a critical part to play, including this Office. It will take determination and sustained effort to ensure that this time round the transformation is fully implemented, well-embedded and sustained into the long term future. For this reason, I have made advocating for improved systems, services and supports for mokopuna Maori* and their whānau my first priority for the current year (Refer to Appendix One for The Children's Commissioner's Top Priorities 1 July 2018 – 30 June 2019)

PART TWO of this report draws together 21 desired experiences for young people living in community based group homes. These findings are synthesised from evidence gathered from young people, whānau and trusted adults, during our monitoring work over the past 12 months. This includes two thematic monitoring reviews looking closely at the quality of

the services and care young people were receiving in several different forms of community based group homes. It also takes account of the many voices and views of children and young people who told us about what matters most for them, during our many monitoring visits to Oranga Tamariki residences over the past year.

These 21 experiences offer child-centred guidance on good practice and a vision for excellence for both current and future community group home care.

SECTION 7AA 2 (a), (b) and (c) place specific requirements on the Chief Executive in regard to Māori children and young people. Central to these obligations are duties to ensure that:

- (a) *the policies and practices that impact on the well-being of children and young people have the objective of reducing disparities by setting measurable outcomes for Māori children and young persons who come to the attention of the department*
- (b) *the policies and practices of (Oranga Tamariki) have regard to mana tamaiti (tamariki) and the whakapapa of Māori children and young persons and the whanaungatanga responsibilities of their whānau, hapū and iwi' (also included in Sections 2, 4 and 5 of the revised Act)*
- (c) *the department seeks to develop strategic partnerships with iwi and Māori organisations, in order to -*
 - (i) *provide opportunities to, and invite innovative proposals from, those organisations to improve outcomes for Māori children, young persons, and their whānau who come to the attention of the department*

PART THREE of this report takes account of the broader context that community group homes fit within. The phased closure of care and protection residences will mean more community group homes will be needed for those young people who have high needs and require specialised care. At present there are too few of these homes. These group homes should be in the communities of which the young people are a part so they can continue to live close to their families, whānau, and everyone and everything familiar to them.

When properly resourced and structured, community based care works best. It benefits not only the young people themselves, but also the communities of which they are a part. It makes it easier for children to return to their families and whānau, and makes our communities safer in the longer term.

And we cannot ignore the fact that the majority of the young people spending time in community group homes will be tamariki Māori. The revised legislative obligations for Oranga Tamariki, especially the new Section 7AA, mean that decisions on what future homes will look like, how they will be run and by whom, will need to be made in strategic partnership with local iwi and Māori organisations. We conclude this report with key recommendations to support the success of this new approach.

All children and young people, their families and whānau, deserve well resourced, safe and stable care and support. It must be care that is responsive to their cultural needs, underpinned with services and support that lead to healing from trauma and rehabilitation. This report, I hope, will be a practical contribution to that work.

***“Ka pū te ruha.
Ha hao te rangatahi”***

As the old net is laid aside,

A new net is remade.

– Te Rangi Hiroa, Sir Peter Buck

PART TWO: 21 desired experiences for young people cared for in community group homes

The 21 desired experiences at a glance

The 21 experiences described below are offered to help maximise the benefits for young people and whānau as the shift away from large scale institutional residential care gathers momentum. This shift is entirely consistent with our vision for a new landscape of care. We hope these experiences will inform, support and guide both Oranga Tamariki and the iwi, Māori and non-government organisations (NGOs) who will now, or in the future, be providing community based group home care in their communities.

They also have valuable lessons to offer for improving children and young people's experiences of residential care and non-kin foster care placements. This is especially true in relation to involvement of whānau, hapū and iwi for tamariki Māori and the management of young people's transitions in and out of those placements.

These 21 experiences are strongly based on the voices of young people we have interviewed. However, they also reflect contributions from whānau, caregivers and other trusted adults. These include teachers and mentors who have been closely involved in those young people's lives. The resulting set of experiences brings together their collective advice on what best enables young people to:

- **change harmful or offending behaviour**
- **keep themselves and others safe**
- **improve the trajectory of their lives and**
- **be supported to reach their potential**

The desired experiences identify what needs to happen during three stages:

- before these young people enter the community group home
- while they are living there and
- as they transition back to their families, whānau, hapū, iwi and communities.

These findings show us what best enables young people to gain maximum value from their time in a community group home. They point the way to a future where young people with at-risk or offending behaviour and those who require safe and specialised care, will find support and hope in local, small-scale, well supervised homes while remaining closely connected with their family, whānau, hapū and iwi, in the hearts of our country's communities.

Below, we unpack each of the 21 desired experiences for young people who are candidates for a community group home placement. While these experiences are focused on community group home care, they have relevance for all young people in care. The transitional elements have particular relevance for young people in institutional residential placements.

This section describes what good practice for a community group home looks like. We have been heartened by Oranga Tamariki's response to these experiences as described. The national youth justice team has already used them to inform the planning and design of new community group homes for young people remanded into the custody of the Chief Executive of Oranga Tamariki by the Youth Court

under s.238(1)(d)* of the Oranga Tamariki Act. The young people placed in these community remand homes would otherwise have been referred into institutionalised custodial care within a large Oranga Tamariki youth justice residence.

None of the 21 experiences identified below are ground-breaking. They could even be considered common sense. They are the same experiences young people have told us they want for years now, the same experiences identified in the 2015 Expert Advisory Panel report . However delivering these experiences is far from simple and will require a substantial focus over time.

These 21 experiences are clearly consistent with the amendments to the Oranga Tamariki Act 1989 as outlined in Part One of this report. They are also reflected in the new Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 which come into effect on 1 July 2019. These Care Standards clarify what Oranga Tamariki and its approved and contracted organisations who care for children and young people in state care or custody must do, to improve experiences and outcomes for young people in care. Appendix 2 shows the alignment between the 21 desired experiences and the Care Standards.

Overall, the desired experiences take into account the holistic needs of young people, their family and whānau, with the aim of supporting them to achieve positive outcomes. By taking account of young people's needs, at-risk or offending behaviour will reduce and young people will have improved long-term futures.

What these young people want for themselves is no different from what all children and young people want. Nor is it different from what we as adults want for young people: to be loved and respected; to be safe and protected; to be connected with their families and whānau; to be supported in their identity and culture; to have opportunities to grow and learn; to have access to the care and services they need; and to have people who never give up on them.

While some of these experiences are already well supported, there remain significant areas for development. We hope these 21 experiences will inform the transformation of Oranga Tamariki's new operating model for the delivery and contracting of care services. We hope too, that hearing what is most important for these young people will open a pathway for all organisations working with young people, their families and whānau, to contribute to the best possible outcomes for everyone.

Before I am considered for a community placement...



1. Support me and my whānau right from the start
2. Look hard for family, whānau, hapū, and iwi who can care for me
3. Make sure you have the right information to choose a community group home that is right for me
4. Keep me located close to my whānau
5. Make where I live feel like home

During my stay in a group home...



6. Make me and my whānau feel welcome
7. Explain to me and my whānau how the group home works
8. Understand my needs and help me to meet them
9. Help me to stay in touch with my family or whānau and the people I care about
10. Keep involving me and my whānau in decisions that affect me
11. Help me to learn about my culture and my whakapapa
12. Make sure staff care about me and respect me
13. Help me to learn new behaviours
14. Keep me safe from harm
15. Teach me life skills and let me have fun
16. Help me to get an education or training
17. Help me with my health issues
18. Help me and my whānau to make a complaint if I am unhappy about something

After my stay in a group home...

19. Start planning for my transition as soon as I enter a group home
20. Help my whānau so they can keep me safe and on track
21. Involve my hapū, iwi, and communities to help me reach my potential



THE 21 DESIRED EXPERIENCES

The 21 experiences are divided into 3 sequential categories: before, during and after a community group home placement.

