



Epuni Residence

OPCAT Monitoring Follow Up Report

Visit Date: January 2023

Report Date: April 2023

Kia kuru pounamu te rongō All mokopuna* live their best lives

*Drawing from the wisdom of Te Ao Māori, we have adopted the term mokopuna to describe all children and young people we advocate for, aged under 18 years of age in Aotearoa New Zealand. This acknowledges the special status held by mokopuna in their families, whānau, hapū and iwi and reflects that in all we do. Referring to the people we advocate for as mokopuna draws them closer to us and reminds us that who they are, and where they come from matters for their identity, belonging and wellbeing, at every stage of their lives.

Contents

Contents	3
Executive Summary	4
About this report	4
About this visit	4
About this facility	4
Key Findings	7
Progress on 2022 Recommendations	5
Issues and Concerns	9
Appendix	14

Executive Summary

The role of the OCC

The Children's Commissioner is a National Preventive Mechanism (NPM) under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment (OPCAT).

The New Zealand legislation is contained in the Crimes of Torture Act (1989). My role as a NPM is to visit places of detention, including residences run by Oranga Tamariki, to:

- Examine the conditions and treatment of mokopuna
- Identify any improvements required or issues to be addressed
- Make recommendations aimed at strengthening protections, improving treatment and conditions, and preventing ill treatment.

Judge Frances Eivers

Children's Commissioner

About this visit

Staff from the Office of the Children's Commissioner (OCC) conducted an unannounced visit to Epuni Care and Protection Residence (Epuni) as part of a follow up visit work programme. The follow up visit assesses progress against the recommendations made as part of the previous full monitoring visit. The last full visit to Epuni was May 2022.

Preceding the visit, the Children's Commissioner was made aware of a proposal from Oranga Tamariki to temporarily increase the bed capacity at Epuni (from 10 beds to 20) to accept referrals for mokopuna aged 12 – 13 who were driving unlawfully, participating in 'ram-raids' and exhibiting other risky behaviours.

About this report

The report outlines the progress made against the recommendations from the last full visit in May 2022.

There was also particular focus on how the residence would cater for the needs of the additional mokopuna. Specifically, the assessment of those needs, the needs of their whānau and their transition plan home given the recommendations of the previous report, the documented staff shortages, and practice issues at the residence. The Children's Commissioner is concerned about potential harm to mokopuna.

About this facility

Facility Name: Epuni Care and Protection Residence

Region: Wellington

Operating capacity: 10 (increasing to 20 December 2022)

Detention Status under which mokopuna are detained: Sections 78 and 101 of the Oranga Tamariki Act 1989.

Concluding Observations from the United Nations Committee on the Rights of the Child (2023)

In February 2023, the United Nations Committee on the Rights of the Child ('the UN Committee') released its Concluding Observations¹ for New Zealand's sixth periodic review on its implementation of the Children's Convention² and how the Government is protecting and advancing the rights of mokopuna in Aotearoa New Zealand.

There are multiple recommendations that relate to the treatment of mokopuna in places of detention and a summary of these is attached as Appendix 2 to this report.

The Children's Commissioner will continue to monitor progress and work with Oranga Tamariki (and other relevant agencies) to ensure these recommendations, among others, are addressed.

Key Findings

- There have been several permanent staffing appointments made since the last visit which has contributed to a positive practice shift, culture shift and to the overall wellbeing of staff.
- OCC observed positive interactions between staff and leadership.
- There are regular offsite activities and mokopuna have a voice in deciding what those activities are.
- Mokopuna spoke about having regular contact with whānau. The whānau whare has been regularly used by visitors.
- Staff training and ongoing professional development is lacking. Some staff are not confident when dealing with heightened situations involving mokopuna.
- Some staff are not receiving the full induction training package before going into the open units.
- Individual care plans are lacking detail. This is specifically around needs assessments and transitions back to home community.
- More needs to be done to ensure a culturally safe facility that upholds the principles of Te Tiriti o Waitangi.

