

Oranga Tamariki

Residence Visit

(Office of the Children's Commissioner OPCAT
monitoring)

Te Puna Wai ō Tuhinapo Youth Justice Residence

Visit date: s 9(2)(a) OIA 2020

Report date: 7 December 2020



MANAAKITIA A TĀTOU TAMARIKI

Children's
Commissioner

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Introduction

Purpose of visit

The purpose of this visit was to fulfil the international monitoring mandate of the Office of the Children's Commissioner (OCC), to monitor the safety and wellbeing of children and young people detained in secure locked facilities. Between s 9(2)(a) OIA 2020, s9(2)(a) OIA [REDACTED] from OCC carried out an announced monitoring visit to Te Puna Wai ō Tuhinapo youth justice residence. With the agreement of Oranga Tamariki, we were accompanied by s9(2)(a) OIA [REDACTED] from the Human Rights Commission.

The Children's Commissioner is a National Preventive Mechanism (NPM) under the Crimes of Torture Act (1989)¹. The role of OCC is to visit youth justice and care and protection residences to examine the conditions and treatment of children and young people, identify any improvements required or problems needing to be addressed, and make recommendations aimed at strengthening protections, improving treatment and conditions, and preventing ill treatment. For more information about the legislative context for our visits, see Appendix One.

Context

Te Puna Wai ō Tuhinapo is a youth justice residence, located in Rolleston, Christchurch. The residence sits within a rural area. It has 40 beds across four units.

Since our last OPCAT visit in s9(2)(a) OIA [REDACTED] 2019, there have been several structural changes that apply nationally, across all secure Youth Justice residences. These include:

- An increase in the number of Team Leader Operations (TLOs) at each residence
- Changes to rosters to enable TLOs to spend more time on shift with Care Teams and young people
- Creation of Manager Residence Operation (MRO), Quality Lead and Team Leader Logistic positions at each residence

Shortly before our visit, there were two significant changes to roles within the management team at Te Puna Wai ō Tuhinapo:

- The Residence Manager moved into the National Operations Manager role
- The Manager Residential Operations was seconded into the Residence Manager role

Young people at Te Puna Wai ō Tuhinapo

Young people can be detained at youth justice residences under the following legislation:

- Oranga Tamariki Act 1989, s.311 and 238(1)(d).
- Corrections Act, 2004, s.34A.
- Criminal Procedure Act, 2011, s.175

¹ This Act contains New Zealand's practical mechanisms under the United Nations Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT).

<https://www.occ.org.nz/our-work/monitoring/monitoring-work/why-we-monitor/>

As the result of recent changes, young people can also be detained at Te Puna Wai ō Tuhinapo under the Section 34A of the Corrections Act. At the time of our visit there was one young person detained at the residence under this section of the Act.

When we visited there were 25 young men, living in four units, at Te Puna Wai ō Tuhinapo. Their ages ranged from 15 to 18. The legal status of these young people was as follows:

| Status | Number of young people |
|--|------------------------|
| Oranga Tamariki Act s.311 (Supervision with Residence) | 1 |
| Oranga Tamariki Act s.238(1)(d) (Remand) | 16 |
| Criminal Procedure Act s.175 (Remand) | 1 |
| Corrections Act s.34A (Detention of child or young person) | 1 |
| Total young people | 25 |

Our monitoring processes

We were interested in hearing about the experiences of young people and we also wanted to understand the group dynamics at the residence. We used several methods to engage with young people and staff.

We offered one-to-one interviews to all young people. 16 out of 25 young people chose to talk with us. We also spent time observing young people and staff in the units, including taking part in activities, sharing dinner and having conversations with young people and staff. This enabled us to see and experience after-school and evening routines.

As well as interviewing individual young people, we interviewed residence staff and external stakeholders, and reviewed relevant documentation.

For more information about our interviews and other information gathering processes see Appendix Two.

Our evaluation processes

In the past the majority of our OPCAT reports have included a five or four-point scale. We used this scale to rate each OPCAT domain and to provide an overall rating for each residence.