A. Before I am considered for a community group home placement...

There are five desired experiences for young people before they are placed in a community group home.



1. SUPPORT ME AND MY WHĀNAU RIGHT FROM THE START

“Mum keeps saying she doesn’t need help. She (my social worker) is trying to sort out food parcels for Mum. Mum says she doesn’t need them but she does.”

The young people we spoke to do not want to end up in the youth justice or care and protection system. Nor do they want their whānau to live with the stigma of having a history with Oranga Tamariki. They want the right type of support as early as possible for both themselves and their whānau.

If young people and their whānau receive the tailored support they need when they first come to the attention of Oranga Tamariki, the number needing to be placed in a community home in the first place will be greatly reduced.

For Oranga Tamariki, this will require taking the time to identify the needs of children and young people and their family or whānau right from the first report of concern or first referral for an intention-to-charge* family group conference. It is vital that the Oranga Tamariki social worker ensures that the young person and their whānau receive the right supports and interventions to meet their identified needs from the outset.

Providing more personalised support when problems first emerge needs to be a goal for the whole social, health and justice sectors, not just Oranga Tamariki.

In the sidebars, we have referenced the specific sections of the Oranga Tamariki Act 1989 that are most relevant to each experience. The list should not be considered to be exhaustive.

Several sections of the Act are relevant to nearly all 21 experiences, including sections: 4 (purposes), 5 (general principles), 13 (principles relevant to the care and protection), and 208 (principles relevant to youth justice).

The new sections of the Act will come into force by July 2019.

EXPERIENCE 1:

s.4(1)(d)

s.4(1)(h)

s.5(1)(b)(iii)

s.13(2)(a)

s.13(2)(f)(i)

s.13(2)(i)(ii)

2. LOOK HARD FOR FAMILY, WHĀNAU, HAPŪ, WHO CAN CARE FOR ME

Most young people want to live with family or whānau in safe, stable, loving homes. Keeping mokopuna Māori with their whānau, and when not possible, with their hapū or iwi, is a priority.

To prevent young people from being unnecessarily detained in group homes (or secure residences), it is important that Oranga Tamariki has the capacity and capability to search for and identify potential whānau placements at the earliest opportunity.

When a young person is charged with an offence, the court may agree to remand the young person on bail to their home. However, if home as a placement option is thought to be unsafe, an alternative whānau member or caregiver may be considered by the Court. This is more likely if Oranga Tamariki puts forward suitable safe options, located in local communities.

If an order is made under S238 (1)(d) and the young person is remanded into the custody of the Chief Executive of Oranga Tamariki, it is entirely the Chief Executive's decision as to where the young person is placed. More community based options, such as community remand homes, will reduce the need to place these young people in a youth justice residence.

Young people with care and protection needs, who have become a risk to themselves or others, may still be able to be safely cared for by whānau or caregivers with the right support. This may require searching beyond immediate family and whānau members. It is a matter of casting the net wide enough to find the right whānau, hapū, iwi or wider family members who are willing and able to care for the child or young person.

For young people who are placed in a community group home, it is still essential to find whānau members who can provide appropriate support, during and after their stay in the home.

The work to find whānau, hapū and iwi who can care for young people requires sufficient time to build relationships with whānau, hapū, iwi, and communities. Whenever possible, this needs to happen when problems first arise and before care or custody options are being considered.

EXPERIENCE 2:

s.4(1)(d)

s.4(1)(e)

s.4(1)(f)

s.4(1)(g)

s.4(1)(h)

s.7AA(2)(b)

s.13(2)(i)(iii)

3. MAKE SURE YOU HAVE THE RIGHT INFORMATION TO CHOOSE A GROUP HOME THAT IS RIGHT FOR ME

We often hear from young people that they want Oranga Tamariki to talk with them when deciding what is the right living option.

Oranga Tamariki social workers must first ensure they have talked to young people and their whānau and understand their needs and strengths. Where relevant, hapū and iwi, and other people or networks in young people's lives should be involved in the information sharing and decision making and planning processes. The right decisions about where a young person will be cared for should be based on up-to-date, timely, accurate, and relevant information on young people and their families and whānau. The information should include young people's offending and/or care and protection history, current safety and care and protection needs, health and education status, potential whānau placement options and the needs and strengths of the young people and their whānau.

There should be systems in place to enable key stakeholders, such as Police, Health, Education, placement providers and relevant community groups, to regularly come together to share information.

Key information should be recorded in the main database for Oranga Tamariki in a consistent manner and kept up to date.

If young people are unable to live with whānau, they want to live in a community group home that is right for them, will assist them to meet their needs, and where relevant, match their level of alleged offending or at-risk behaviour.

The screening process for placements should consider whether a young person's behaviour is likely to be successfully managed in a community setting. It should also consider the potential impact on other young people living in the home and whether a group home has the right mix of young people.

EXPERIENCE 3:

s.4(1)(a)

s.5(1)(b)

s.13(2)(a)

s.13(2)(e)

s.208(1)(c)

s.208(1)(d)

s.208(1)(f)


4. KEEP ME LOCATED CLOSE TO MY WHĀNAU

When young people do need to be cared for away from their whānau, they want to be in homes that are geographically close to whānau members in their local community.

This enables young people to have regular face-to-face contact with their whānau while they are in a group home. And it makes it easier to maintain their engagement in schooling, sports or other activities in their local community.

Keeping young people close to their family and whānau also improves the success of their transitions back to family, whānau, hapū, iwi and communities when placements end.

5. MAKE WHERE I LIVE FEEL LIKE HOME



“The staff are understanding and make you feel like you are at home...like they comfort you”

Young people want the place they are living in to feel and look like an everyday home, not like an ‘institution’. The homes should be based in the community and be comfortable, safe, warm, and dry.

The décor, layout and amenities should be designed to keep young people safe while also being young people and whānau friendly. This means having bright, tidy, spacious places in which they can relax or participate in learning activities.

Young people also need green outdoor areas where they can play sports or take part in other physical activities.

The food should be appealing and familiar to young people, varied and nutritious. Young people should also have some choices about the types of food they eat.

EXPERIENCE 4:

s.5(1)(c)

s.5(1)(d)

s.13(2)(b)

s.13(2)(j)(ii)

s.208(1)(c)(i)

EXPERIENCE 5:

s.5(1)(b)(vi)

s.5(1)(c)(iv)

s.13(2)(j)(i)

s.208(1)(f)



B. During my stay in a group home...

There are thirteen desired experiences for young people during their stay in community group homes.



6. MAKE ME AND MY WHĀNAU FEEL WELCOME

“As soon as you get to the place you want to talk to somebody. If you don’t talk to anybody you end up getting all cut up... especially when you are the new girl...there are people staring at you eyeing you up...”

From their first visit to a group home, young people and their whānau want to feel welcome. The welcoming process should start with a robust orientation for young people and their whānau. The social worker dropping off the young person should stay at the group home to support their orientation, ideally until the young person feels settled.

The process should include an opportunity for young people and their whānau to meet the staff and, where relevant, other young people, as well as a tour of the home. Young people and their whānau should have opportunities to talk through any of their queries.

Whānau will not always be able to accompany young people to the group home. However, they should be told where their young people have been placed and be able to visit them unless there is strong evidence that it is unsafe to do so. This helps to reduce anxiety for both young people and their whānau. It also helps to reduce the risk of absconding.

We acknowledge the obligation of Oranga Tamariki and providers to keep young people and staff safe. There will be situations where there are genuine safety reasons for not informing whānau about a home’s location, particularly since they are not secure placements. In these instances, whānau should still be informed that their young person is safe.

EXPERIENCE 6:

s.5(1)(b)(iii)

s.5(1)(c)(iv)

7. EXPLAIN TO ME AND MY WHĀNAU HOW THE GROUP HOME WORKS



Young people and their whānau want to know how the group home works. As part of the orientation process, they should be informed about: the rules of the home; expectations about behaviour; and consequences when rules or behaviour are not followed. Young people should be involved in setting any additional rules that apply to them.

