

# Oranga Tamariki

## Residence Visit

(Office of the Children's Commissioner OPCAT  
Monitoring)

### **Puketai Care and Protection Residence**

Visit date: s9(2)(a) OIA 2020

Report date: 6 April 2021

Released under the Official Information Act 1982



MANAAKITIA A TĀTOU TAMARIKI

Children's  
Commissioner

# Contents

Introduction .....	3
Purpose of visit.....	3
Context.....	3
Overall findings and recommendations.....	5
Domain 1: Treatment.....	7
Domain 2: Protection system .....	13
Domain 3: Material conditions.....	15
Domain 4: Activities and contact with others.....	17
Domain 5: Medical Services and care.....	20
Domain 6: Personnel .....	22
Domain 7: Improving Outcomes for Mokopuna Māori .....	24
Appendix One: Why we visit – legislative background .....	27
Appendix Two: Interviews and information gathering .....	28
Appendix Three: Previous Recommendations.....	29
Previous recommendations from OPCAT report dated 16 January 2020 .....	29

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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, s 9(2)(a) OIA and s 9(2)(a) OIA carried out an announced monitoring visit to Puketai care and protection residence, in Ōtepoti, Dunedin.

The Children's Commissioner is a National Preventive Mechanism (NPM) under the Crime of Torture Act (1989)<sup>1</sup>. 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 protection, improving treatment and conditions, and preventing ill treatment. For more information about the legislative context for our visits, see Appendix One.

## Context

Puketai is a care and protection residence located in Ōtepoti, Dunedin. It has eight beds and is situated in a residential area in Andersons Bay. Our previous OPCAT visit to Puketai was in s 9(2)(a) OIA 2019.

### Children and young people at Puketai

At the time of our visit, there were seven children and young people living at Puketai. Their ages ranged from 11 to 15. Many of the children and young people had been in the residence for significant periods of time due to long delays in securing placements.

### Our monitoring processes

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

We conducted one-to-one interviews with children and young people who chose to talk with us. We also spent time observing children, young people and staff in the unit, including taking part in activities, sharing dinner and having conversations with children, young people and staff. This enabled us to see and experience after-school and evening routines.

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

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

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<sup>1</sup> 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/>

## 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 descriptors currently used in our findings, describing their impact and our expectations for further action. N.B. These descriptors are used in the context of secure institutional residences which are intrinsically harmful for children and young people.<sup>2</sup>

<b>Finding</b>	<b>Impact for young people</b>	<b>OCC expectation</b>
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

<sup>2</sup> Modernising Child, Youth and Family Expert Panel (2015). *Modernising Child Youth and Family. Expert Panel: Interim Report*. Wellington, New Zealand: Ministry of Social Development

# Overall findings and recommendations

## Overall findings

We identified two areas of practice as 'very good' because of their positive impact on children and young people's experiences. The areas of practice are:

- The leadership team are implementing a secure care pilot programme to eliminate the use of secure care
- The leadership team are prioritising a whānau-centred approach and a home-like environment within the constraints of a residential care facility.

We also found three key issues that must be urgently addressed. These issues were identified as 'harmful' and as having significant impacts on the safety and wellbeing of children and young people. The issues are:

- Children and young people are being placed at the residence, far from their whānau
- Children and young people remain at the residence for too long
- Children and young people do not know where they are going after they leave.

## Recommendations

We recommend the Chief Executive of Oranga Tamariki	
<b>Rec 1:</b>	Urgently finalises the plan for the closure of care and protection residences and provides full information about this plan to the Office of the Children's Commissioner.
<b>Rec 2:</b>	Prioritises support and resources to enable whānau, hapū and iwi and wider family groups to care for, or determine care for, their children and young people.
<b>Rec 3:</b>	Ensures that children and young people and their whānau are central to all planning and decision-making in relation to future care placements.
We recommend DCE Care Services	
<b>Rec 4:</b>	Urgently takes action to significantly reduce the average duration of stay for children and young people in care and protection residences.
<b>Rec 5:</b>	Supports Puketai in their vision to prioritise care for children and young people from the lower south region.
<b>Rec 6:</b>	Supports Puketai in their vision to reduce the total number of children and young people in their care to no more than six, where possible.
<b>Rec 7:</b>	Commits to the elimination of secure care rooms in all care and protection residences. In the interim: <ul style="list-style-type: none"> <li>- Establishes and supports alternatives to secure care, for example greater use of de-escalation techniques, sensory focused rooms and other behavioural management strategies.</li> <li>- Develops systems for electronically recording and analysing secure care data</li> </ul>

