



# Toe Afua Le Taeao – Community Remand Home

OPCAT Monitoring Report

Visit Date: September 2023

Report Date: November 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
The role of Mana Mokopuna	4
About this report	4
About this visit	4
About this facility	5
Key Findings	5
Recommendations	6
United Nations Concluding Observations	7
Report	8
Appendix	27



# Introduction

## The role of Mana Mokopuna – Children and Young People’s Commission

Mana Mokopuna - Children and Young People’s Commission (Mana Mokopuna) is an independent advocate for all children and young people (mokopuna) under the age of 18, and for those who are care-experienced up to the age of 25. Mana Mokopuna advocates for children’s rights to be recognised and upheld, provides advice and guidance to government and other agencies, advocates for system-level changes, and ensures children’s voices are heard in decisions that affect them.

Our organisation is a designated National Preventive Mechanism (NPM) as per the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment (OPCAT).

The New Zealand legislation relating to OPCAT is contained in the Crimes of Torture Act (1989). The role of the NPM function at Mana Mokopuna is to visit places where mokopuna are deprived of their liberty, and:

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

### About this visit

Mana Mokopuna conducted an announced visit to Toe Afua Le Taea (the fale) as part of its NPM monitoring visit programme. The community organisation providing the remand home service is Emerge Aotearoa. The objective of our OPCAT Monitoring as a NPM is to prevent ill-treatment in all places where mokopuna are deprived of their liberty by regularly monitoring and assessing the standard of care experienced in these facilities.

### About this report

This report shares the findings from the monitoring visit and recommends actions to address any issues identified. The report outlines the quality of the experience of mokopuna at the facility and provides evidence of the findings based on information gathered before, during and after the visit.



## About this facility

Facility Name:	Toe Afua Le Taeao operated by Emerge Aotearoa
Region:	Tāmaki Makaurau - Auckland
Operating capacity:	5 bedroom home. There were five mokopuna in the fale at the time of the visit.
Status under which mokopuna are detained: s235,s238(1)(d) of the Oranga Tamariki Act	

## Key Findings

Mana Mokopuna found no evidence of cruel, inhuman, degrading treatment or punishment (ill-treatment) during the visit to Toe Afua Le Taeao. However, at the time of the visit, there were two active Reports of Concern<sup>1</sup> instigated by mokopuna after leaving the fale. These are currently progressing through the Oranga Tamariki investigation process and have been referred to the New Zealand Police as per the Child Protection Protocol.<sup>2</sup>

Mana Mokopuna report the following findings:

- Communication delays regarding active Reports of Concern can be harmful for mokopuna.
- The fale incorporates a home-like environment where kaimahi (staff) role-model value-based care to create positive relationships between kaimahi and mokopuna.
- Placements are strengthened and mokopuna settle quicker into the home when the admission process is thorough and worked through with mokopuna 'buy-in'.
- Mokopuna said the following would improve their experience in the home:
  - Access to more activities and outings.
  - A variety in the education components delivered.
  - Privacy during their phone calls.
- Mokopuna need direct access to medical care. Medical attention is sometimes delayed if mokopuna cannot contact their allocated Oranga Tamariki social worker.
- There is a lack of contingency staff available to provide adequate cover when kaimahi wish to take annual leave or are sick.
- Kaimahi said that communication could be better between those working in the home and Emerge Aotearoa. The lack of consistent information and communication impacts on mokopuna experience in the home.

<sup>1</sup> [Report of concern | Oranga Tamariki — Ministry for Children](#)

<sup>2</sup> [Child Protection Protocol \(CPP\) | Oranga Tamariki](#)



- There is a lack of cultural practice woven into day-to-day operations in the fale or regular cultural programmes for mokopuna to be involved in, despite a positive vision and enthusiastic kaimahi wanting to develop these.

## Recommendations

Recommendations are based on:

- Key findings from Mana Mokopuna monitoring and analysis
- Any issues relating to ill-treatment
- Incorporating relevant recommendations from UN Concluding Observations.

Mana Mokopuna identify systemic issues that impact on the effective functioning of the home and make recommendations to address these. Mana Mokopuna recommend that action to address the facility recommendations occurs within twelve months after the date of our visit.

Mana Mokopuna will monitor progress against the recommendations at a follow up visit.