It is important that staff take a youth-centred approach to orienting the young person to the group home and imparting information about how the home works. Some young people will need time to settle into their new surroundings before any new information is communicated to them. The orientation process will look different each time, depending on the needs of young people and their whānau.

Young people and their whānau should also receive clear information about the complaints process and young people's rights, including the right to be safe, be respected, and the right to communicate with family and friends.


EXPERIENCE 7:

s.4(1)(a)(i)

s.5(1)(b)(i)

s.5(1)(b)(iii)

8. UNDERSTAND MY NEEDS AND HELP ME TO MEET THEM



“The counsellor just rings me and asks stupid questions and it makes me angry”

Young people want Oranga Tamariki and other care providers, to understand their needs and help these to be met. It is important that Oranga Tamariki and their contracted providers understand what is happening for the young people, and their whānau, so they can adequately respond.

Young people who are placed in community homes have a range of behavioural, emotional, health, and learning needs which often contribute to their at-risk behaviour.

It is vital that Oranga Tamariki social workers ensure that staff who manage the community group homes are fully informed about young people’s behavioural, emotional, health and learning needs, so they can respond appropriately.

If a young person’s needs are not yet fully understood, then resources should be provided to enable further assessment of their needs.

Once a young person’s needs are identified, a plan must be developed and implemented to meet them. Oranga Tamariki or NGO providers must be funded to deliver the intensive case support required to meet young people’s needs.

EXPERIENCE 8:

s.4(1)(a)

s.4(1)(d)

s.5(1)(a)

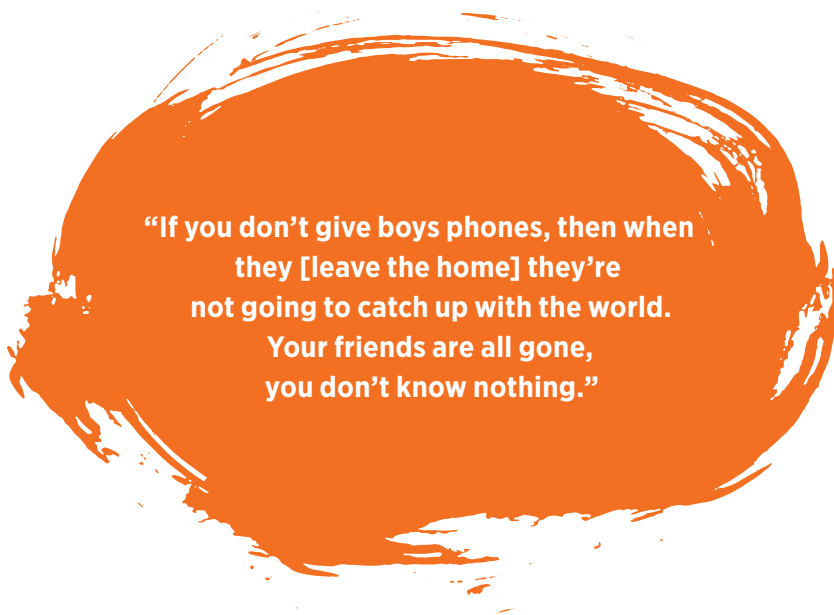
s.5(1)(b)(iv)

s.5(1)(b)(vi)

s.13(2)(b)(ii)

s.208(1)(fa)

9. HELP ME TO STAY IN TOUCH WITH MY FAMILY OR WHĀNAU AND THE PEOPLE I CARE ABOUT



Most young people living away from their families and whānau want to be in regular contact with them, including phone and face-to-face engagement. For young people who will be living in a group home longer-term, they should also be able to stay connected to their friends and community networks.

Oranga Tamariki needs to regularly review young people's approved contact lists and ensure adequate financial resources are available to enable them to have regular face-to-face contact with the people they care about.

Young people also want to have access to social media while they are living in a group home, in order to be able to stay connected with their family and friends. Given that some young people can be in community group homes for over a year, restrictive access can greatly affect their ability to maintain relationships that matter to them. There needs to be a thoughtful approach to allow and maintain safe access to social media. Access to social media could be considered as part of a young person's plan, and included if appropriate.

In some cases, contact with family or whānau, via any means, has to be carefully managed because of the young person's history of harmful behaviour in their family, whānau, hapū, iwi and local community.

EXPERIENCE 9:

s.5(1)(c)

s.5(1)(d)

s.13(2)(b)

s.13(2)(j)(ii)

s.208(1)(c)(i)

10. KEEP INVOLVING ME AND MY WHĀNAU IN DECISIONS THAT AFFECT ME



Young people and their families and whānau told us they want to be involved in all decisions that affect them. This is their right, spelled out in article 12 of the United Nations Convention on the Rights of the Child. It is also reinforced in s.5(1)(a) and s.11 of the Oranga Tamariki Act 1989.

It is particularly important that young people and their whānau have a say in their own plans. This includes decisions about: the programmes and health services a young person will access; the school or learning scheme a young person will participate in; and where a young person will live after their placement.

We would also expect young people to have a say in the day-to-day running of the home they are living in. Relevant decisions young people should be involved in include: reviewing the rules of the homes; deciding on group activities; and changing how the homes operate.

Families and whānau should be kept well-informed about what is happening for their young people in the community group homes, significant events and young people’s progress.

EXPERIENCE 10:

s.5(1)(a)

s.5(1)(c)(v)

s.11(2)

11. HELP ME TO LEARN ABOUT MY CULTURE AND MY WHAKAPAPA*



Young people consistently tell us that it is important for them to know who they are and where they are from. Research has shown the importance of identity and belonging to mental health and wellbeing.

As outlined in Part One above, the revised Oranga Tamariki Act 1989, gives the Chief Executive of Oranga Tamariki new duties in relation to the Treaty of Waitangi. The Chief Executive will need to ensure that the policies, practices and services of the department have regard to mana tamaiti* and the whakapapa of Māori children and young persons and the whanaungatanga* responsibilities of their whānau, hapū, and iwi.

If fully implemented, these changes have the potential to significantly reduce the number of Māori children and young people in state care or custody. As indicated in Part Three below, more work is needed to determine how the new requirements of the Act will be operationalised.

EXPERIENCE 11:

s.4(1)(g)

s.5(1)(b)(iv)

s.7AA(2)(b)

s.13(2)(j)(i)(C)

s.13(2)(j)(ii)

s.13(2)(j)(iii)

s.13(2)(j)(iv)

s.208(1)(c)(i)

It is clear that Oranga Tamariki will need to work in genuine strategic partnership with iwi and Māori organisations to ensure the new obligations in the Act are met. This will be demonstrated by:


- proactively developing strategic partnerships, including partnership agreements, with iwi and Māori organisations and iwi authorities;
- having an expectation that all community group homes will provide culturally responsive experiences underpinned by sound cultural knowledge;
- ensuring procurement processes and service contracts require and enable these cultural expectations to be realised;
- employing and valuing culturally competent staff;
- funding cultural training and supervision to build the cultural capacity and capability of Oranga Tamariki and its contracted providers, ensuring they have a clear understanding of child-centred practice* for tamariki Māori and whānau; and
- demonstrating culturally appropriate practice and leadership in engagements with young people, whānau, and staff at the homes and with the iwi, Māori or NGO organisations that provide the homes.

Oranga Tamariki and NGO providers will need to ensure that staff in the community group homes understand and respect young people's different cultures. Staff should support and enable mokopuna Māori to learn their whakapapa. Whakapapa is central to young people's sense of belonging and identity. Oranga Tamariki and its contracted care providers will need to clarify their respective roles, in ensuring young people have opportunities to learn about their whakapapa.

Staff in the group homes should also provide mokopuna Māori with opportunities to engage in tikanga Māori*, te ao Māori*, and te reo Māori*.