We are currently reviewing our evaluation processes and are temporarily suspending the use of rating scales. We will be discussing our future rating system with Oranga Tamariki in February 2021 before finalising it. In the interim, we are using key descriptors – harmful, poor, good and very good – to describe our overall findings in relation to:

- the treatment of young people at the residence
- the conditions at the residence

Our reports will also provide summaries of the strengths and areas for development according to each of the OPCAT domains.

The table below lists the new descriptors used in our findings, describing their impact and our expectations for further action.

| Findings | Impact for young people | OCC expectation |
|-----------------|--|--|
| Harmful | Treatment and/or conditions that are damaging or hurtful for children and young people | Must be urgently addressed |
| Poor | Treatment and/or conditions that are not sufficient to meet the needs of children and young people | Requires improvement in the near future |
| Good | Treatment and/or conditions that are sufficient to meet the needs of children and young people | Must be reviewed regularly to ensure the standard is maintained and improved if possible |
| Very good | Treatment and/or conditions that work well to meet the needs of children and young people | Should continue subject to effectiveness. May also be beneficial in other residential contexts |

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Overall findings and recommendations

Overall findings

We found that three key areas must be urgently addressed. These areas were identified as 'harmful' and have a significant impact on the safety and wellbeing of children and young people and impact across the seven OPCAT domains. The areas are:

- Failure to monitor key areas using security camera e.g. the laundry area
- Failure to encourage handwashing and to consistently provide soap and hand towels
- Inappropriate staff behaviour including joking about hurting young people, swearing around young people and providing young people with ultimatums.

s9(2)(g)(i)

Recommendations

| Oranga Tamariki National Office | |
|--|--|
| We recommend that the DCE Youth Justice Services | |
| Rec 1: | Works in partnership with relevant residential staff and external specialists to develop a therapeutic model for youth justice residences. The model needs to be supported by staff training to enable staff to work effectively with young people who have mental health needs. (Ref. page 15) (Ref. State of Care, 2017, Action 2, 10, 13) |
| Rec 2: | Ensures all communal areas in all residences are monitored by security cameras. (Ref. page 14) |
| Rec 3: | Increases the number of phones available for young people in each unit. (Ref. page 14) |
| Rec 4: | Continues to fund the counselling initiative at the residence. (Ref. page 18) |
| Rec 5: | Amends the supervision policy: <ul style="list-style-type: none"> a. To include the provision of cultural supervision b. To require one-to-one supervision for staff (Ref. page 21) (Ref. State of Care, 2017, Action 1, 17) |
| Rec 6: | Ensures policies and practices developed in relation to young people in the custody of the Department of Corrections are shared, to ensure the best care for these young people. (Ref. page 4) |
| Rec 7: | Provides the Quality Lead with full access to SOSHI forms, so they can be analysed and appropriate training developed. (Ref. page 9) |

Te Puna Wai ō Tuhinapo Residence

We recommend the residence leadership team

| | |
|----------------|---|
| Rec 8: | Develops regular opportunities for young people to give feedback and contribute to the residence community. <i>(Ref. page 9)</i> |
| Rec 9: | Ensures there are ongoing opportunities for young people to learn about their rights and how to apply them both in and outside of the residential setting. <i>(Ref. page 12)</i> |
| Rec 10: | Prioritise hygiene matters, including consistent availability of soap, and frequent handwashing for both young people and staff. <i>(Ref. page 14)</i> |
| Rec 11: | <ol style="list-style-type: none">Creates and implements a written, time-framed plan for improving outcomes for mokopuna Māori, aligned with legislative requirements of Section 7AA of the Oranga Tamariki Act 1989.Continues to work strategically to build partnerships with Māori stakeholders. <i>(Ref. page 22) (Ref. State of Care, 2017, Recommendation 2 and Action 18)</i> |
| Rec 12: | Continues to work with all staff to ensure consistent understanding of their roles and practice expectations at Te Puna Wai ō Tuhinapo. <i>(Ref. page 21) (Ref. State of Care, 2017, Action 1)</i> |
| Rec 13: | Ensures all staff have access to, and are familiar with, young people's plans, so they can support young people to know and understand them. <i>(Ref. page 10)</i> |
| Rec 14: | Develops staff cultural capacity to embed tikanga into daily routines and provide more opportunities for young people to connect with their whakapapa and speak te reo Maori. <i>(Ref. page 22)</i> |

Progress on previous recommendations

Of our recommendations from our OPCAT report of 23 August 2019, three had good progress, four had limited progress and one had no progress. For further detail, see Appendix Three.

