



13 February 2023

Judge Frances Eivers
Children's Commissioner
Office of the Children's Commissioner
PO Box 5610
Wellington 6145

Sent via email [REDACTED]

Tēnā koe Judge Eivers

Draft OPCAT Report – Te Puna Wai o Tuhinapo Youth Justice Residence

In November 2022, your monitoring team visited Te Puna Wai o Tuhinapo Youth Justice Residence to monitor the safety and wellbeing of rangatahi. This monitoring visit was completed as part of your role as a National Preventive Mechanism under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), and was a follow-up visit to the full visit completed in November 2021.

On 21 December 2022, you provided your draft OPCAT report for Te Puna Wai o Tuhinapo for our review and comment. On 24 January 2023, we provided our feedback on the factual accuracy of the draft report.

Oranga Tamariki—Ministry for Children (Oranga Tamariki) previously accepted the 10 recommendations made in your 2021 report. Please find enclosed our updated responses to these recommendations following your November 2022 follow-up visit.

We acknowledge that at the time of your November 2022 monitoring visit to Te Puna Wai o Tuhinapo, you raised very serious concerns about low staffing, staff being inexperienced and fearful to work with some rangatahi, allegations of some staff providing contraband, inappropriate use of secure care, the older cohort at the residence negatively influencing younger residents, challenging relationships between male and female rangatahi, a disconnect between operational staff and senior management, and the grievance process being poorly managed. These concerns are also reflected in your December 2022 report.

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On 14 November 2022, because of the seriousness in which you viewed these concerns, and the need for urgent action, you raised them by way of letter with the Oranga Tamariki Chief Executive. You also had an opportunity to talk to the Deputy Chief Executive Service Delivery, Rachel Leota who provided some initial feedback on actions Oranga Tamariki would be taking in response. On 7 February 2023 the Chief Executive responded to you directly outlining the work that we undertook in response to your concerns. Each of your concerns were thoroughly investigated, and where these were able to be substantiated, remedial action was taken, including taking appropriate steps to address individual staff actions. In the instances where your concerns were not able to be substantiated, such as staff providing contraband, the management team provided a reminder to all staff on the Code of Conduct expectations.

We are pleased to note that your monitoring report identifies staff are positively responding to the changes we have made following your visit, for example, the appointment of a new residence manager and a reconfiguration of the senior leadership team. Mr Te Kani's letter also outlines immediate steps being taken by this team, such as the establishment of a youth panel to increase rangatahi voice and participation in decision making.

We are also pleased your report notes the significant appetite amongst staff to increase training and gain more knowledge around how best to work with mokopuna in residences, and we recognise the need to address recruitment and retention needs to achieve this. Since the last quarter of 2022, this has been a significant national focus, with a recruitment campaign being planned which is due to commence early in 2023. This will also support making the changes your report recommends, which we welcome. We are also exploring how professional development within residences can be better supported by more closely aligning the residence learning delivery team and the Professional Development team within Quality Practice and Experiences. This is something I will update you further on as we make progress.

As our report back demonstrates, there is considerable ongoing work underway in Te Puna Wai o Tuhinapo and all Oranga Tamariki Residences generally, which we look forward to continuing to share with you and your team.

I trust you find this information useful. If you have any questions or would like further information, please feel free to contact me on 029 200 5086, or alternatively Julie Miller, General Manager Monitoring and External Relationships on 027 257 2492.

Nāku noa, nā



Nicolette Dickson

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Tumu Tuarua | Te Kōunga o te Mahi me ngā Wheako
Deputy Chief Executive | Quality Practice & Experiences