The easiest way to ensure these conditions are achieved, is to ensure that group homes are operated by iwi and Māori social service organisations. At a minimum, Oranga Tamariki and NGO providers will need to develop their own partnerships with mana whenua*, iwi and Māori organisations, in order to ensure young people in the community group homes can benefit from their cultural guidance and expertise.

12. MAKE SURE STAFF CARE ABOUT ME AND RESPECT ME



“The staff here are all extraordinary. All cool people, all helpful in every way.”

Young people want staff who are strongly committed to working with them, believe in their potential and treat them with kindness, consideration and fairness. They want staff they trust and can talk to about issues that are important to them.

Warm, responsive relationships between young people and staff are key to helping them develop meaningful relationships with others. Playfulness and humour between staff and young people are an important part of daily interactions for young people in the homes.

Young people feel respected when staff know their strengths and celebrate their individuality. It is important that staff are able to see past young people’s challenges and focus on their positive attributes and potential for change.

The continuity of young people’s relationships with staff helps them to feel cared for and appreciated. To facilitate positive, meaningful relationships between staff and young people, Oranga Tamariki and providers should ensure there is minimum staff turnover in the group homes.

EXPERIENCE 12:

s.4(1)(a)(i)

s.5(1)(b)(i)(A)

s.5(1)(b)(iii)

s.7AA(2)(b)

s.13(2)(b)(ii)

“If I want something, I don’t have to steal it - I just have to earn it. It’s changed me.”

13. HELP ME TO LEARN NEW BEHAVIOURS

Young people want help to address their at-risk and offending behaviours. Many of the young people in the community group homes have experienced significant trauma which has an ongoing impact on their behaviours and emotions.

All community homes should have a clear and purposeful vision to provide a therapeutic* and culturally responsive environment. Care staff’s understanding of and responses to young people’s behaviour are central to whether the environment enables young people to heal and recover from previous trauma.

Inconsistent responses by staff cause young people to become angry or upset or even to abscond. Staff must therefore be effective at responding to challenging behaviour, enabling young people to manage their own behaviour and teaching them new skills.

To create a therapeutic environment*, staff must be skilled in providing therapeutic care and receive ongoing training in how to respond effectively to young people’s challenging behaviour. Staff should also receive regular, high quality professional supervision.

Young people may also need to participate in additional programmes or services to reduce their offending or at-risk behaviour and learn new behaviours. Programmes and services include: one-to-one counselling or psychotherapy; programmes that address the causes of crime; social skills programmes; treatment programmes that address at-risk behaviour or emotional issues; alcohol and drug counselling; as well as family therapy with young people and their whānau.

For young people with care and protection needs, Oranga Tamariki and providers should ensure the right services are built into young people’s agreed plans. For those in the youth justice system, many of these services will not be delivered until a charge is admitted or ‘proved’. However, in the meantime, there is plenty that staff can do to provide therapeutic care and facilitate behaviour change. For example, staff can model appropriate behaviour, teach young people new social skills, show them how to calm down, provide fair, consistent responses to challenging behaviour, and ensure a safe environment for all young people.

Oranga Tamariki, and other organisations providing care, must have excellent relationships with community-based therapeutic services to facilitate young people’s timely access to programmes and services. Staff in the group homes must also be adequately funded to deliver the case management services or individualised therapeutic care that young people need.

EXPERIENCE 13:

s.4(1)(a)

s.4(1)(b)(ii)

s.4(1)(c)(ii)


s.4(1)(i)(ii)

s.4(1)(i)(iv)

s.5(1)(b)(ii)

s.208(1)(fa)

14. KEEP ME SAFE FROM HARM



“I felt a freedom in the house. I know it has alarms but it’s necessary, to control the boys. It was better than being with caregivers ... they wouldn’t let me do anything.”

Young people want to feel safe wherever they live. In order to be safe in community group homes, young people must be protected from bullying and emotional, physical, and sexual abuse. They want to know that there are people watching out for them who they can talk to if they have worries.

To ensure that all young people are protected from harm, there should be a safety plan in place for each young person. These plans should include arrangements regarding how to maintain visual oversight of all young people in a home (including at night), and customised actions that address the safety needs and risks of each young person.

In order to prevent bullying, and to ensure there is always visual oversight of the young people, it is essential there is an adequate number of staff in the home. The layout of group homes should enable staff to easily monitor young people’s movements while still giving them some level of privacy.

To keep young people emotionally safe, staff need to be aware of the impact of their conversations and behaviour on young people. They should also be able to provide young people with comfort and reassurance when needed.

Young people want their right to privacy and confidentiality to be respected. This is especially important when there is a risk of a negative community response to young people’s presence in a group home.

EXPERIENCE 14:


s.4(1)(b)(i)

s.4(1)(c)(i)

s.5(1)(b)(i)(B)

s.13(2)(a)(i)

15. TEACH ME LIFE SKILLS AND LET ME HAVE FUN



“We just sat around. There weren’t really any games or anything. Later on all the games got boring - so just lots of sitting around. A bunch of bored guys just sitting there start to get angry.”

Young people told us they want to learn new skills and participate in fun activities. Staff should nurture young people’s interests, aptitudes and emerging skills, encourage their strengths and support them to try new activities. Young people’s needs and interests should be canvassed by staff as part of their transition into the homes.

Many tamariki Māori want opportunities to deepen their understanding of te ao Māori*. They need to be supported to be proud to be Māori. It is important to many young people that they can walk confidently in both Māori and non-Māori worlds. This is a key reason that community group homes caring for tamariki Māori should be led by Māori or iwi organisations or operated in partnership with mana whenua.

The focus on tailoring activities to support young people’s needs and interests should continue throughout young people’s stay in a group home. This can be achieved by giving young people opportunities to participate in a wide range of recreational, vocational, sporting, cultural and educational activities. Activities should be designed to stimulate and extend the young people. Young people who are engaged in fun or meaningful activities are much less likely to be bored and misbehave.

Young people should also learn life skills such as personal hygiene, cooking, cleaning and budgeting that will put them in good stead for transitioning from the homes.

Oranga Tamariki must ensure that the group homes are sufficiently funded to enable young people to engage in such tailored activities.

EXPERIENCE 15:

s.5(1)(b)(i)

s.5(1)(b)(vi)

16. HELP ME TO GET AN EDUCATION OR TRAINING

“I would have it so at the start [of a community placement] you get tested or at least carry the work over from schools you have been at. So if you started NCEA you can continue it so you can continue to get an education.”

Young people want opportunities to get an education or training during their placement. They have a right to an education. The Education Act 1989 requires all children between the ages of 6 and 16 to be enrolled in education and entitles them to receive an education up to the age of 19.

Ideally, young people should be able to continue learning at the school or with the education provider they were enrolled with before they were placed in the home. However, many of these young people have been excluded from schools or other education providers.

Where young people cannot return to the same school or education provider, Oranga Tamariki social workers must work closely with the Ministry of Education and/or the local Attendance Services, particularly for those young people under the age of 16, to support their re-engagement with education in their community.

As a last option, Oranga Tamariki should ensure that education providers deliver education services to young people inside the group homes. Any education that young people receive should cater to their specific learning needs and interests.

We acknowledge that providing young people with education or training during and after their stay in a group home can be very challenging. Sometimes schools refuse to enrol or take back a young person, even with the necessary supports. At other times, there are insufficient support options to accommodate young people’s learning and behavioural needs.

The challenges are magnified for young people who are in group homes for only a short period. Meeting young people’s right to receive an education is likely to require very proactive social work, as well as excellent relationships between Oranga Tamariki, NGO providers, the Ministry of Education and the local Attendance Services.

Being able to contract a resource worker* to support young people while they are at school or with an education provider in the community may help to alleviate safety concerns, but sufficient resources must be allocated for this to be successful.