Domain 1: Treatment

Our monitoring of the Treatment domain includes examination of the relationships between children and staff, models of therapeutic care and behaviour management, and the quality of planning and interventions tailored to individual children and young people's needs.

Findings from our last reports

In our last OPCAT report dated 23 August 2019 we said:

- There were many positive interactions between staff and young people.
- Use of physical restraints had reduced.
- Young people were supported to reflect on their behaviours in secure care.
- There was a lack of opportunities for young people to contribute their ideas to the residence community.

Findings from this visit

Strengths

Young people and staff have good relationships

We observed many thoughtful conversations between staff and young people. We saw staff taking a genuine interest in the thoughts and ideas of young people and tailoring programmes to their needs and wishes. One example we observed was a staff member taking the time to involve a young person, who did not want to play tackle rugby, in a different activity. Young people said they appreciate acts of kindness by staff, such as listening to them when they are feeling down and giving them hugs before bedtime.

"The staff were just like really welcoming and like tell you everything when you get here, give you heaps of opportunities when you first come, cause you don't know what you're doing. You don't know anything and whenever you need to talk to someone or you need help you just ask someone and they do it."

Good processes are in place to monitor and manage potential incidents

A code system is used to help prevent behaviours and situations from escalating in the residence. This new process is designed to support staff and make sure management are aware of potential incidents. It requires that, wherever possible, Team Leader Operations (TLO) are closely involved in the management of incidents. TLOs are also required to determine whether a young person meets the grounds for a secure admission. Regular Safe and Tactical Approach and Response (STAR) training is required for all care staff, to improve de-escalation and restraint skills.

Guidance for reporting serious incidents is being developed

Training has been developed by the Quality Lead to help staff record Security and Operational Safety and Health Incidents (SOSHIs) correctly. This uses an ABC format which divides the reporting process into the antecedents (A), behaviours (B) and consequences (C) to ensure consistent and thorough reporting. The Quality Lead said she is limited by not having full access to the SOSHI reports to analyse them and train staff accordingly.

Areas for development

The residence has no therapeutic model of care

Care staff said they would like more training about ways of working effectively with young people who have complex needs. They told us there is no training addressing this for staff who work in the unit where young people with high needs are placed. Plans are underway for a specialist with expertise in behaviour support to help staff to develop these skills. Management acknowledges the residence is not working in a trauma-informed way, however they have plans about moving toward this, describing it as a 'journey' that will take time.

Staff lack clarity about the purpose of the residence

When we asked the management team about the overarching goal of the residence, they responded it was 'safety and security'. Some staff said their goal is that young people should leave 'better than when they arrive'. Others were less clear about their goal for young people.

Young people have poor opportunities to provide informal feedback

Whaia te Māramatanga and the Youth Council are the only consistent mechanisms whereby young people can provide feedback about the residence. It is encouraging to see the frequent use of Whaia te Māramatanga forms. However, young people are not routinely asked if they would like to contribute their menu ideas, if they would like anything to be different around the residence or what they think about the services provided to them. Community meetings, held during the evenings, provide a potential forum to gather feedback from young people. Young people currently do not actively participate in these meetings as they are staff driven.

Use of restraints is inconsistent

Young people told us that restraints are used inconsistently. Some staff restrain them in particular circumstances while other staff do not. A small number of young people said there were times when they felt like they were 'dragged' or 'slammed' by staff members during the restraint process. It is important to check on the wellbeing of young people after every restraint. OPCAT requires that young people have the option of seeing a nurse following a restraint. Young people said they do not always see a nurse after they have been restrained. The residence

has no mechanism for recording if a young person has been offered a medical check-up and if one occurred.

"Yeah I've been slammed a couple of times, it's not the best thing."