¹ Refer CRC/C/NZL/CO/6. To see the Children's Commissioner report to the UN Committee, see: [NZ Children's Commissioner's Report to the UN Committee on the Rights of the Child - 2022 | Office of the Children's Commissioner \(occ.org.nz\)](#)

² [Convention on the Rights of the Child | OHCHR](#)

2022 Recommendations

Systemic Recommendations

1	Develop a therapeutic model of care for Care and Protection residences which aligns with trauma informed practice and Te Tiriti o Waitangi. ³
2	Review the grievance process to be independent and impartial.
3	Develop and implement a workforce strategy to address appropriate staffing levels, recruitment, and training in all residences.
4	Ensure all placements into Care and Protection residences are appropriate and staff are trained and able to work with mokopuna who have very high and complex needs.

Facility Recommendations

1	Ensure all Individual Care Plans are maintained to a consistent standard and with mokopuna and whānau involvement.
2	Fix the technical phone issues and allocate a private room for mokopuna to use for making and receiving calls.
3	Provide regular supervision for all staff, including cultural supervision.
4	Refurbish the sensory room.
5	Take appropriate action to address staff behaviour that is inappropriate and does not adhere to the Code of Conduct of the residence.

³ For the purpose of this report, the principles of Te Tiriti o Waitangi that OCC expect to see is that mokopuna and whanau are at the heart of decision making and that Oranga Tamariki facilitate the restoration of familial connection and explore whakapapa. All practice acknowledges mokopuna as Rangatira in their care journey, recognises their mana, and supports culturally appropriate treatment for past trauma.

Progress on previous recommendations (2022)

Progress on the recommendations from the OPCAT report dated May 2022, are assessed to have made good, limited or no progress. The assessment of these recommendations are as follows:

Recommendation 1: Develop a therapeutic model of care for Care and Protection residences which aligns with trauma informed practice and Te Tiriti o Waitangi.

Progress: No Progress at the residence. This work has been identified as systemic and is being led at a National Office level.

There was no evidence of trauma informed practice within the unit other than the use of Safety Intervention Foundation Training⁴ which has replaced MAPA⁵. This training does have a trauma informed focus with an emphasis on prevention and de-escalation. Some staff were more cognisant of high and complex needs and effects on behaviour than others, however, more needs to be done to ensure all staff are trauma informed and can operate within a therapeutic model of care.

There is clear recognition from residence management that the residence environment should be a place of trauma informed rehabilitation and the leadership team understand that National Office is developing a new model of care. However, this approach and what it will look like, has not filtered down to the residence.

Recommendation 2: Review the grievance process to be independent and impartial.

Progress: No progress at the residence. This work has been identified as systemic and is being led at a National Office level.

Some mokopuna told OCC that they did not really understand the grievance process and said it felt like a waste of time. The Children's Commissioner remains concerned that the current system is not independent of staff and that grievances are reviewed internally by the residence leadership team.

⁴ [Safety Intervention™ Training | Crisis Prevention Institute \(CPI\)](#)

⁵ [MAPA® – Now known as CPI Verbal Intervention & CPI Safety Intervention | Crisis Prevention Institute \(CPI\)](#)

Recommendation 3: Develop and implement a workforce strategy to address appropriate staff levels, recruitment, and training in all residences.

Progress: Limited Progress. This work has been identified as systemic and is being led at a National Office level.

The residence has made gains in recruiting permanent staff. There has been a positive response to the recruitment strategy and many of the people appointed have come from community agencies and have worked in the residence as previous staffing shortage cover.

There is still heavy reliance on partner agencies to fill the gaps and there is still anxiety within the current staffing structure as to whether they have enough staff, and the right staff, to manage a capacity increase to 20 beds.

Recruitment needs to be dovetailed into appropriate training for the job. OCC heard from some staff that they had a one-day crash course for an induction and others, who had no experience working with children, had a very limited induction. Staff expressed the need for more training even when placed in the units. These staff told us that the lack of training did make them feel intimidated by some of the mokopuna and their behaviours.