EXPERIENCE 16:

s.5(1)(b)(i)

s.5(1)(b)(vi)(B)

17. HELP ME WITH MY HEALTH ISSUES

Young people want support to manage their own health and wellbeing and to access the health services they need while they are in the group home. Many young people have physical or mental health conditions that they have not received treatment for prior to them moving into a group home. Common physical issues include vision, hearing and dental problems, as well as nicotine addiction. Alcohol and drug problems are also common, as are anxiety, depression and other serious mental health problems.

A key task for staff is to ensure that young people have easy and timely access to the health services they need, particularly specialist mental health, and alcohol and other drug services. This may involve facilitating appropriate health assessments and escorting young people to attend any health appointments off-site.

Other young people who have been receiving health treatment prior to their placement need to be supported to continue receiving that treatment. District Health Boards do not consistently pick up the provision of services for young people who have moved regions, so staff from Oranga Tamariki, NGO providers and District Health Boards need to work together to ensure young people have continuity of health services.

EXPERIENCE 17:

s.5(1)(b)(i)

s.5(1)(b)(vi)(B)

s.13(2)(j)(i)(A)

18. HELP ME AND MY WHĀNAU TO MAKE A COMPLAINT IF I AM UNHAPPY ABOUT SOMETHING

Young people and their whānau told us they want to know what to do if they are unhappy with the way they are treated. NGO providers should run their own complaints service but it is important that young people also have easy and safe access to an independent complaints service that is designed for them and provides genuine opportunities to make a complaint.

The complaints system should be explained to young people soon after they arrive at the home and young people's understanding of how to make a complaint should be tested at regular intervals. Young people and whānau should also know how to escalate a complaint if they are unhappy with the outcome of an initial investigation.

In addition to the complaints service, young people need to have access to independent grievance advocates like those who visit secure residences. We know that young people are unlikely to make a complaint about a service if they do not trust staff or do not feel heard or respected in the day-to-day running of the group home. Advocates should be people who young people know, trust and can call on to help them make a complaint.

EXPERIENCE 18:

s.7(2)(bad)



C. After my stay in a group home....

There are three desired experiences for young people after their placement in a group home.



19. START PLANNING FOR MY TRANSITION AS SOON AS I ENTER THE GROUP HOME

“I like go to CADs (Community Alcohol and Drugs Services) and do a session then go to a course and get a mentor and then it would change or they would say I’m not doing a plan anymore. They set me up to fail.”

All young people told us they want to know when they will be leaving the group home, where they will be going and what they will be doing. Whānau too want to know the plan for their young people after they leave a group home.

To increase the likelihood of a successful transition for young people, Oranga Tamariki staff should start preparing as early as possible. Planning young people’s transitions requires early consideration of what is needed for their successful integration back into their communities. This includes identifying and promoting the skills young people need to move back home or to independence.

Young people should know which school or education provider they will be attending, be enrolled with local health and social services, be connected to community activities and supported to meet their plans and individual goals.

Transitions are more likely to be successful when Oranga Tamariki and providers enable young people to have regular contact with the whānau member/s or caregiver who will care for them when they leave.

It is also vital that Oranga Tamariki or care providers understand the needs of young people’s whānau or caregivers and provide the required support in preparation for the transition back to their homes.

EXPERIENCE 19:

s.(4)(1)(a)(ii)

s.4(1)(j)

s.4(1)(d)

s.4(1)(h)

s.13(2)(j)(iv)

s.208(1)(c)

s.386AAB

20. HELP MY WHĀNAU SO THEY CAN KEEP ME SAFE AND ON TRACK

Young people want their whānau to receive the help they need so that they can provide adequate care for them. Whānau often struggle to understand and manage their young people's behaviour.

Identification of the needs of whānau and the provision of tailored support are integral to the success of young people's placement in group homes and their transition out of them. The level of support required, particularly for young people and families or whānau with complex needs, must be continuously assessed and adequately resourced. Support for whānau must be in place throughout the time a young person is placed in community group home and needs to continue after they leave.

The types of supports whānau might need include: parenting support; family therapy; restorative practice; alcohol and drug counselling; and addressing the underlying issues that affect their ability to provide safe and stable care, such as housing or income challenges.

A safety plan should be put in place in case things go wrong and the young person can no longer remain where they are living. In such instances, respite care for young people or their whānau or caregiver can provide interim relief while the challenges are worked through.

Without the appropriate supports and safety plan in place, there is a risk that young people will go back into environments that do not support sustained change.

EXPERIENCE 20:

s.4(1)(c)

s.4(1)(d)

s.7AA(2)(b)

s.13(2)(b)

s.208(1)(c)(ii)

s.208(1)(fa)

21. INVOLVE MY HAPŪ, IWI, AND COMMUNITIES TO HELP ME REACH MY POTENTIAL

Young people want positive and lasting changes in their lives. Sustainable change is more likely if young people, their families and whānau receive support from their hapū, iwi, and communities.

There is a range of supports that hapū, iwi and communities could provide, and this will vary from area to area. The type of support that young people, their families or whānau may benefit from includes: access to cultural knowledge, skills and connections; ongoing mentoring; development of vocational skills; respite care; and individual and whānau counselling. Hapū, iwi and communities need to be sufficiently resourced to provide the support young people and their whānau require.

Oranga Tamariki and care providers must find ways of engaging with and resourcing hapū, iwi and community organisations so that they are empowered to bring their ideas and solutions to 'the table'. With the guidance and support of whānau, hapū, iwi and others in their community, young people have the best chance of making and sustaining positive changes, and achieving their potential.



EXPERIENCE 21:

s.4(1)(a)

s.4(1)(c)

s.4(1)(d)

s.5(1)(d)

s.13(2)(j)(iv)

s.208(1)(c)

s.208(1)(f)(i)

PART THREE: Our vision for a new care landscape

Our vision is for most children and young people to remain with their own families and whānau.

There they will be assisted by culturally responsive, well-focused and resourced support and services tailored to their specific circumstances and needs. After all, this is precisely what the revised legislation, itself, emphasises and prioritises.

Where children and young people with alleged offending and at-risk behaviour need to be cared for outside their home, the starting point must always be wider family or kin-care. However, in circumstances when safe, specialised non-kin care is needed, we expect that community group homes will have an important part to play, alongside a range of other care options.

Below, we have identified three key areas of focus for bringing the future vision into reality.

With respect to community group homes, Oranga Tamariki should:

- offer consistent care that takes a child-centred approach
- increase the number of community group homes and have them located in the communities where young people are living; and
- plan and implement them in genuine partnership with iwi and Māori organisations

1. CONSISTENT DELIVERY OF THE 21 DESIRED EXPERIENCES

Young people needing the specialised level of care that community group homes offer should have a consistent experience of all 21 of the experiences described in Part Two of this report.

It will be a powerful and tangible sign of change, when young people and whānau tell us during our monitoring visits, that these 21 experiences (as relevant to their particular placement) are

consistently demonstrated through their day-to-day care experience. External monitoring of the implementation of the new Care Standards is expected to begin in July 2019. This monitoring will play a key role in evaluating the degree to which this change is being achieved.

We know that Oranga Tamariki is actively anticipating the implementation of the Care Standards. We have been encouraged by the developmental work underway to transform the experience of children and young people in state care. Nevertheless, our monitoring experience suggests there is still a long way to go to ensure these 21 experiences become part of the lived experience of all children and young people in care, including those living in community group homes.

Recommendation One:

We recommend that Oranga Tamariki ensures the 21 desired experiences are delivered for all young people living in community group homes, using the findings in Part Two, as good practice guidance.

2. INCREASE THE NUMBER OF COMMUNITY GROUP HOMES IN LOCAL COMMUNITIES

We are strongly supportive of the phased closure of care and protection residences. We are also committed to young people who have allegedly offended being remanded into community based care placements wherever that is a safe option for them and their community. This shift in approach will mean far fewer of our young people will find themselves living in large institutional facilities. Achieving this goal will require increased numbers of community group homes with staff who have the knowledge and skills needed to provide specialised care for these young people. Importantly, this will mean that young people can continue to live close to their families, whānau, and everyone and everything familiar to them.