Mediation processes need further development

We heard mediation is used as a restorative process in relation to disputes between young people and others – either staff or young people. Mediation was not fully understood by some staff members and seen, as an 'informal conversation'. We understand that the Whakamana Tangata programme is being introduced to the residence soon and will further improve mediation processes.

Plans are not child-friendly or used routinely by staff

Young people at Te Puna Wai ō Tuhinapo have multiple plans including a Risk Summary, an Individual Care Plan and the All About Me Plan. We understand various people are responsible for contributing to each of the plans including site social workers and residential staff. Both young people and residence staff described site social workers mixed involvement in young people's plans, while they were in the residence. Most young people we spoke to did not know what was in their plans. Some did not know they had plans at all. Several staff groups said young people's plans are not well understood, child-friendly or used by care staff. We heard the requirement is that young people and case leaders develop eight SMART goals within a week of a young person being admitted to the residence. Oranga Tamariki National Office staff have since informed us it this is not the intention, we would encourage the residence to ensure all staff are aware of practice expectations. It is important that young people are able to contribute to a plan that is both meaningful and achievable.

Domain 2: Protection System

Our monitoring of the Protection System domain includes examination of the safety of children and young people, and how well their rights are upheld.

Findings from our last reports

In our last OPCAT report dated 23 August 2019 we said:

- The administration of Whaia te Māramatanga was improving.
- Young people lacked confidence in change to occur as a result of Whaia te Māramatanga.
- Young people had limited opportunities to learn about their rights.

In our COVID-19 report dated 17 June 2020 we said:

- VOYCE's Kaiwhakamana were in regular contact with young people at the residence.
- Young people knew about Whaia te Māramatanga.

Findings from this visit

Strengths

Young people said they felt safe at the residence

Most young people said they did not worry about their physical safety. They said they had a staff member they could talk to if they felt unsafe or worried about something. External stakeholders including Grievance Advocates and the Grievance Panel confirmed that they have no current concerns for the safety of young people at Te Puna Wai ō Tuhinapo.

Whaia te Māramatanga investigation processes have improved

The Grievance Panel has provided training to improve staff knowledge around investigations, follow up discussions with the young people and outcome letters. It is encouraging to see many young people using the Whaia te Māramatanga processes to make suggestions. Multiple young people proudly told us about changes they had seen as a result of Whaia te Māramatanga. The Grievance Panel were unable to visit young people since COVID-19 lockdown, however they have remained in phone contact with residence staff.

The relationship between the residence and VOYCE'S Kaiwhakamana is improving

We understand in the past there has been poor communication between the residence and VOYCE Whakarongo Mai. It was encouraging to hear, from both parties, about a shift to focus on re-building the relationship for the betterment of young people.

Areas for development

Young people have poor opportunities to learn about their rights and how to apply them

Young people we interviewed could only articulate their most basic rights. They also lacked understanding of how to apply their rights in the residential setting. In some units there was a poster on the wall providing information about young people's rights. Since our visit, we have directed staff to the Child Friendly Statement of Rights and other matters². It is important that both staff and young people are clear about young people's rights in the residential context.

This is the first election year when young people who are 18 years old are detained in youth justice residences. At the time of our visit, the leadership team were still working to develop processes for enabling young people to vote.

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² Oranga Tamariki – 'Child Friendly Statement of Rights', orangatamariki.govt.nz/assets/Uploads/Children-in-our-care/Information-for-children/Child-friendly-statement-of-rights.pdf

Domain 3: Material Conditions

Our monitoring of the Material Conditions domain includes looking at how the living conditions in secure residences contribute to children and young people's wellbeing, including, accommodation, internal and external environments, hygiene facilities, bedding and food).

Findings from our last reports

In our last OPCAT report dated 23 August 2019 we said:

- The refurbishment had improved the inside environment.
- We also made several recommendations regarding equipment issues.
- Hand sanitiser and hand soap were not readily available.

In our COVID-19 report dated 17 June 2020 we said:

- Young people told us they did not think there was enough food and sometimes they were hungry.

Findings from this visit

Strengths

Youth-friendly art is displayed around the residence

The art at the residence has been completed by local artists and is engaging for young people. There are also carvings, that young people have completed as part of their programming displayed in the units. This art creates a more welcoming and homelike environment for both young people and staff.