## Systemic Recommendations – Oranga Tamariki

	Recommendation
1	Support community run remand homes to develop an independent complaints system.
2	Develop a nationwide package of training programmes designed specifically for community run remand homes. Training programmes could include: <ul style="list-style-type: none"> <li>▪ Trauma-informed practice</li> <li>▪ Identifying and working to reduce criminogenic risk factors</li> <li>▪ Alcohol and drug support</li> <li>▪ Working effectively with mokopuna who have identified mental health needs, intellectual disability, neurodiversity, trauma or post-traumatic stress disorder as well as cultural development and capacity building.</li> </ul>
3	Ensure Oranga Tamariki social workers are adhering to minimum contact visits as per Oranga Tamariki policy. <sup>3</sup>
4	Ensure mokopuna access to timely medical care that does not rely on their assigned Oranga Tamariki social worker being available to escort to medical appointments.
5	Ensure that when a Report of Concern is received by Oranga Tamariki that involves staff working in a remand home, that the home is notified immediately.
6	Establish a transition process for mokopuna leaving community remand homes that incorporates access to mentors and adequate wrap-around support.

<sup>3</sup> [Assessing the frequency of visits to tamariki in care | Practice Centre | Oranga Tamariki](#) & [Visits with tamariki and rangatahi in care or custody | Practice Centre | Oranga Tamariki](#)



## Facility Recommendations – Emerge Aotearoa

	Recommendation
1	Work with mokopuna to establish regular activities and outings to provide variety in their structured day.
2	Review the current whānau contact arrangement and make changes that allow mokopuna more privacy during their contact time.
3	Ensure kaimahi have the ability to attend professional development opportunities.
4	Develop and implement a supervision policy to support kaimahi both professionally and culturally.
5	Ensure communication and information from Emerge Aotearoa is appropriately disseminated through all levels of operations for the fale.

## Concluding Observations from the United Nations

In February 2023, the United Nations Committee on the Rights of the Child ('the UN Committee') released its Concluding Observations<sup>4</sup> for New Zealand's sixth periodic review on its implementation of the Children's Convention<sup>5</sup> and how the Government is protecting and advancing the rights of mokopuna in Aotearoa New Zealand.

In August 2023, the United Nations Committee Against Torture also released Concluding Observations<sup>6</sup> for New Zealand's seventh periodic review regarding the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>7</sup>.

Many of the recommendations from both sets of Concluding Observations relate to aspects of treatment experienced by mokopuna in the Toe Afua Le Taeao Home and where relevant these are highlighted throughout the body of the report.

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<sup>4</sup> Refer CRC/C/NZL/CO/6

<sup>5</sup> [Convention on the Rights of the Child | OHCHR](#)

<sup>6</sup> Refer CAT/C/NZL/CO/7

<sup>7</sup> [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | OHCHR](#)



## Treatment

This This focuses on any allegations of torture or ill treatment, use of seclusion, use of restraint and use of force. We also examine models of therapeutic care provided to mokopuna to understand their experience.

### Kaimahi relationships with mokopuna are positive and engaging

Mana Mokopuna observed kaimahi<sup>8</sup> engaging with mokopuna in a positive manner through establishing healthy boundaries, actively listening to mokopuna, and providing clear communication. Kaimahi also engaged with mokopuna in ways that fostered their interests including organising personal training sessions and playing games they said they enjoyed, like Jenga. One mokopuna said that when they get older, they want to do what kaimahi do here and help boys get on the right path.

Kaimahi were also seen regularly encouraging mokopuna and providing positive affirmation of the work they had done whilst in the home. This was seen particularly when mokopuna were struggling with staying at the fale. Mokopuna spoke positively about kaimahi with one saying:

*“the staff are all goods too...specially when you get to know the staff well.”*  
(Mokopuna)

Alongside kaimahi engaging with and organising activities that aligned with mokopuna interests, mokopuna shared an example of a mokopuna identifying as Muslim who was supported to practice their religion and how kaimahi made sure kai was prepared in line with his religious needs. Kaimahi were open about how they cared about mokopuna and wanted the best for them.

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The UN Convention on the Rights of the Child – Concluding Observations outlines the right for mokopuna to have access to their culture, explore their identity, have freedom of expression and respect for their cultural identity.<sup>9</sup>

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<sup>8</sup> Support Youth Workers work most closely with mokopuna at the fale, working with them on a day-to-day and overnight. There is also an on-site service manager during the day hours.

<sup>9</sup> Refer CRC/C/NZL/CO/6.