	<ul style="list-style-type: none"> <li>- Improves the physical conditions of secure rooms so they are more child-friendly, until such time as they are dis-established.</li> </ul>
<b>Rec 8:</b>	<p>Ensures all care and protection residences meet Oranga Tamariki obligations under Section 7AA and Te Tiriti o Waitangi.</p> <p>Provides a progress report at the quarterly care and protection meetings between the Office of the Children's Commissioner and Oranga Tamariki about:</p> <ul style="list-style-type: none"> <li>- the extent to which care and protection policies, practices and services align to Section 7AA quality assurance standards</li> <li>- the development of a clear strategy for care and protection residences, including short term progress indicators, aimed at addressing disparities and improving outcomes for mokopuna Maori.</li> </ul>
<p><b>We recommend that the Chief Social Worker/Director of Professional Practice</b></p>	
<b>Rec 9:</b>	<p>Improves the quality and timeliness of the All About Me plans provided by Oranga Tamariki sites to residences, so that care workers can formulate accurate and effective therapeutic plans based on current information. <i>(Refer to Recommendation 4 from our OPCAT monitoring report, January 2020, not yet addressed.)</i></p>
<b>Rec 10:</b>	<p>Works with site offices to increase the responsiveness and involvement of site social workers while young people are at the residence, particularly in relation to planning and transitions.</p>
<p><b>We recommend that the residence leadership team:</b></p>	
<b>Rec 11:</b>	<p>Continues to provide ongoing guidance for staff about professional boundaries and how they engage with children and young people. This includes helping staff to:</p> <ul style="list-style-type: none"> <li>• use appropriate language with children and young people</li> <li>• engage positively with children and young people, eliminating the use of ultimatums and threats</li> <li>• safely challenge poor practice when they see it.</li> </ul>

### Progress on previous recommendations

Of our recommendations from our OPCAT report of 6 December 2019, one had been resolved, three had made good progress and one, disappointingly had no progress. For further details, 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 16 January 2020 we said:

- Logs in the secure unit were inconsistently filled out.
- The therapeutic model across all care and protection residences was inconsistent.

In our COVID-19 report dated 22 May 2020 we said:

- Children and young people whose transition plans were disrupted by COVID-19 needed support to transition as soon as possible after the lockdown finished.

### Findings from this visit

#### Strengths

#### **Children and young people have strong and trusting relationships with most staff**

Young people told us they have a number of staff that they trust and get along with. One young person said there were at least seven staff members they would be happy to approach for help or support. The majority of young people told us they felt safe at the residence, based on their trusting relationships with staff. During our visit we observed positive interactions and good practice between staff and young people. One example we observed was an incident where staff provided physical reassurance to one young person when she was in conflict with another young person during our whakatau - staff removed the young person temporarily and once they had de-escalated they were able to rejoin the whakatau. Other examples included staff clearly and calmly explaining the reasons why some young people were excluded from group activities. While this sometimes took multiple attempts, it was reassuring to see staff continue to adapt their approach until young people understood why they had been excluded and when they could rejoin the group activities.

*"Well, certain staff members might take you out or have one-on-ones and talk to you, talk to you about like problems and that." (Young person)*

#### **Children and young people said restraints are rare, however some resulted in injuries**

Most children and young people told us that they had never been restrained at Puketai, however some said they had. We also heard from those who had witnessed restraints taking place.

We understand that in the past, restraints were more common at Puketai. Two young people talked about their previous harmful experiences of restraints at the residence. One had occurred over a year earlier and the other had happened 'ages ago'. Both said the restraints had hurt them and resulted in minor injuries.

*"It feels like your arm being lit on fire. It's not funny, honestly. We're either grabbed by the arm or picked up underneath the armpits and held tightly or picked up by the arms and legs very tightly, which cause friction along the carpet. Cos they don't both like to lift us up."*  
(Young person)

*"... after I get restrained, I normally either have like, scratches or like, bruises on my arm."*  
(Young person)

From our discussions with staff, it was clear there is now a strong focus on prevention, de-escalation and emotional regulation to avoid the use of restraints. Staff are aware of factors that trigger heightened behaviour and have a number of strategies to avoid this. During our visit we saw several staff members de-escalating children and young people who had become heightened or upset. Staff members spoke to them individually, at their level and provided options to calm and distract them. These included alternative activities and separation from the main group. The overall impact of these strategies was good.

### **Duration of secure care is reducing**

Secure care logs clearly document a reduction in the duration of children and young people's stays in secure – some confinements were as brief as 45 minutes. The secure logs also described the tailoring of strategies to the needs of individual children and young people.

In response to a number of public reports, research projects and feedback from children and young people, Puketai are in the very early stages of piloting a programme focused on further reducing the use of secure care. The current target is a maximum of three hours in secure care, with a long term goal of completely eliminating the use of secure care in the future. This pilot programme focuses on implementing strategies from the Alert programme, ensuring staff practice reflects the 4 'R's' of responding to trauma - Recognise, Respond, Regulate and Restore - and maximising the use of alternative interventions whenever possible.