With an increase of mokopuna expected at Epuni, the Children's Commissioner remains concerned that there is a lack of experienced staff to ensure mokopuna are safe, interventions are targeted, and that transitions home are well facilitated.

Recommendation 4: Ensure all placements into Care and Protection residences are appropriate and staff are trained and able to work with mokopuna who have very high and complex needs.

Progress: Limited Progress. This work has been identified as systemic and is being led at a National Office level.

Some staff spoken to said it was hard to manage some of the complex behaviours mokopuna present with. They said that they did not feel confident in their ability to engage in safe practice. Examples they gave included not being confident during restraints, boundaries around safe and professional practice were blurry, and the use of secure and how to work with mokopuna in that environment, was not clear. Ill-equipped and inexperienced staff pose a risk for mokopuna. Places like Epuni are often a 'last resort' placement for mokopuna with very complex needs and it is important this level of need is reflected in the quality of staff looking after them.

The OCC have questioned whether Epuni is the right place for the expected cohort of mokopuna that are 12-13 years old, participating in 'ram raids' and other risky, antisocial behaviour. Many of the expected mokopuna are from out of area, away from whānau and being placed during the Christmas and New Year period.

The Children's Commissioner maintains that living in institutional group environments is not appropriate for mokopuna, especially for those with high and complex needs who require specialised and on-going support.

The Children's Commissioner supports the goal outlined by Oranga Tamariki⁶ to phase out the use of large care and protection residences in favour of small, bespoke, purpose-built homes.

Recommendation 5: Ensure all Individual Care Plans are maintained to a consistent standard and with mokopuna and whānau involvement.

Progress: Limited Progress Many mokopuna spoke of having very little participation in their plans from admission to transitioning out of Epuni. This was evident in the documentation OCC obtained which lacked comprehensive detail around mokopuna need, assessment, triggers and how mokopuna can return to their home community.

Some mokopuna said they did not know where they are going or what might be next for them. They also said there is a lack of support and communication from their site social workers especially with their transition plans. Mokopuna have the right to be fully involved in their care and be able to share their view as per Article 12 of the Children's Convention.

The standard of information contained in 'All About Me' plans needs to increase with clear goals for mokopuna and evidence that mokopuna and whānau have participated in creating and reviewing the plan.

Recommendation 6: Fix the technical phone issues and allocate a private room for mokopuna to use for making and receiving calls.

Progress: No Progress This recommendation remains a priority. Mokopuna should have the option of a room where they can take their phone calls in private. While OCC did hear from staff that mokopuna prefer not to use a private space, the option should be available.

Mokopuna told OCC they have good access to phone calls home and there has been an increase in whānau visits with the whānau whare being used regularly.

Recommendation 7: Provide regular supervision for all staff, including cultural supervision.

Progress: Good Progress Regular supervision for staff has now been implemented. Most staff spoke about the positive impact supervision has had on wellbeing which has also contributed to the cultural shift within the residence. This is a positive step to inform good practice while working with mokopuna.

⁶ [OT-Future-Direction-Action-Plan.pdf \(orangatamariki.govt.nz\)](#)

Recommendation 8: Refurbish the sensory room.

Progress: No Progress. There was no progress with the sensory room nor was there an indication when it may be addressed.

Sensory spaces can benefit all mokopuna, especially those who have been exposed to trauma, stress, and those with specified sensory needs. They can provide a safe environment where mokopuna can be supported to calm and regulate, build confidence, and ultimately improve focus and sense of self. Having these areas can significantly reduce the need for restraint and secure care and help enable mokopuna to learn vital skills for self-management in preparation for their return to the community.

The OCC would like to see urgent action in providing a sensory room at Epuni with a variety of age-appropriate sensory resources.