Recommendation Two:

We recommend that Oranga Tamariki continues to expand the number of community group homes, so that the specialised care needs of young people with alleged offending or at-risk behaviour can be met within their local communities.

3. PROACTIVELY ESTABLISH STRATEGIC PARTNERSHIPS WITH IWI AND MĀORI ORGANISATIONS TO TRANSFORM OPPORTUNITIES AND OUTCOMES FOR TAMARIKI MĀORI AND WHĀNAU

The real indicator of revolutionary change in our care landscape will be evidence of a substantial and sustained decrease in the number of tamariki Māori in the state care system. To achieve this, we need to shift away from our current state care system to a kaupapa Māori* driven approach.

In the new landscape, we envisage iwi and Māori organisations leading and designing what is needed in their own rohe (area). They should be fully resourced and supported to respond to their own people, in ways that work best for them. They should be supported in complementary ways by their NGO partners. Strategic partnership agreements with Oranga Tamariki will mean they can readily draw on that organisation's advice and support when required.

The new statutory context, especially Section 7AA of the Act, offers Oranga Tamariki, iwi, Māori and

community organisations an opportunity to work together as leaders, contributors and partners in forging transformational change for their tamariki and whānau. This is a particular priority for those who are involved with the statutory care and protection and youth justice systems. We encourage iwi and Māori organisations to explore the potential benefits of strategic partnerships designed to mobilise this transformation.

Of the 6,300 children and young people in state care in May 2018, almost 4,300 identified as Māori. The legislative changes outlined in Part One of this report make it clear that tamariki Māori have the right to access care services that are designed specifically for them. This includes the future expansion of the network of community group homes, both care and protection and youth justice.

To give effect to the revised legislation, and to deliver the care and experiences tamariki Māori want and need, future community group homes must be developed and set up in close consultation with local iwi and Māori organisations.

Recommendation Three

In accordance with the new Section 7AA of the Oranga Tamariki Act 1989, we recommend that Oranga Tamariki engages proactively in strategic partnerships with iwi and Māori organisations, to improve outcomes for tamariki Māori, including those living in community group homes.

***“Mehemea ka moemoeā ahau, ko ahau anake.
Mehemea ka moemoeā tātou, ka taea e tātou”***

***If I am to dream, I dream alone.
If we all dream together, then we shall achieve.***

— Te Pūea Herangi

Appendices

- APPENDIX ONE:** **Glossary**
- APPENDIX TWO:** Correlation between the 21 experiences and the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018
- APPENDIX THREE:** Children’s Commissioner’s Top Priorities 1 July 2018 – 30 June 2019
- APPENDIX FOUR:** **Whānau, Hapū and Iwi in Act**

APPENDIX ONE: Glossary of key terms

At-risk behaviour	At-risk behaviour is used to refer to behaviours that have serious safety risks for the young person themselves or other people.
Child-centred practice	Child-centred practice always views children and young people in the context of their families, whānau, hapū, iwi or wider family group, and focuses on nurturing those relationships. It listens to children and young people's views and bases decisions on what is best for them.
Community group home	In this report, the term 'community group homes' refers to those homes, based in the community, that house up to five young people at a time. The term encompasses 'specialist group homes' and 'supervised group homes'. Note that some community group homes are managed by NGOs (under contract to Oranga Tamariki), and others are managed directly by Oranga Tamariki.
Intention-to-charge family group conference (ITC FGC)	Police refer young people to Oranga Tamariki to conduct an FGC when a young person's offending behaviour has escalated to the point that police intend to proceed with charging the young person and the Police believe that doing so is required in the public interest. An ITC FGC is held prior to court proceedings. They represent an opportunity to consider whether the presenting concerns can be dealt with in some way other than by proceeding to charge the young person.
Kaupapa Māori	By Māori, for Māori. A kaupapa Māori health service is one that is designed, developed and delivered by Māori.
Mana tamaiti	<p>s.2 of the Oranga Tamariki Act 1989 defines mana tamaiti as – “the intrinsic value and inherent dignity derived from a child’s or young person’s whakapapa (genealogy) and their belonging to a whānau, hapū, iwi, or family group, in accordance with tikanga Māori or its equivalent in the culture of the child or young person”.</p> <p>Mana tamaiti is embedded in the concept of mana. Dr Rose Pere describes ‘mana’ to mean, ‘respect, acquired knowledge, control, intrinsic value, dignity and influence.’² Hirini Moko Mead states that all children and young people are born with mana because their whakapapa can be traced back to the Atua (the Gods)³. An important aspect of mana is that it can never be taken away - it is part of a person’s whakapapa. However, mana can be enhanced (whakamana) or diminished (whakaiti) by one’s actions or the actions of their whānau. In order to improve outcomes for children and young people, we need to understand the elements that contribute to upholding children’s and young people’s mana.</p>
Mana whenua	The iwi that have territorial rights, power from the land, authority over land or territory, jurisdiction over land or territory – power associated with possession and occupation of tribal land. The tribe’s history and legends are based in the lands they have occupied over generations and the land provides the sustenance for the people and hospitality for guests.

²Pere, Dr Rangimarie Turuki (1997), *Te Wheke - A Celebration of Infinite Wisdom*. Ao Ako Global Learning, New Zealand.

³Mead, Hirini Moko (2003), *Tikanga Māori - Living by Māori Values*. Huia Publishers, Wellington, New Zealand.

<p>Mokopuna Māori</p>	<p>Literally means the descendants of Māori.</p> <p>The word mokopuna comes from two words - moko - (tattoo or blueprint) and puna - spring (of water). Mokopuna can be defined as the blueprint of the spring (of water), which recognises that children are the blueprint of their ancestors.</p> <p>Mokopuna Māori acknowledges that all Māori children and young people exist within the context of their whānau, hapū, iwi and whakapapa.</p>
<p>Residence</p>	<p>There are currently nine 'secure' residences in New Zealand, where young people cannot voluntarily leave. Four secure residences are for youth justice purposes and the other five are for care and protection purposes. Most secure residences contain more than one unit, each unit housing up to 10 young people. The total number of young people that can be housed by each residence ranges from 10 to 40.</p> <p>Most secure residences also contain within their grounds a 'secure unit', where children and young people are temporarily moved if: they behave in a way that puts themselves or another person at risk of harm; or to prevent behaviour that puts themselves or another at risk of physical harm; or they present a high absconding risk.</p>
<p>Resource worker</p>	<p>A person contracted by Oranga Tamariki to monitor a young person while they are out in the community.</p>
<p>s.7AA Oranga Tamariki Act 1989</p>	<p>S.7AA(2)(b) of the Oranga Tamariki 1989 Act requires the Chief Executive of Oranga Tamariki to ensure that the policies, practices, and services of the department have regard to mana tamaiti and the whakapapa of Māori children and young persons and the whanaungatanga responsibilities of their whānau, hapū, and iwi.</p> <p>S.7AA(2)(c) of the Act requires the Chief Executive of Oranga Tamariki to ensure that the department seeks to develop strategic partnerships with iwi and Māori organisations, including iwi authorities.</p> <p>These provisions come into force by 1 July 2019.</p>
<p>s.238(1)(d) Oranga Tamariki Act 1989</p>	<p>s.238 of the Oranga Tamariki Act 1989 is related to the custody of a child or young person pending a hearing. S.238(1)(d) – Where a child or young person appears before the Youth Court, the court shall – subject to s.239(1), order that the child or young person be detained in the custody of the Chief Executive, an iwi social service, or a cultural social service.</p> <p>Note that community group homes can meet the definition of 'detained in custody' because young people are under close supervision and are not free to leave the home. Steps can be taken to minimise the risk of further offending, absconding or interference with witnesses.</p>
<p>s.396 providers</p>	<p>s.396 providers are community-based non-government organisations, funded by Oranga Tamariki, to deliver high support care services to children and young people, including statutory care. These providers are approved as an iwi social service, a cultural social service or a child and family support service. There are currently 84 different s.396 providers who typically provide care services to vulnerable children and young people.</p>