We strongly support the residence's focus on reducing the use of secure care and eventually eliminating secure care altogether. This is a very good initiative which should be implemented across all care and protection residences. The adoption of this goal is in line with international human rights law and best practice for children and young people. We look forward to seeing the progress of this goal at our next visit.



### **Whānau visits are well planned and youth-centred**

We heard from staff, and children and young people, that whānau visit the residence regularly. During our monitoring visit we saw child-centred Whānau Visit Plans that staff and children and young people had created together. These plans included details such as who was going to pick whānau up from the hotel, where they were going to go, what they were going to cook and what time they would arrive and leave. There were also pictures alongside the text to assist with children and young people's comprehension. In our view, Whānau Visit Planning is a very good example of child-centred practice that works well to meet the needs of children and young people at Puketai. This approach would be beneficial across all care and protection residences.

### **Children and young people understand and like the Alert programme**

The Alert programme is being rolled out nationally, across all care and protection residences. Puketai staff started implementing the programme in 2020 and it continues to be used at the residence. Alert is a self-regulation programme designed to help young people and staff recognise their own arousal state or energy level so they can learn strategies to change their state to fit the circumstances. The Alert programme includes the development of a 'sensory diet' for each young person and sensory tools applicable to each young person's individual needs and sensorimotor preferences. Some examples of sensory items include – weighted blankets, swiss balls, fidget toys and drawing materials. The guiding principles of the Alert programme form the basis for the trauma-informed care model at Puketai.

The residence is currently working with the creator of the Alert programme to see how it can be adapted for mokopuna Māori. Puketai have recently introduced Alert programme training sessions and discussions, which are held once a week, for staff and young people. These sessions support staff to identify the sensory preferences and needs of the children and young people in their care.

### **Children and young people have youth-friendly plans**

The residence has simplified and converted the All About Me plans into a one-pager, tailored to each young person's goals for their time at Puketai. These plans are displayed on the walls in young people's rooms. This is a good practice development. Most children and young people understand their plans and showed them to us, however most were unaware that these plans were part of a bigger plan.

### **Residence staff work hard to support transitions**

Staff are focussed on using the time at Puketai to maximise children and young people's chances of successful transition out of the residence. This work includes developing community readiness through exposure to life outside the residence and where possible, connecting with the communities children and young people are transitioning to.

Staff told us about the importance of supporting young people to connect with their whānau, hapū, iwi and wider family group during their time at residence in preparation for when they leave. Staff described other strategies for easing the transition. Examples included taking a young person to lunch with their social worker and future carer, and spending time with a young person at their new placement to help settle them in. Staff said lack of resourcing and staff capacity can be barriers to safe and well-planned transitions out of residence.

## Areas for development

### **Children and young people said sometimes staff don't treat them with respect**

Some children and young people told us they don't have confidence in staff maintaining their privacy. s 9(2)(ba)(i) OIA

Young people also told us of staff using threats in an attempt to get them to behave, for example, staff talking into the radio pretending to ask other staff to get secure ready. One young person described staff blaming them for problems with finding a placement.

*"No wonder you can't get a placement, because of your behaviour in here."* (Young person)

We heard from some children and young people that they don't like the tone staff use when talking to them.

*"Like it's how they say it, it's not what they say, it's how they say it."* (Young person)

We also heard concerns from children and young people about staff attitudes. One young person said that Puketai needed to 'let kids go outside more', to play on the playground and trampoline. The reasons they were not allowed to play on the outside playground weren't always clearly explained, which was frustrating for some.

*"Like you ask if you can go outside and some staff say 'no' because they can't be bothered and then some staff say 'yes'."* (Young person)

While these experiences were not the majority of what we heard on this visit, it is our view that the poor practice described does not meet the needs of children and young people and requires improvement.

### **Site social workers fail to provide quality plans**

Staff told us that the All About Me plans continue to be problematic. They said plans are often not child or youth-friendly and many are not fit for purpose. The quality and timeliness of plans varies from site to site. Staff were frustrated at the duplication of work that came with these plans.

We looked at several All About Me plans and found them to be content-heavy. Although they are written in the first person to convey the child's voice, the language is institutional and

complicated and it was sometimes difficult to believe the words in the plan came from children and young people themselves. One example read as follows:

*"Some would say that I present as being traumatised the majority of the time with tantrum-type behaviour. These are explosive and at times unpredictable which could signify anxiety about particular situations or is my way of controlling what is happening around me. I have lots of trouble regulating emotions and struggle sometimes to talk about my feelings."* (Quote from young person's All About Me plan)

While we support the use of children's voice in their plans it is important that these are directly and accurately portrayed. Misrepresenting children's voice in this way is poor practice.