Recommendation 9: Take appropriate action to address staff behaviour that is inappropriate and does not adhere to the Code of Conduct of the residence.

Progress: Complete. The OCC noted a positive shift in addressing the inappropriate behaviour and practice noted in the May 2022 report. Staff spoke about staff turnover and that a number have moved on to other opportunities. This has allowed new staff to come in and provide a fresh perspective.

Staff also spoke highly of the current leadership team and the way they are taking the initiative to instil a supportive environment with an emphasis on coaching and mentoring in practice. Clear messages have been given regarding professional boundaries and expectations when engaging with mokopuna. Staff spoken to said leadership have made themselves more available to staff, there is better overall communication, and seeing the leadership team in the units has lifted morale.

Issues and Concerns

OCC noted Oranga Tamariki had implemented a plan for a staggered increase in capacity from ten to fifteen beds with a further increase to twenty beds within a six-month period. The aim is to provide urgent care for mokopuna, while a tailored intervention plan is being developed by their home social work site.

The Children's Commissioner is concerned that Epuni, a large care and protection residence, is being used to provide therapeutic interventions for young mokopuna who are committing crime. The Children's Commissioner wrote a formal letter to the Chief Executive of Oranga Tamariki asking for details around how the Epuni environment was going to provide thorough needs assessments, provide a safe environment for pro-social programmes, therapy, and peer interaction all whilst a comprehensive transition plan was developed, and support was wrapped around whānau to ensure mokopuna success.

The Children's Commissioner emphasised concerns raised in the May 2022 full monitoring report regarding staffing numbers, capabilities and inconsistent practice and asked for assurance from the Chief Executive of Oranga Tamariki that these matters would be addressed urgently given the increase in bed capacity.

A copy of the letter sent to the Chief Executive Oranga Tamariki is attached as Appendix 3. The OCC received a response to this letter from Oranga Tamariki on 29 November 2022. This correspondence shaped how OCC enquired about the care, assessments, and transitions for the 12-13-year-old cohort.

The Children's Commissioner's concerns for this 12–13-year-old cohort currently at Epuni are detailed below.

Care Plans

Of the individual care plans reviewed, OCC found that not all plans were complete in terms of basic information, assessed need, whānau support and what transition home will look like. Only a few mokopuna spoken to in the identified cohort knew what was in their plan.

It was evident that there are inconsistencies in how information is recorded in CYRAS⁷ and what was populated in each mokopuna plan. Given the intervention goal of this cohort was time-limited and intensive, having comprehensive plans is critical. For this cohort, many are being removed from whānau over the December and January period. It is not acceptable that plans about their intervention are incomplete, lacking detail and do not detail support whānau are receiving.

When mokopuna and whānau are not well informed or part of the decision-making process in building care plans, the risk of harm increases— both for mokopuna and their whānau.

The Children's Commissioner reiterates the need for meticulous planning for this cohort.

Staffing

Recruitment and training

There was an increase in permanent staff since May 2022 visit which is positive. This was required to ensure there was enough staff to cover shifts at the residence. The recruitment strategy continues with the increase in bed capacity.

Staff are concerned that that even as new staff are recruited, the training is not appropriate and the levels of experience of those applying is low. Staff told OCC that not all new staff receive the full induction programme simply because they are needed to staff the units as soon as they are on-boarded.

Staff said that specialist training is lacking and some staff in the unit said they did not feel safe enough or trained well enough to immediately intervene when mokopuna became heightened. The lack of induction and continued professional training is a risk to mokopuna safety especially in a residence where many mokopuna have very high and complex needs.

The leadership team did outline their relationship with ICAFS (Infant, Child, adolescent Family Mental Health Service) was growing and that there is opportunity for ICAFS staff to support Epuni in a training capacity. A comprehensive training programme needs to be established so that staff have clarity within their roles.

The Children's Commissioner will keep a watching brief on the situation at Epuni in terms of the 12–13-year-old cohort and how staff are supporting them to meet the goals outlined in their plans.