Most young people enjoy the kai at the residence

Young people told us they have enough to eat. This is an improvement since our last visit. During our visit, we enjoyed a variety of meals, all well balanced and filling. We understand there were discussions between a dietitian and residence staff several years ago. It is important there are regular consultations with dietitians to inform the development of menu plans.

"It's so good. Like, ah we get mean feeds. And they're really good portions of food compared to what I was eating on the outs, just noodles."

Communal outdoor areas are well maintained and utilised

The grounds of the residence are clean, and gardens are maintained. Young people use garden space to grow kai. The farm space is well resourced for young people to learn a variety of agricultural and trade skills.

Areas for development

Security cameras fail to monitor key areas

We heard there are areas in the units that are not under surveillance of the security cameras, such as the laundry. This is a significant safety concern. Care staff told us young people say to them 'are you going to take me into the laundry, are you?' referring to a blind spot in the security camera surveillance. To our knowledge, there have been no allegations of abuse in situations where security surveillance is absent. However, this is a serious safety concern that needs to be urgently addressed.

The physical condition of units has deteriorated

The units are dated and sparsely furnished with poor acoustics. There is more tagging in units since our last visit. We understand it can take some time for this to be removed. The open unit spaces are sparse with few pieces of furniture. Young people had many ideas about how units could be improved, including the addition of bean bags. The unit courtyards appeared neglected and overgrown. We did not observe any use of these courtyards during our visit.

Young people are unable to have private phone conversations

The built-in phones in three of four units are broken. This has meant that young people across multiple units are required to share a cell phone. This has led to fewer and/or shorter phone calls for young people. Due to security concerns, staff are required to have line of sight to the young person during their phone call. We observed the phone calls occurring in the time out room. Staff told us they were concerned about young people overhearing sensitive conversations that other young people were having with their whānau. We understand the residence has ordered new phones for the units and appreciate the efforts of the residence, to continue with phone calls using the cell phone.

Handwashing is not encouraged and soap is not provided

We observed very few examples of care staff encouraging young people to wash their hands. We saw young people coming back to the unit after playing sport and eating their dinner without washing their hands. We did not see hand sanitiser or hand soap readily available in units or the toilets. This was a recommendation in our previous OPCAT report, however there has been no progress in this area. This harmful practice needs urgently addressed.

The residence lacks therapeutic spaces

During our analysis of the SOSHI forms, we noticed a trend whereby staff members who are concerned for the mental health young people are placing them in secure care until they feel safe to return to the unit. It is paramount that young people are safe, however the secure unit at the residence is not an appropriate place for young people in crisis. One SOSHI report described

an incident where a call to emergency psychiatric services, on behalf of a young person, was abandoned due to long hold times.

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Domain 4: Activities and Contact with Others

Our monitoring of the Activities and Contact with Others domain assesses the opportunities available to children and young people to engage in quality, youth friendly activities inside and outside secure residences and their contact with their whānau.

Findings from our last reports

In our last OPCAT report dated 23 August 2019 we said:

- Young people had access to a variety of engaging programmes during the school day.
- Young people were able to use video calling to contact their whānau.
- There was a need for more variety in programming outside of school hours.
- There were infrequent visits for young people who were placed away from their family.

In our COVID-19 report dated 17 June 2020 we said:

- Young people were generally enjoying the activities at the residence.
- Young people had multiple phone calls a day to their whānau and were able to use audio video software where possible.

Findings from this visit

Strengths

Young people enjoy a wide range of activities

Young people told us they were not bored and enjoyed the variety of activities available at the residence. We heard about many activities being held in the school holidays including sports, board games and a dog day. Many of the daily activities are sports-based, allowing young people to be active and use their energy. We also noticed management encouraging staff to facilitate programmes in the unit. This allows a variety of programmes to be delivered, depending on the skills and interests of staff.