### **Children and young people don't like secure**

Children and young people told us they don't like secure because they feel isolated there. We heard from one young person that staff deliberately mocked them in secure.

*"I hate secure, everyone hates secure. They just leave you there and some staff start pulling faces at you. Yeah and they start getting you angry."* (Young person)

Another young person told us that one of the rooms in the secure care unit had a basin on top of the toilet which meant that it would accidentally flush when they went for a drink of water. They also spoke about the graffiti on the walls and commented that conditions in the secure care unit would be improved if there was carpet and a 'nice bed'.

In our view, environments such as secure care are harmful for children and young people and there is a need for a targeted focus, across all care and protection residences, to eliminate secure care. We acknowledge that the residence is taking the necessary steps to reduce the use of secure care.

### **Children and young people have lengthy stays at Puketai**

Long stays in Puketai and uncertainty about the timeframes for community placements remain an ongoing issue and are having damaging and harmful effects on children and young people. Some children and young people told us they feel they have been there far too long. One young person said they had been at Puketai for s9(2)(a) OIA - OIA note: over two years.

Many children and young people did not know when they were going to leave residence, or where they were going. We heard from both staff and young people that placements are taking a long time to determine and/or create. This results in extensive stays in the residence,

placement breakdowns and children and young people feeling let down, upset and angry. Staff said recently there had been a strong focus on bespoke placements, however staff also said young people and residence staff had limited involvement in what a bespoke placement looked

like and how it was developed. Staff were concerned about how successful bespoke placements would be for children and young people in the long term.

Staff told us about a young person who had been in and out of Puketai for two years. They understood there were no whānau members able to care for this young person, however after two years an s 9(2)(a) OIA was found, and the young person transitioned to live with s 9(2)(a) OIA. During the two years it took to identify this placement, the young person experienced a number of residential care and non-kin placements.

As OPCAT monitors, we have continued to identify the three damaging issues impacting on children and young people across in all care and protection residences. These issues, as described above for children and young people at Puketai, are:

- being placed in a care and protection residence, far from their whānau
- remaining in care and protection residences for too long
- not knowing where they are going after they leave a care and protection residence.

In our view, these practices are harmful and have significant impacts on the safety and well-being of children and young people. These issues require urgent attention from National Office as set out in our recommendations to the Chief Executive of Oranga Tamariki and the DCE Care Services.

### **Relationship with some Oranga Tamariki regional sites are difficult**

Staff spoke of the difficulties they have with some Oranga Tamariki sites when there are no established relationships and/or the sites are geographically distant. Staff also spoke of the difficulties of relying on sites to determine solutions for young people in residence when Puketai staff engage with these children and young people every day and often know them better than their site social worker.

Staff also talked about the challenges of providing care for children and young people when their whānau live far away. Examples included, staff being unable to engage with whānau as often as they would like, unable to work with the communities that the young people will be transitioning to and/or work with young people's hapū and iwi to connect them to the people and places they come from. Staff said that to be able to provide optimal care for children and young people, in line with the Oranga Tamariki Act, residential care needs to be provided through small, regionally-based services.

## 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 16 January 2020 we said:

- Children and young people's understanding of their rights was excellent.

In our COVID-19 report dated 22 May 2020 we said:

- Most children and young people were completing Whaia Te Maramatanga forms, however there was a misunderstanding about not being able to make grievances during lockdown.

### Findings from this visit

#### Strengths

##### **Children and young people understand their rights and know how to make complaints**

Children and young people have a good understanding of their rights and how to make a complaint. Management have established good processes and structures to facilitate this. For example, during meetings that are held every Monday, the agenda includes a time for children and young people to discuss their rights. Grievance advocates and VOYCE Whakarongo Mai are scheduled to visit Puketai on a weekly basis.

Children and young people told us they knew how to make a grievance or suggestion, however many said they prefer to sort any issues directly with staff as it is quicker to resolve things that way.

##### **Children and young people have a range of options for dealing with complaints**

Grievance advocates visit Puketai every Tuesday evening to have dinner with the children and young people, and VOYCE Whakarongomai Mai visit every Wednesday. The grievance panel visits every two weeks and has a good relationship with the Residence Manager and staff.

The grievance advocates told us they had dealt with very few grievances - approximately six in four years. We are aware that Puketai has a small number of grievances, the ones that are submitted are resolved within the required timeframes and young people are kept informed of the progress of their grievances.

## Areas for development

### **Grievance advocates are not aware of outcome letters**

When talking with the grievance advocates it became apparent that in situations where they are supporting a child or young person, they aren't kept informed when an outcome letter is given to that child or young person. It is important that advocates who have been selected by children and young people are able to assist them with the next stage of the grievance process, including asking whether they are satisfied with the outcome. We suggest that when a child or young person has requested an advocate to support them with a grievance, that advocate is involved at every step of the grievance process to ensure they can provide appropriate support.