## Balanced mokopuna relationships are supported by a collaborative placement process

Mokopuna residing at the fale got along with one another, often playing games together and sharing in conversation and laughter. Mana Mokopuna heard from kaimahi and mokopuna alike that when a referral for placement is received, mokopuna are consulted as a check-in point. This is to establish whether mokopuna already in the fale have any history with the prospective individual coming in. This gives mokopuna the opportunity to discuss whether the new mokopuna could have a negative impact on their stay.

It is clear that having this voice has contributed to mokopuna being able to share in conflict-free and well-balanced relationships with one another whilst living at the fale. Mokopuna said:

*“They [kaimahi] always check up on us to make sure that we don’t have beef with anyone before they come in.”*

*(Mokopuna)*

Allowing mokopuna the opportunity to have voice around placements into a fale that is their temporary home, is something Mana Mokopuna acknowledges has had an impact for mokopuna. However, Mana Mokopuna are concerned that this may be a breach of mokopuna privacy. Working with mokopuna as they are placed to identify a list of individuals who would negatively impact upon their stay may be a more appropriate process, so that kaimahi can manage this with the Oranga Tamariki Tāmaki Makaurau placements team before referrals are made.

## Kaimahi exercise verbal de-escalation strategies instead of restraints and secure care

At Toe Afua Le Taeaao, secure care and restraints are not used as part of the de-escalation practice in the fale. Instead, kaimahi are trained in verbal de-escalation practices<sup>10</sup> and incorporate elements of positive reinforcement and encouragement when dealing with mokopuna in heightened situations.

Kaimahi do not physically intervene when mokopuna wish to leave, and anti-social behaviour is met with negative reinforcement through the removal of privileges such as the PlayStation.

Mokopuna were not able to recall any instances where restraints had been used and said they did not think it was ‘a thing’ here. Instead, they referred to kaimahi talking them down when things were escalating, and this having a positive impact upon them choosing to stay.

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<sup>10</sup> [Verbal Intervention™ Training | Crisis Prevention Institute \(CPI\)](#)



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The seclusion of mokopuna of any kind or duration contravenes Article 37(a) of the Children’s Convention<sup>11</sup> and Article 2 of Te Tiriti o Waitangi which outlines mokopuna as taonga afforded special protection.

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## There is opportunity to provide mokopuna with additional support when transitioning out of care

Mokopuna were able to detail what the next steps are for them and they have a clear idea as to what is in their plans. Mokopuna knew they could contact their social worker if they had any questions. However, kaimahi were vocal about mokopuna needing access to mentorship and significant wrap-around supports once they transition out of the fale to avoid repeat admissions. Kaimahi said that mokopuna often end up back at the fale, another remand home, or a Youth Justice residence because they do not have any access to positive role models who can help keep them on track. Mokopuna also said that changing pathways was a struggle and that they often want to come back to see the kaimahi at the fale as they know they are there to help.

Receiving on-going support as mokopuna transition out of remand homes is critical to mokopuna success when transitioning back to their whānau and community. Mana Mokopuna advocates for Oranga Tamariki social workers to ensure mokopuna have appropriate transition plans in place that detail the support established and the check-in points they will have with mokopuna before they leave homes like the fale. This is an integral part of the remand review process<sup>12</sup> and mokopuna have the right to be set up to succeed.

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<sup>11</sup> [Convention on the Rights of the Child | OHCHR](#)

<sup>12</sup> Custodial remand statuses must be reviewed every 14 days as per s242(1A) of the Oranga Tamariki Act 1989.



## Protection Systems

This examines how well-informed mokopuna are upon entering a facility. We also assess measures that protect and uphold the rights and dignity of mokopuna, including complaints procedures and recording systems.

### The admission process at the fale is straightforward

For mokopuna to be admitted to the fale, they must be under a status of sections 235 or 238(1)(d) of the Oranga Tamariki Act 1989. When there is a prospective placement for the fale, the Oranga Tamariki Tāmaki Makaurau placement team first makes contact with the on-site manager to refer mokopuna with the following information:

- Placement request
- SKS Screen<sup>13</sup>
- Observations and presentation
- Any other relevant information about mokopuna to support the placement decision.

Once this information is received, an assessment is performed by Emerge Aotearoa kaimahi for suitability of placement at the fale. When the decision has been made to accept a referral, the following information is supplied by Oranga Tamariki:

- Custody order and known non-association<sup>14</sup> conditions for mokopuna
- All About Me Plan<sup>15</sup> (AAMP)
- Email detailing where mokopuna is from, the Oranga Tamariki site they are associated with.

Mokopuna will then have a pre-admission phone call with kaimahi to discuss the placement, and on arrival they will receive an introduction to the fale.