Mokopuna Māori

OCC stand by the importance of improving outcomes for mokopuna Māori to uphold the tikanga of section 7AA of the Oranga Tamariki Act.⁸ Given many mokopuna in the 12–13-year-old cohort were from out of area and are Māori, the OCC want to ensure their plans reflect the needs of those mokopuna as individuals as well as part of a whānau, hapu and iwi eco-system.

Mokopuna Māori continue to be overrepresented in state care and state care facilities. OCC is concerned that strong transition plans are not in place for this cohort and that removing them from their whānau for the Christmas and New Year period falls contrary to intention of section 7AA of the Oranga Tamariki Act as well as the principles of Te Tiriti o Waitangi.

While OCC did see some evidence of tikanga and matauranga Māori being shared within Epuni, there is still work to be done to remove barriers and create a confident workforce who

⁷ CYRAS is the case management system used by Oranga Tamariki.

⁸ <https://www.orangatamariki.govt.nz/about-us/performance-and-monitoring/section-7aa/what-we-do-section-7aa/>

can work within the values of te ao Māori. Creating culturally appropriate environments should not fall to a small few in named cultural roles.

The Children's Commissioner supports the need for mokopuna Māori to have opportunities to participate and engage in a safe and culturally inviting space that is underpinned by principles encapsulated in Te Tiriti o Waitangi such as rangatiratanga, the importance of whanau, hapu and iwi and that all mokopuna are treated as taonga.

Appendix 1.

Gathering Information

The OCC gather a range of information and evidence to support our analysis and develop our findings in our report. These collectively form the basis of the recommendations.

Method	Role
Interviews and informal discussions with mokopuna (including informal focus groups) with mokopuna	
Interviews and informal discussions with Eponi Residence staff	<ul style="list-style-type: none"> • Residence Manager • Residence Manager Operations • Team Leader Clinical Practice • Quality Lead • Team Leaders Operations • Case Leaders • Youth Workers • Shift Lead • Kaiwhakaako
Documentation	<ul style="list-style-type: none"> • Serious Event Notifications • SOSHIs • Grievance Panel quarterly reports • Reports of Concerns • Secure and Daily Log Register • All About Me Plans • Staff Roster • Daily Mokopuna Timetable
Observations	<ul style="list-style-type: none"> • Unit routines • Activities • Mokopuna engagement with staff and each other • Mealtimes • Shift handovers • Internal and external environment

Appendix 2.

Concluding Observations from the United Nations Committee on the Rights of the Child (2023)⁹

Below is a summary of the Concluding Observations as they relate to places where mokopuna are detained.

- ensure adequate human, technical and financial resources and continuous capacity-building for those exercising responsibilities under the Oranga Tamariki legislation on upholding children's rights, in particular staff members and caregivers of State-run institutions, family homes and foster placements (para 28(e));
- facilitate children's access to the residential complaints process to report instances of harm, neglect, abuse and violence, and implement measures to combat retaliation (para 28(f));
- systematically collect data on the views of children in and out of care on their education, health, and well-being, in order to address the context that allows neglect, abuse and the mistreatment of children in out-of-home care to occur (para 28(g));
- strengthen the duties of schools and child protection and youth justice sector decision makers to recognize and uphold the right to identity of Māori children, systematically ensure that the voices of Māori children are heard and that their views are considered in decisions that affect them and strengthen support for organizations promoting and protecting their rights and those of their families (para 40(b));
- raise the minimum age of criminal responsibility to 14 years for all children, regardless of the offence (para 43(a));
- To repeal the practice of remanding children into police custody and reduce the proportion of children in secure youth justice residences who are on remand, including by investing in the development of community-based residences and strengthening the availability and use of non-custodial measures (para 43(b));
- For the few situations where deprivation of liberty is used as a measure of last resort, to continue to strive for full compliance with the international requirement to detain children separately from adults and ensure that detention conditions are compliant with international standards, including with regard to access to education and health services, and, for pretrial detention, that detention is reviewed on a regular basis with a view to its withdrawal (para 43(c));
- end the automatic transfer of 17-year-olds who are accused of serious offences to be tried by the adult courts and ensure that they are dealt with in the youth justice system (para 43(d)); and

⁹ Refer CRC/C/NZL/CO/6.