### **Children and young people say grievances take too long**

Some children and young people said that they shouldn't have to put their issues on a form in order to make a complaint. Others complained that by the time they received a letter advising them of an outcome, the matter had already been sorted. We heard that the time it takes for a grievance to be addressed could be a lot shorter. One young person suggested that rather than putting the complaint in a box or giving it to the duty person or other staff, they could give the complaint directly to 'the bosses' so a decision could be made quickly.

*"You have to go through this long as process and it could not even be like, solved. And like, whereas, you could just talk to someone, it could be solved straight away." (Young person)*

Whilst we understand that the grievances at Puketai are being responded to within the required timeframes, this timeframe does not meet the needs of those in secure residences.

As OPCAT monitors, we have continued to identify numerous concerns regarding the grievance process across all residences and have made multiple recommendations to address them. In our view, the grievance process is poor and at times has harmful and damaging effects on children and young people in care and protection residences. Urgent attention, needs to be given, by National Office, to the development of a child-centre process that genuinely meets the needs of children and young people.

## 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 16 January 2019 we said:

- Both inside and outside spaces were welcoming for children and young people
- The kai was good
- Equipment used by children and young people was new and/or well-maintained

In our COVID-19 report dated 22 May 2020 we said:

- Children and young people had access to soap, towels and hand sanitiser and were educated regarding proper handwashing

### Findings from this visit

#### Strengths

#### **The indoor and outdoor environment is home-like, functional and well-maintained**

Puketai is the only secure residence that is unfenced. Children and young people told us they appreciate that Puketai doesn't have fences. They also said they enjoy the home-like environment at Puketai where they have space to relax and can display their personal things on their bedroom walls. We observed that there was no graffiti or damage at the residence and there were bright murals all around the unit.

Some areas within the main administration block are designated as sensory rooms or as rooms for activities such as table tennis. The school facilities also offer a sensory and creative space for children and young people to use when needed. The main unit has comfortable couches, pillows and rugs which provide a home-like feel in what is an institutionally designed space. Since our last visit, a new playground and climbing wall has been installed and is used regularly by the children and young people.

#### **Children and young people appreciate the range of personal equipment at Puketai**

All children and young people have king-size single beds and can choose their own duvet cover and pillowcase when they arrive at the residence. Young people can also choose to take the

pillowcase and the duvet cover with them when they leave. Personal hygiene and sanitary products are available for children and young people and are easily accessible.

There has been a shift in practice at Puketai from having a specific number of iPads available to children and young people as part of the Behaviour Management System (BMS), to having an iPad allocated to each room. This is a good development which enables easier access to whanau. Access to these iPads remains part of the BMS system.

**Children and young people appreciate and enjoy the quality and variety of the varied food options**

During our visit, we experienced a range of high-quality food from various meat to multiple vegetable and salad options. The inhouse chef also caters for children, young people and staff who have food allergies or preferences. Children, young people and staff we spoke with shared that the good food we experienced was normal for Puketai.

Despite the quality of the food, some children and young people indicated to us that they would like to be more involved in the preparation of the food and in the design of the menu, by way of giving suggestions.

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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 as well as contact with their whānau.*

### Findings from our last reports

In our last OPCAT report dated 18 January 2020 we said:

- Children and young people experience a wide range of activities, including a variety of cultural activities

In our COVID-19 report dated 22 May 2020 we said:

- Children and young people enjoyed being able to make video calls to their whānau

### Findings from this visit

#### Strengths

##### **Contact with whānau is seen as important and occurs regularly**

Staff at Puketai make it a priority to connect children and young people with their whānau. Staff work hard to build relationships with whānau to help restore relationships with their children and young people. This is done in multiple ways including utilising the onsite flat which allows the child or young person and their whānau to stay together, facilitating whānau to stay offsite and allowing children and young people to stay with their whānau, where possible. These practices enable a good range of options for contact with whānau. We heard of the residence supporting one young person to have up to s 2(1)(a) OIA whānau members stay at the residence, for a weekend visit. We also heard that the onsite flat, used to host whānau members, is often full at the weekends.

*"Cos they also let me have visits with my family as well. Like every second week I get to visit them." (Young person)*

##### **Children and young people have regular access to whānau through phone and FaceTime calls**

Staff told us, wherever possible, they are flexible with the timing of phone and FaceTime calls between children and young people and their whānau. This means that the call lengths are not restricted and can be made at times that best suit the child or young person and their care arrangements. During the COVID-19 lockdown, Puketai invested in their own technology to enable audio-visual contact with whānau using Zoom and FaceTime. This option remains a viable choice for contact between children and young people and their whānau, post COVID-19

restrictions. One young person talked about the importance of being able to speak to their grandmother on a daily basis when she was in hospital having surgery.