Young people enjoy school and the range of subjects available

Young people said they have a diversity of subjects they can participate in, including several languages, as well as, trades and farm skills. It is positive to see practical life skills being taught to young people to assist when they leave residence. We observed educational staff assisting young people in applying for their drivers' licence and working with them to cook meals together. We observed examples of some patient and tolerant practice during our visit.

Areas for development

Young people's access to whānau is variable

There is a perception among young people, that their phone call duration is based on their BMS level. While we understand the residence does not intend to base phone calls on BMS levels, this

perception needs to be shifted. We heard from young people who have face-to-face visits with their whānau, that they really enjoy them. Some young people have regular face-to-face visits, while others have not had any. We are aware video calls were used to connect with whānau during COVID-19 lockdown, and this is something that we would like to see resume as soon as possible.

Access to cultural mentors is limited

Young people who take part in kapahaka told us they enjoy it. The kaumatua is involved in a number of cultural activities at the residence, however there are many opportunities for his skills and knowledge to be further utilised. Some young people told us care staff engage with them about their culture, but this was variable.

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Domain 5: Medical Services and care

Our monitoring of the Medical Services and Care domain evaluates how well children and young people's health needs are assessed and met.

Findings from our last reports

In our last OPCAT report dated 23 August 2019 we said:

- Young people's access to primary health services was good.
- Staff needed to make better use of the opportunity for young people to receive dental care while in residence.
- There was a need for greater mental health support for young people with mild to moderate needs.

In our COVID-19 report dated 17 June 2020 we said:

- Every new admission to the residence was tested for COVID-19.
- Young people had medical appointments as required.

Findings from this visit

Strengths

Nurses are good advocates for young people's health

The nursing team see young people being at the residence as an opportunity to get positive health outcomes. We heard about the nursing team making referrals to specialists after identifying unmet health needs for young people.

Mental health support has been strengthened

A senior psychologist has been employed to support young people and the staff team. This is a positive step that will increase the knowledge of care staff and provide specialist mental health support to young people. This role is also intended to improve connections with external stakeholders. We heard that some young people with moderate to severe needs have access to the youth forensic team for mental health support. There is also voluntary counselling for young people once a week.

Areas for development

Young people need more access to mental health and addictions support

Many young people told us they would like better access to counselling to address their alcohol and drug misuse and improve relationships with their whānau and partners. Given many young people at the residence have complex needs, it is important that the support offered to them is accessible, meets their needs and is culturally appropriate.

"Just maybe more like people to help you here, like more... like not just social workers, like maybe more mental health groups in here and all that."

Young people experience delays for specialist off-site medical appointments

We heard that when specialist appointments, for example, dental appointments are required there is often a delay in these appointments, due to a lack of escorts or prioritisation of other off-site activities. Some young people talked about waiting 'ages' for appointments they knew they needed. The health team told us they have little control over if, and when, specialist referrals are made, as the appointments are reliant on the Team Leader Logistics arranging escorts

There are problems with dispensing medication

We understand that due to only one unit having a medical safe, young people are required to go to the admission unit to receive their prescription medication. As a result, young people are sometimes taking medication at times and in ways that are not consistent with medical advice. Additionally, some young people are reluctant to walk to the admission unit.

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Domain 6: Personnel

Our monitoring of the Personnel domain assesses the quality, suitability and capacity of Oranga Tamariki staff to provide safe, secure, respectful care for children and young people, including processes for staff recruitment, selection, training, supervision and ongoing professional development.

Findings from our last reports

In our last OPCAT report dated 23 August 2019 we said:

- Staff levels were improving.
- Relevant training was provided to staff.
- Some staff behaviour continued to be a concern.
- Provision of supervision was inconsistent.

In our COVID-19 report dated 17 June 2020 we said:

- Staffing levels were stable.
- There were many casual staff available and appropriately trained if required.

Findings from this visit

Strengths

Relationships between the residence and external stakeholders have improved

The Quality Lead role has improved the relationships between the residence and external groups including VOYCE Whakarongo Mai and the Grievance Panel. We heard relationships with external stakeholders had previously been challenging for both stakeholders and residence staff. Stakeholders said the Quality Lead has provided them with a consistent contact person at the residence.