Therapeutic environment	An environment that enables young people to heal and recover. In the context of community group homes, young people need assistance to heal from previous trauma.
Te ao Māori	The Māori world.
Te reo Māori	The Māori language.
Tikanga Māori	Correct procedure, custom, practice, convention, protocol – the customary system of Māori values and practices that have developed over time and are deeply embedded in the social context.
Whakamana	To give authority to, give effect to, give prestige to, confirm, enable, authorise, legitimise, empower, validate, enact, grant.
Whakapapa	<p>s.2 of the Oranga Tamariki Act 1989 defines whakapapa as follows – “in relation to a person, means the multi-generational kinship relationships that help to describe who the person is in terms of their mātua (parents), and tupuna (ancestors), from who they descend”.</p> <p>Whakapapa is about blood lines, genealogy, places of significance such as maunga, awa and marae. It is about significant tūpuna (ancestors), significant events and significant pūrākau (stories). All whakapapa can be traced back to Atua.</p> <p>When children and young people know of and are able to connect to places, ancestors, events and stories related to their whakapapa, it creates a strong sense of belonging and identity. That then enables children and young people to walk confidently in the world.</p>
Whānau	Immediate and extended family. In this report, ‘whānau’ is used to refer to both the immediate and wider family members of both Māori and non-Māori young people.
Whanaungatanga	<p>s.2 of the Oranga Tamariki Act 1989 defines whanaungatanga as follows – “in relation to a person, means (a) the purposeful carrying out of responsibilities based on obligations to whakapapa;</p> <p>(b) the kinship that provides the foundations for reciprocal obligations and responsibilities to be met;</p> <p>(c) the wider kinship ties that need to be protected and maintained to ensure the maintenance and protection of their sense of belonging, identity, and connection”.</p> <p>Whanaungatanga is about children and young people having strong and positive relationships with their family, whānau, hapū, iwi and family groups.</p> <p>Whanaungatanga is about family, whānau, hapū, iwi and family groups being supported to have strong and positive relationships with their children and young people.</p> <p>Whanaungatanga is also about mokopuna experiencing, and being able to develop, respectful relationships and connections with the people around them.</p>

APPENDIX TWO: Alignment between the 21 Desired Experiences and the Oranga Tamariki (National Care Standards and Related Matters) Regulations, 2018.

These Care Standards will come into force on 1 July 2019. They can be found in full on the Oranga Tamariki website at

www.legislation.govt.nz/regulation/public/2018/0111/latest/LMS56030.html?src=qs

The 21 Experiences described in Part Two of this report, align closely to the new Care Standards, as outlined in the table below.

21 Desired Experiences	Alignment to the Care Standards
Before I am considered for a community group home placement...	
1. Support me and my whānau right from the start	<p>Regulations 7 to 11 – needs assessment</p> <p>Regulation 66 – matters to be explained to children and young people</p>
2. Look hard for family, whānau, hapū, and iwi who can care for me	<p>Regulation 12 – process for identifying connections with family, whānau, hapū, iwi and family group (1) a - d and (2) a - b.</p>
3. Make sure you have the right information to choose a community group home that is right for me	<p>Regulations 7 to 11 – needs assessment</p> <p>Regulation 15 – re-assessment of needs</p> <p>Regulations 16, 17, 19 – plans</p> <p>Regulation 66 – (as above) and particularly -</p> <p>(c) how their family, whānau, hapū, iwi and family group will be involved in decisions being made about them, and the reasons for the level of involvement of those persons</p> <p>(d) how the child or young person can participate in decisions to be made and processes to be undertaken in relation to their care or custody, and how their views will be used to inform decisions made about them</p> <p>Regulation 18 – process to be used to develop plan (2) - Views of child or young person, family or whānau, hapū, iwi or family group</p> <p>Regulation 20 – plan to include arrangements family, whānau, hapū, iwi, marae, family group</p> <p>Regulation 29 – other people who must be contacted, including (b) other professionals</p>

<p>4. Keep me located close to my whānau</p>	<p>Regulations 18 and 20 (as above)</p> <p>Regulation 31 – Whānau Connections - support to establish, maintain and improve whānau connections</p> <p>Regulation 67 (1) (a) – information provided to the child or young person, in advance, about the prospective placement</p>
<p>5. Make where I live feel like home</p>	<p>Regulation 66 – as above</p> <p>Regulation 67</p> <p>(1) (b) – opportunity for child or young person to visit new care environment, meet members of household/home and receive information about it</p> <p>(1) (c) – child or young person able to take personal belongings of importance to new care environment</p>
<p>During my stay in a group home...</p>	
<p>6. Make me and my whānau feel welcome</p>	<p>Regulation 62 (1) (a) – support to caregivers to meet the needs of children and young persons in their care</p> <p>Regulation 63 – support to caregivers for maintaining whānau connections</p> <p>Regulation 67 (1) (b) – as above</p>
<p>7. Explain to me and my whānau how the group home works</p>	<p>Regulation 43 – support for making a complaint, providing feedback or raising issues of concern</p> <p>Regulation 67 (1) (b) – as above</p> <p>Regulation 68 (1) – information provided in a manner and language appropriate to age, development, language and any disability of the child or young person, to best assist them to understand it</p>
<p>8. Understand my needs and help me to meet them</p>	<p>Regulation 15 – re-assessment of needs</p> <p>Regulations 22 – 25 – review of plans</p> <p>Regulations 6 - 28 – visits</p> <p>Regulation 30 – support for assessed needs</p>
<p>9. Help me to stay in touch with my family or whānau and the people I care about</p>	<p>Regulations 18 and 20 – (as above)</p> <p>Regulation 31 – support to establish, maintain and improve whānau connections</p> <p>(1) Ensure support is provided to a child or young person in care or custody to promote mana tamaiti (tamariki) by ensuring the child or young person is able to establish, maintain and strengthen their relationships with:</p> <p>(a) members of their family, whānau, hapū, iwi or family group; and</p> <p>(b) those people identified as important to or for the child or young person under Regulation 12 (1) (c) and (d) and Regulation 31 (2) (3) and (5).</p>

<p>10. Keep involving me and my whānau in decisions that affect me</p>	<p>Regulation 24 (3) – are informed of progress and development for the child or young person on a regular basis</p> <p>Regulation 31(4) – the Chief Executive must ensure that those members of the child or young person’s family, whānau, hapū, iwi or family group who receive information in a plan under</p> <p>Regulation 24 (3) – are informed of the progress and development of the child or young person on a regular basis</p> <p>Regulation 66 – supporting children and young people to express their views and contribute to their care experience</p>
<p>11. Help me to learn about my culture and my whakapapa</p>	<p>Regulation 32 – support for culture, belonging and identity</p> <p>Regulation 62 (1) (a) – support to caregivers to promote the child or young person’s mana tamaiti (tamariki) and their knowledge of their whakapapa and to support the practice of whanaungatanga</p> <p>Regulation 65 – support to caregivers to provide support for culture and identity</p> <p>Regulation 66 (e) (ii) – information about independent services available to the child or young person including Māori, iwi or kaupapa Māori services that are available to them, and how they can access them</p>
<p>12. Make sure staff care about me and respect me</p>	<p>Regulation 33 – right to have personal belongings</p> <p>Regulation 66 – supporting children and young people to express their views and contribute to their care experience</p> <p>Regulation 70 – duty to maintain record of important life events, achievements, relationships and other matters in the child or young person’s life (such as photos, art work, school reports)</p> <p>(2) (a) – having regard for the child or young person’s culture and circumstances</p> <p>(2) (b) – in consultation with the child or young person, where that is appropriate given their age and development</p>
<p>13. Help me to learn new behaviours</p>	<p>Regulation 30 (1) (a) – support to address their needs (as identified in their needs assessment) and (1) (b) the child or young person is assisted to access the support referred to in (1) (a) above.</p> <p>Regulation 35 (g) – support to maintain and improve health: by ensuring the child or young person is supported to access health services such as private health services or therapeutic services, if existing publicly funded services to address their needs are not available in a timely manner</p> <p>Regulation 75 – assessment of life skills for young people under 18 years transitioning to independence (1), (2) and (3).</p>