### **Staff prioritise connecting children and young people to where they come from**

Children and young people are assisted to learn about their culture through staff who have specialist skills. Many staff we spoke to told us their goal is to enable mokopuna Māori to get back to their marae and turangawaewae, and for whānau to be supported to live healthily and well. The Programme Coordinator also provides the residence with dedicated cultural support, playing a vital role in supporting mokopuna Māori to learn about their whakapapa and, where possible, connecting them to their marae and where they come from. This is achieved through regular one-on-one sessions with young people. Staff spoke of the challenges for mokopuna Māori who come from outside of their region, however Puketai work hard to ensure they provide the same level of care and commitment to connecting all children and young people to their whānau, hapū, iwi and wider family group.

*"Like, they've been going out of their way just to like see what, like what iwi you come from. They like research about everything. Even talk to like your family about what they know ... like actually going and researching on like maps and stuff." (Young person)*

### **Children and young people enjoy a range of on and offsite activities with the local community**

Children and young people continue to experience multiple opportunities across a good range of activities, partly due to the residence having strong relationships with a number of community providers. Children and young people engage in many offsite activities, these include but are not limited to - waka ama, touch rugby tournaments, regular visits to local marae and places of local significance, for example the albatross colony. On site, children and young people are supported to take part in weaving, rākau, karanga, tītī tōrea and kī-o-rahi programmes through a number of different Māori providers.

During our monitoring we also heard and saw young people taking part in a variety of onsite activities and programmes such as mau rākau, kapa haka, waiata, rock sculpting, tukutuku, along with programmes delivered by external providers such as the gender and sexuality programme 'Mates and Dates' run by ACC.

### **The education programme is strong and children and young people enjoy school**

Children and young people told us they enjoy school and the opportunities provided to them. Some told us they appreciate being able to gain NCEA credits.

Children and young people have a highly dedicated teaching team working alongside them. They also have their own spaces in the classroom which include their own personal desk and 'progress' wall displays. Puketai also has a barista programme where young people can gain qualifications in coffee-making.

We are conscious that at the time of the visit, there were some concerns from Education staff that they were losing some of their funding. The impacts of this could be significant for children and young people, in particular regarding the extra-curricular activities that the school is able to provide. We will be following up on this at our next visit.

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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 16 January 2020 we said:

- Children and young people receive specialist, general health and oral care and have good access to health services.

In our COVID-19 report dated 22 May 2020 we said:

- The health nurse was available for consults by phone and arranged prescriptions for young people off site.

### Findings from this visit

#### Strengths

##### **Children and young people continue to have good access to primary health care**

The nurse is on site most days, and children and young people have a good relationship with her. Upon admission, children and young people receive a full medical check, including a specialist psychosocial assessment. They also see the local GP within one week of arriving at Puketai.

##### **Children and young people can access specialist health services**

There is a psychiatrist that visits the residence fortnightly, providing help with medication review as well as support for staff in understanding and dealing with children and young people with mental illness. The residence also arranges specialist services such as occupational therapists, psychologists, and counsellors.

The nurse has strong relationships with the dental service within the DHB, as well as the local community dentist. We were told that the community dentist will see children and young people urgently if needed.

##### **The creation of an Inter-agency Governance Team has improved access to health services**

Staff at Puketai have recently established an Inter-Agency Governance Team comprising representatives from local iwi, Oranga Tamariki, VOYCE Whakarongo Mai, Police, Health and Education. This is a good initiative which has successfully addressed barriers and enabled better access to psychologists, dentists and paediatricians. The team meets regularly to address any waiting list issues and ensure that care and treatment for children and young people is prioritised. An MOU, agreed between Puketai and the local hospital, was signed in October 2019. This has led to young people from Puketai having priority amongst paediatricians and dentists.

The Residence Manager described the commitment, by staff at Puketai, to prioritising children and young people's health needs because doing so improves their quality of life. One example was residence staff advocating for young people to receive medical procedures via private health care to ensure they have their needs met as soon as possible. We also heard about child-centred arrangements being negotiated with Oranga Tamariki sites so that health costs are evenly split between the residence and the site. This ensures that medical procedures are undertaken promptly and completed before the young person leaves the residence.

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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 16 January 2020 we said:

- Working relationships between and within teams were strong.
- The induction process was sound.
- Puketai had good relationships with the local community.
- Police checks for new staff were taking too long.

In our COVID-19 report dated 22 May 2020 we said:

- Most children and young people had staff members they could trust and talk to.
- Staffing levels were good, and management were monitoring the stress levels of staff.