Staffing levels have improved

We understand a number of staff were hired during the COVID-19 lockdown and many have remained. Several of the staff that were initially employed as casuals have been made permanent. The increase in the number of TLOs has made a positive difference for young people and other staff. Staff said they have appreciated the additional support that TLOs are able to provide.

Areas for development

Staff lacked a shared understanding about how to work with young people

While we acknowledge that all young people have different needs, there is a lack of consistency among staff members in how they interact with young people. Staff members have differing

personalities and work styles. They said they would like more training to ensure they all have the same base knowledge for working with young people. Both young people and staff talked about the differences in the way young people are treated by individual staff members and by staff on different shifts. We observed differences between staff interactions and expectations for young people. We heard care staff members swear around young people, give them ultimatums and joke about hurting them. These observations align with what young people are reporting using Whaia te Māramatanga. This is worrying and needs to be addressed, particularly given the trauma histories of the young people. There have also been several instances recently where concerning practice was only identified and acted upon after grievances were submitted by young people. Care staff are professionals and need to meet professional standards of behaviour.

Supervision policy of care staff is insufficient

We understand the residence used an external supervisor to provide supervision to care staff, in the interim while the new TLOs were trained. In accordance with Oranga Tamariki policy, supervision is provided both in group settings and ad-hoc when care staff need it. While we understand care staff can ask for one-to-one supervision, the role care staff play is demanding and can be emotionally draining. Management need to promote and prioritise the provision of reflective supervision for staff to ensure they are evolving their practice and able to be challenged when required. Additionally, the appointment of women to the TLO role in the future will provide young people and staff with female leadership role models on the floor in the unit.

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Domain 7: Improving Outcomes for Mokopuna Māori

Our monitoring of the Improving Outcomes for Mokopuna Māori domain assesses the residence's plans and progress for improving outcomes for mokopuna Māori, including the extent to which Māori values are embraced and upheld, and the relationships mokopuna are supported to have with their whānau, hapū and iwi.

Findings from our last reports

In our last OPCAT report dated 23 August 2019 and we said:

- The residence had a vision and goals for improving their responsiveness to mokopuna Māori.
- There were strong links between the residence and mana whenua.
- During COVID-19 lockdown
- Tikanga needed to be embedded in everyday practice throughout the residence.

In our COVID-19 report dated 17 June 2020 we said:

- Most cultural programmes had been cancelled due to the lockdown.

Findings from this visit

Strengths

The staff rōpu group is restarting after a temporary hiatus

We heard that anyone is welcome to join the rōpu group and is encouraged to do so. This is in line with the mana whenua tikanga, which combines Maori and Pacific Island peoples into a single rōpu.

Cultural activities are available for young people and staff

Young people have opportunities to learn their pepeha from both Oranga Tamariki and/or education staff. Te reo lessons and waiata sessions are available for staff. We heard that staff enjoy these opportunities and would like to have access to more cultural activities. Young people spoke about learning karakia in both te reo Māori and Samoan.

Areas for development

There is no overarching plan for working with rangatahi Māori

As on our last visit, there is no written, time-framed plan for improving outcomes for mokopuna Māori aligned with legislative requirements of Section 7AA of the Oranga Tamariki Act 1989. This provision describes the duties of the chief executive of Oranga Tamariki in relation to Tiriti o Waitangi. This includes having regard to mana tamaiti, whakapapa and whānaungatanga. The kaupapa Māori programme at the residence has recently been suspended due to the resignation

of a key staff member. We understand the plan is to reinstate this when a staff member with the appropriate skills is employed.

Cultural supervision is not available for staff

It is critical that staff working with young people are culturally literate and responsive. Cultural supervision strengthens understanding, reflection and growth in practice. The absence of such supervision is concerning.

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Appendix One: Why we visit – legislative background

The Office of the Children’s Commissioner is designated as a National Preventive Mechanism (NPM) under the Crimes of Torture Act (1989). This Act contains New Zealand’s practical mechanisms for ensuring compliance with the United Nations Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT). The convention was ratified by New Zealand in 2007. Our role is to visit secure youth justice and care and protection residences to examine the conditions of the residences and treatment of children and young people, identify any improvements required or problems needing to be addressed and make recommendations aimed at improving treatment and conditions and preventing ill treatment.