<p>14. Help me to learn new behaviours</p>	<p>Regulation 14 – process for assessing safety needs</p> <p>Regulation 69 – duties in relation to allegations of abuse or neglect</p>
<p>15. Teach me life skills and let me have fun</p>	<p>Regulation 34 – support for play, recreation and community activities</p>
<p>16. Help me to get an education or training</p>	<p>Regulations 36 to 42 – education</p> <p>Regulation 64 – support for caregivers to encourage and support education and learning</p>
<p>17. Help me with my health issues</p>	<p>Regulation 13 – process for assessing health needs</p> <p>Regulation 35 (1) (a) – (g) – support to maintain and improve health</p>
<p>18. Help me and my whānau to make a complaint if I am unhappy about something</p>	<p>Regulation 43 – Support for making a complaint, providing feedback or raising issues of concern</p> <p>Regulation 66 –</p> <ul style="list-style-type: none"> (e) – information about advocacy services and how the child or young person can access them (h) – information about how the child or young person can provide feedback or make a complaint (i) – information about support available for a child or young person, including independent advocacy
<p>After my stay in a group home...</p>	
<p>19. Start planning for my transition as soon as I enter a group home</p>	<p>Regulations 18 and 20 – (as above)</p> <p>Regulation 31 – support to establish, maintain and improve whānau connections</p> <p>(1) – ensure support is provided to a child or young person in care or custody to promote mana tamaiti (tamariki) by ensuring the child or young person is able to establish, maintain and strengthen their relationships with:</p> <ul style="list-style-type: none"> (a) – members of their family, whānau, hapū, iwi or family group; and (b) – those people identified as important to or for the child or young person under Regulation 12 (1) (c) and (d) and Regulation 31 (2) (3) and (5) <p>(2) Regulation 75 – assessment of Life Skills for young people under 18 years transitioning to independence (1), (2) and (3)</p>

20. Help my whānau so they can keep me safe and on track

Regulation 73 (1) (d) – transition planning to be developed in consultation with child or young person’s family, whānau and the members of their hapū, iwi and family group who are important to the child or young person

Regulation 74 – monitoring and support during Care Transitions phase

(1) – Chief Executive must ensure sufficient monitoring and support are provided to a child or young person during their care transition to promote a positive care transition experience

(2) (a) – (h) – re how monitoring and support is to be carried out, including **(a)** be based on needs of child or young person; **(b)** be carried out in a way that is culturally appropriate; **(f)** provide information to prospective caregiver (whānau/ kin or non-kin) about steps they can take to facilitate positive care transition

21. Involve my hapū, iwi, and communities to help me reach my potential

Regulation 73 (1) (d) – transition planning to be developed in consultation with child or young person’s family, whānau and the members of their hapū, iwi and family group who are important to the child or young person

External Monitoring of the Care Standards

Regulations 77 – 87 – set out the requirements for monitoring and reporting on compliance with these regulations, to be carried out by an Independent monitor

We refer to the role of the independent monitor in Part Three of this report (Page 34).



APPENDIX THREE: Children's Commissioner's Top Priorities 1 July 2018 – 30 June 2019

Where do we want to see the most change?

Four priorities for the year to June 2019



Children's Commissioner Judge Andrew Becroft represents the 1.1 million people in Aotearoa New Zealand under the age of 18. They make up 23% of the total population. The Children's Commissioner is independent from the Government, committed to honouring Te Tiriti o Waitangi and advocating for meaningful engagement with Māori as tangata whenua.

The Office of the Children's Commissioner wants Aotearoa New Zealand to be a place where all children thrive. The Children's Commissioner has a broad role, including advocating for the implementation of the UN Convention on the Rights of the Child.

The Office advocates for the interests, rights and wellbeing of New Zealand children. We monitor the services provided under the Oranga Tamariki Act. We also develop means of consulting with children. In all our work we listen to and are informed by children's voices. We do this because it adds quality to policy and practice and because it is their right.

Our goal is for New Zealand to be the best place in the world to be a child, where New Zealand's children experience neither poverty nor disadvantage, where families, whānau, hapū, iwi and wider communities are supported and resourced to provide their and create the best possible platform for a good life.

1. Improved systems, services and supports for mokopuna Māori and their whānau

"Māori are not problems to be solved, we are potential to be realised."

– (Rangatahi, Ngā Manu Kōrero, 2017)

We see all mokopuna Māori within the context of their whānau, hapū and iwi. We advocate for services and policies to reduce inequalities and improve outcomes for mokopuna Māori.

We respect mātauranga Māori, and see it as an integral part of improving systems, services and supports.

Our focus areas

- hear the voices and learn from the experiences of mokopuna Māori
- understand the way whānau work collectively so we can better advocate for their hopes and the aspirations of mokopuna Māori
- work effectively with whānau, hapū, iwi and communities and influence others to build positive relationships with them

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2. Enhanced child wellbeing

“Being happy, confident, and not living in poverty.”

– (13 year old student, when asked what the word ‘wellbeing’ means to them, OCC)

We encourage all organisations to take a child-centred approach to enhance the wellbeing of all children. This means considering the best interests of children in the context of their family, whānau, hapū, iwi and wider family group. We promote children’s rights, including their right to participate in decisions that affect them

Our focus areas

- encourage government agencies and community groups to prioritise child rights, interests and wellbeing, and to take children’s voices into account
- provide input and advice, underpinned by the rights of all children, on developing the government’s Child Wellbeing Strategy
- advocate for agencies to use child impact assessment tools in policy development
- provide systemic advocacy and advice to improve the outcomes of all children. We also give advice on how to engage with children

3. Encourage Oranga Tamariki in its transformation of the care and protection and youth justice systems

“Get to know us, listen to us, talk to us!”

– (Care experienced child, Views and voices of younger children in care, OCC)

We advocate for systemic changes that support children and young people to remain within their families, whānau, hapū, and iwi and wider family group

Our focus areas

- encourage Oranga Tamariki to continue to build respectful and positive relationships with whānau, hapū, and iwi Māori, as tangata whenua, and to support and resource them to

care successfully for their own children and young people

- encourage Oranga Tamariki to continue to build Oranga Tamariki to continue to develop and tailor more community-based care options to meet the needs of children and young people who require specialist or custodial care
- advocate for the phased closure over time of the national care and protection residences and the reduced use for remand purposes of the national youth justice residences

4. Access to education for all

“When people recognise me and my skills I feel I can do better and achieve more.”

– (Student in secondary school, Māori)

We want all children to be able to exercise their right to full-time education that supports them to develop to their full potential. We raise awareness of the experiences of children and young people and how education can be improved, especially for children not currently well served by the system.

Our focus areas

- listen to children and take account of their views at all levels of education
- Improve education systems, services and supports for mokopuna Māori
- advocate for agencies to use child impact assessment tools in policy development
- improve responses to and prevention of bullying
- improve support for children with neuro-disabilities and other learning difficulties
- Reduce suspensions and exclusions from school, and support a pilot appeal mechanism for reviewing board decision
- ensure children in care of Oranga Tamariki have equitable and stable access to education



MANAAKITIA A TĀTOU TAMARIKI

Children's
Commissioner