### Findings from this visit

#### Strengths

#### **Staff have a good understanding of the strategic direction of the residence**

The strategic direction was clearly understood by many staff and articulated often. Staff are committed to ensuring that while children and young people are at Puketai they receive optimal care. Staff work hard to connect children and young people with their whānau, hapū, iwi and wider family groups and to ensure their transition to care outside the residence is prioritised. We heard from members of the leadership team that most staff are on board with their vision and others are slowly adapting.

#### **Working relationships between and within teams continue to be strong**

We consistently heard that staff relationships were strong, and there is a positive working culture within Puketai. Staff are supportive of each other, and we heard that each team is working towards the same goals and outcomes. The leadership team said that during lockdown, staff worked extremely hard and at times prioritised the needs of Puketai over those of their own families. Although this situation is not ideal, we understand that this resulted in the residence continuing to provide a high standard of care for children and young people during lockdown.

#### **Staff induction processes are comprehensive**

All new staff attend the Oranga Tamariki national induction training for residence staff. Puketai also provide their own induction for new staff. New employees are well supported with time

spent observing all shifts, and are buddied up with other staff members to observe day-to-day work on the floor.

From our previous OPCAT visit in November 2019 we found there were delays in Police vetting for prospective employees wanting to work at Puketai - this has now been resolved. The residence's relationship with Police via the Inter-agency Governance Group meant they were able to promptly address the delays in Police vetting.

**Staff have a number of opportunities to undertake training and professional development**

Staff expressed that they many good opportunities for professional development. As well as the standard trainings such as MAPA, staff participate in ongoing Alert programme trainings. They also have access to a range of supervision options and education through Te Wānanga o Aotearoa in both tikanga and te reo Māori. Many staff told us they appreciated the number of opportunities open to them for further learning and development and that the leadership team were very supportive of any professional development opportunities they wanted to pursue.

**Staff receive regular professional and cultural supervision**

Staff receive a range of different types of supervision to assist with their practice and personal development. Care staff receive regular supervision from their Team Leader Clinical Practice, a clinical psychologist, as well as cultural supervision every second week. Staff spoke of the importance of cultural supervision for helping them to reflect on what they have learnt to better support the needs of mokopuna Māori. Staff gave examples of cultural supervision focused on learning the importance behind tikanga, for example, understanding the importance of whakapapa, for whānau as well as staff. The Programme Coordinator, who provides cultural support across the residence, is receiving his own individual cultural supervision to support him in his role.

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## Domain 7: Improving Outcomes for Mokopuna Māori

*Our monitoring of the Improving Outcomes for Mokopuna 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 16 January 2020 we said:

- There had been significant progress with a clear vision and goals for mokopuna Māori. The employment of a fulltime Programme Coordinator was central to implementing their vision and goals.

In our COVID-19 report dated 22 May 2020 we said:

- The Programme Coordinator was continuing to provide cultural support with children and young people through the school, using Zoom, as well as providing one-on-one sessions, as required.

### Findings from this visit

#### Strengths

**The leadership team are strongly committed to prioritising te ao Māori as the foundation for work at the residence.**

Puketai has a clear vision and goals for improving outcomes for mokopuna Māori. The aim is to ensure mokopuna Māori receive optimal care while at Puketai and are supported to connect with their whānau, hapū and iwi during their time there. Staff spoke about the challenges of working with young people who come to the residence from outside of the region. In these situations, the necessary connections and resources are not always available and staff sometimes struggle to provide appropriate cultural support.

**Puketai are committed to ensuring that section 7AA of the Oranga Tamariki Act is realised within the residence**

In August 2020, Puketai leadership undertook a review of the extent to which they were enabling section 7AA across the residence. Examples of targets reached included all staff having either completed or currently completing He Papa Tikanga and He Papa Reo Māori courses through Te Wānanga o Aotearoa.



We heard that staff are actively utilising these skills, embedding them in their practice with young people. Staff described being able to better engage and relate to mokopuna Māori as a result of this learning. The Residence Manager also conducts regular surveys with staff to gauge their cultural confidence so as to ensure the leadership team can provide tailored support.

Staff spoke about welcoming and engaging with whānau to enable them to feel comfortable. We also heard about children and young people being provided with a whakatau when they arrive and a poroporoaki when they leave, including the gifting of pounamu.

Future targets for the realisation of Section 7AA include increasing the availability of services from Māori providers, the provision of ongoing whakapapa research and continued support for the Programme Coordinator in providing cultural support to the residence.

In our view, the practice of the residence undertaking their own review of Section 7AA is a good initiative that prioritises the needs of mokopuna Māori and should be standard practice across all care and protection residences.