In addition, the Children’s Commissioner has a statutory responsibility to monitor and assess the services provided under the Oranga Tamariki Act 1989. Specifically, section 13(1)(c) of the Children’s Commissioner Act 2003, states that the Commissioner must monitor and assess the policies and practices of Oranga Tamariki and encourage the development of policies and services that are designed to promote the welfare of children and young people.

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Appendix Two: Interviews and information gathering

| Method | |
|---------------------------------|---|
| Individual interviews | <ul style="list-style-type: none"> • 16 young people |
| Individual and group interviews | <ul style="list-style-type: none"> • Residence Manager • Manager Residence Operations • Quality Lead • Team Leader Operations • Case Leaders • Team Leader Clinical Practice • Team Leader Logistics • Care staff • Programme Coordinator • Grievance Coordinator |
| External stakeholder interviews | <ul style="list-style-type: none"> • VOYCE Whakarongo Mai kaiwhakamana • Kingslea School teachers and Assistant Principal • s9(2)(i) OIA Health staff • VOYCE Whakarongo Mai staff • s9(2)(i) OIA staff • Grievance Panel members |
| Observations | <ul style="list-style-type: none"> • Observation of young people, teachers and staff during school hours • Observation of unit routines during late afternoon and evening |
| Documentation review | <ul style="list-style-type: none"> • Oranga Tamariki audit report - • Grievance quarterly reports • Grievance files • Secure care register • Secure care log book • Young people's files (including Individual Care Plans and Management Plans) • SOSHI reports – s9(2)(a) OIA |

Appendix Three: Previous Recommendations

Previous recommendations from OPCAT report dated 23 August 2019:

For Oranga Tamariki National Office

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| Rec 1: | The DCE Youth Justice Services takes steps to support the residence to consistently meet the supervision policy of Oranga Tamariki. (State of Care 2017, Rec. 1) <i>There has been limited progress on this recommendation. (Ref. page 21)</i> |
| Rec 2: | The DCE Youth Justice Services takes steps to strengthen policies relating to youth justice residence placement decisions so that young people can be geographically close to their family/whānau when possible. <i>We did not monitor against this recommendation on this visit.</i> |

For the Residence Manager and Leadership Team

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|--------|---|
| Rec 3: | When young people are placed a long distance away from their whānau, work with site social workers to find solutions to whānau visiting. This will enable young people to maintain relationships with their whānau and to safely learn about their whakapapa. <i>There has been limited progress on this recommendation. (Ref. page 16)</i> |
| Rec 4: | Support case leaders with the time, resources and cultural knowledge to contribute to relationships with whānau, ensuring that whānau are involved in planning while their rangatahi are in the residence. <i>We did not monitor against this recommendation on this visit.</i> |
| Rec 5: | Provide regular, youth centred forums that support young people: <ul style="list-style-type: none"> • to share their thoughts, ideas and concerns to the residence • to learn about children's rights including their rights in residence <i>There has been limited progress against both parts of this recommendation. (Ref. page 12)</i> |
| Rec 6: | Ensure all care staff have an appropriate amount of time and resources to support planning of activities for young people. <i>There has been good progress against this recommendation. (Ref. page 16)</i> |
| Rec 7: | Support staff to embed the learning they are doing to be responsive to mokopuna Māori in everyday practice and meet the residence's cultural development plan goals. This should include support to reinstate the Rōpū Māori and cultural supervision for all staff. <i>There has been limited progress on this recommendation. (Ref. page 22)</i> |
| Rec 8: | Investigate, rectify and monitor equipment concerns, including air conditioning and poor-quality sound during phone calls to whānau. <i>There has been good progress against this recommendation. (Ref. page 16)</i> In addition, find effective, safe means for young people to adequately clean their hands after toileting. <i>There has been no progress against this recommendation. (Ref. page 14)</i> |

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| Rec 9: | Ensure that any changes resulting from Whaia te Māramatanga investigations are clearly explained to young people both verbally and in writing. <i>There has been good progress against this recommendation. (Ref. page 11)</i> |
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