- To develop an effective action plan aimed at eliminating the disparity in the rates of sentencing, incarceration, and survival in detention of Māori children by addressing the connections between offending and neuro-disability, alienation from whanau (family), school and community, substance abuse, family violence, removal into State care and intergenerational issues (para 43(e)).

The Children's Commissioner will continue to monitor progress and work with Oranga Tamariki (and other relevant agencies) to ensure these recommendations, among others, are addressed.

Appendix 3.

Letter sent to the Chief Executive of Oranga Tamariki

16 November 2022

18 November 2022

Chappie Te Kani

Chief Executive, Oranga Tamariki - Ministry for Children

Tēnā koe Chappie

RE: The proposal to increase the capacity of Epuni Care and Protection Residence

The Office of the Children's Commissioner (OCC) received a notification from Oranga Tamariki on 11 November 2022 advising of the proposal to temporarily increase the capacity of the Epuni Care and Protection Residence (Epuni) to care for mokopuna aged 12-13 years old who have been driving unlawfully, doing 'ram-raids' and exhibiting other risky behaviours. As you will be aware, the findings of the OCC monitoring team indicate that Epuni is not in a position to provide the therapeutic interventions these mokopuna and their whānau require. As a result, my office and I do not support the proposal under consideration and ask that Oranga Tamariki urgently re-considers its approach to managing these particular mokopuna.

In the event that this proposal is progressed, I request Oranga Tamariki provide written advice on the following:

- What work and/or interventions have been put in place to respond to the behaviours and needs of these mokopuna in their communities and with their whānau?
- What work has been done to find safe and supportive placements with whānau if these mokopuna cannot stay with their parents?
- What support will be made available to whānau whilst these mokopuna are at Epuni?
- What is the current legal status, age, gender, and iwi of the mokopuna identified for placement at Epuni?
- In accordance with 7AA of the Oranga Tamariki Act, what steps have been taken to work with iwi to develop local solutions for these mokopuna?

OPCAT monitoring of Epuni over the past two years has identified a wide range of issues relating to the care and treatment of mokopuna including the capacity and capability of staff to respond to the complex needs of mokopuna placed there. These concerns have also been well documented in the media.

From our most recent visit in May 2022 the following concerns were raised:

- Some staff behaviour appeared to be unprofessional and there is a lack of professional boundaries, training, supervision and professional development.
- Ongoing low staffing levels are unsafe and unsustainable.
- Mokopuna are misinformed about their admission into the residence and some placements into the residence are inappropriate.
- Mokopuna have minimal involvement in their care and transition planning.
- There is no evidence of a therapeutic model of care.

I recognise that the behaviour of the mokopuna involved presents a risk to themselves and to their communities. There is however a very clear risk that placement in the Epuni secure residential facility could, in fact, cause more long-term harm.

Therefore, if the proposal was to be operationalised, my office would recommend the following actions:

- Concerns around the staffing number and capabilities are addressed first.
- A therapeutic model of care is developed and staff are trained in how to provide specialist therapeutic care for these mokopuna.
- Mokopuna are only briefly placed in Epuni and their transition back to whānau is well planned and supported.

I am able to meet with you to further discuss my concerns regarding the proposal and the risks of harm I see with this approach.

Ngā mihi

Judge Frances Eivers

Te Kaikōmihana mō ngā Tamariki | Children's Commissioner

Te Tari o te Kaikōmihana mō ngā Tamariki | Office of the Children's Commissioner
occ.org.nz

Level 7, 110 Featherston St

PO Box 5610

Ph: 04 471 1410

Web: www.occ.org.nz