#### **Puketai continues to build relationships with mana whenua and local Māori providers**

Staff told us that mana whenua are in high demand in Dunedin and maintaining a sustainable relationship can be difficult. However they have engaged with local Māori who have contributed to programmes and activities for young people by teaching kapa haka, working with them on kōhatu designs and providing information about the history of mana whenua in the area.

Staff have also taken children and young people to local marae to participate in and support activities, for example community days and powhiri. One local marae is visited regularly, as a way of showing support, and so that children and young people can experience marae and maintain cultural connections.

The Programme Coordinator has formed connections with a good number of Māori providers to support activities and programmes for mokopuna Māori as well as the wider residence. Puketai has good working relationships with s9(2)(b)(ii) OIA social service provider as well as s9(2)(a) OIA marae, visiting them regularly so that children and young people can to participate in programmes and open day events.

Staff told us there is a new role of 'Cultural Advisor/Liaison' starting in all care and protection residences in the beginning of 2021. We are not clear on what the primary focus of this role will be. At the time of our visit the job description was still in draft. Puketai intend to offer this role, in the first instance, to mana whenua. While we support the implementation of these roles, significant long term investment and resources in specialised Māori roles is required, along with clarity around the expectations placed on existing and new Māori staff. It is important that staff are fully recognised for additional work and responsibilities. It is also important that these roles have clear boundaries and goals that align to Section 7AA.

## Areas for development

While the residence has taken the initiative to develop their own vision and goals for mokopuna Māori, we heard there is lack of guidance and support from National Office, particularly in relation to how Section 7AA can be realised at a residence level.

As OPCAT monitors we continue to see high numbers of mokopuna Māori placed at Puketai and other care and protection residences, many of whom are living far from home. There is an urgent need for National Office to meet their responsibilities under Section 7AA to begin to address the disparities that mokopuna Māori continue to face in the residential care and protection system.

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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"> <li>• Children and young people (7)</li> </ul>
Individual and group interviews	<ul style="list-style-type: none"> <li>• Residence Manager</li> <li>• Team Leader Operations</li> <li>• Case Leaders</li> <li>• Team Leader Clinical Practice</li> <li>• Care staff</li> <li>• Programme Coordinator/Cultural Support</li> <li>• Grievance Coordinator</li> <li>• Chef</li> </ul>
External stakeholder interviews	<ul style="list-style-type: none"> <li>• Grievance panellist</li> <li>• Grievance advocates</li> <li>• Health Nurse</li> <li>• School Teacher</li> </ul>
Documentation	<ul style="list-style-type: none"> <li>• 2019 Oranga Tamariki audit report</li> <li>• Grievance quarterly reports</li> <li>• Grievance files</li> <li>• Secure care register</li> <li>• Secure care logbook</li> <li>• Young people's files – including 'All About Me' plans and one-page residence plans</li> <li>• SOSHI reports (May – July 2020)</li> </ul>
Observations	<ul style="list-style-type: none"> <li>• Afternoon and evening observation of unit routines from school until shower time</li> <li>• Observation of shift handover</li> </ul>

# Appendix Three: Previous Recommendations

Previous recommendations from OPCAT report dated 16 January 2020

<b>For the National Office, Oranga Tamariki</b>	
Rec 1:	The DCE Care Services works with New Zealand Police to find a resolution to expedite the Police vetting process for new staff, so the opportunity to appoint excellent candidates is not missed <b><i>This recommendation has been resolved (ref. page 22)</i></b>
Rec 2:	The DCE Care Services work with care and protection residences across the country to create a national approach to a therapeutic model of care that sits across all care and protection residences so individual residences are not having to use their resources to create their own. (pg 9), (State of Care, 2017, action 2). <b><i>We were advised at the accuracy meeting held on 24 March 2021, that the ALERT programme is being implemented across all care and protection residences as part of a national approach to a therapeutic model of care.</i></b>
Rec 3:	The DCE Care Services endorses Puketai's transition kete as good practice and shares this with other care and protection residences (pg 8), (State of Care, 2017, action 3). <b><i>We were advised at the accuracy meeting on 24 March 2021, that elements of Puketai's transition kete have been included in the ALERT programme.</i></b>
Rec 4:	The DCE Care Services ensures there is a clear strategy that ensures All About Me plans are consistently coming from site to the residence (pg 8). <b><i>There has been no progress against this recommendation – there is a further recommendation in this report to ensure action takes place to address the lack of progress.</i></b>
<b>For the Residence</b>	
Rec 5:	Puketai's leadership team work to ensure staff cultural capability is increased and relationships with mana whenua are well embedded so that cultural capacity is not only held by key staff members (pg 20), (State of Care, 2017, action 18). <b><i>There has been good progress against this recommendation (ref. page 23, 24)</i></b>