However, kaimahi working directly with mokopuna expressed a desire to be consulted regarding new placements as they are the ones best placed to know how new admissions will fit in with current fale dynamics. Kaimahi said that mokopuna dynamics are crucial to individuals succeeding at the fale. Kaimahi were able to share situations when mokopuna who were doing well were disrupted by the behaviours or influenced to abscond<sup>16</sup> by new admissions.

It is important that communications are clear across all operations of the fale to ensure the

<sup>13</sup> SACS, Kessler and Suicide screens (SKS): The SKS screens help us assess whether te tamaiti is dealing with substance abuse issues, suffering from psychological distress, or at risk of death by suicide.

<sup>14</sup> Non-association is a bail condition where the young person is not allowed to be in contact with particular individuals – usually co-offenders, victims, and witnesses.

<sup>15</sup> [All About Me plan | Practice Centre | Oranga Tamariki](#)

<sup>16</sup> Section 385(1) of the Oranga Tamariki Act 1989 defines absconding as leaving or being taken from a residence without authority; leaving or being taken from a placement or the care of a caregiver without authority or refusing or neglecting to return to the residence or placement.



safety of both kaimahi, mokopuna and that practices are consistent. This is especially important when new mokopuna are admitted into the fale.

## Communication delays can cause a risk of harm to mokopuna

During the visit, Mana Mokopuna were informed that there were two active Reports of Concern<sup>17</sup> that involve kaimahi who work for Emerge Aotearoa. The Reports of Concern had been instigated by mokopuna in relation to treatment they had received from a kaimahi working at the fale. Whilst an HR process is now in action to investigate the allegations, the concern for Emerge Aotearoa related to the time it took Oranga Tamariki to inform them that mokopuna had disclosed harm.

For the safety of mokopuna, it is imperative that communication between Oranga Tamariki and their community remand home partners is timely and especially in circumstances where mokopuna, or whānau on behalf of mokopuna, have alleged harm.

Mana Mokopuna also note that both complaints were made by mokopuna after they had left the fale. Whilst mokopuna currently in the home were comfortable with the complaints process, Mana Mokopuna encourage Emerge Aotearoa to undertake a review of the process to ensure mokopuna feel safe making complaints whilst they live at the fale and suggest involving independent advocates like VOYCE Whakarongo Mai.<sup>18</sup>

## Mokopuna are aware of how to make complaints

Mokopuna have different avenues to make complaints and were able to communicate their awareness of these different options. These included:

- A paper and pen process where they could write up their complaint and place it in a box which is then reviewed by management
- Raising things to kaimahi they trust verbally
- Raising concerns to the service manager who works on-site and is available for mokopuna to talk with them directly.

However, Mana Mokopuna remains concerned that the processes available to mokopuna are not impartial or independent of the fale, and mokopuna may not want to make complaints due to the strong relationships they have with (some) kaimahi.<sup>19</sup>

Mokopuna did say that they do feel safe at the fale and as one mokopuna said, if he does not think things are good in the place he is living, he runs away which is not something he has had to do living at this fale. He said:

*“Yo, it’s all goods here, honest. Safe as!”*

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<sup>17</sup> [1. Report of concern | Oranga Tamariki — Ministry for Children](#)

<sup>18</sup> [VOYCE - Whakarongo Mai - advocacy for children with care experience](#)

<sup>19</sup> This aligns with Concluding Observations from the UN Committee on the Rights of the Child which stipulates the importance of an independent complaints system being available for all mokopuna. Refer CRC/C/NZL/CO/6. Para28(f).



## Mokopuna have access to information on their rights

Mana Mokopuna saw that the fale has a large mokopuna-friendly infographic poster on the dining room wall which details mokopuna rights and the visit team observed mokopuna reading and referencing this regularly.

When speaking with mokopuna, one was able to identify and reference some of his rights in conversation, however, another mokopuna said he did not know much about his rights and would like the opportunity to know more. Therefore, there may be opportunity for kaimahi to engage with mokopuna on an on-going basis to ensure they fully understand their rights whilst they are in the fale. Often times mokopuna need more than the admission process to understand important information.

Mokopuna do have access to independent advocates via VOYCE Whakarongo Mai, but they do not visit the fale unless they are specifically called in. If mokopuna do not know about the organisation and what services they can provide, mokopuna may miss opportunities to exercise their rights or seek independent advice.

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Article 3 of Te Tiriti o Waitangi outlines that mokopuna should have equal rights and be active participants in decision making. It is important that mokopuna have regular access to independent advocates to ensure their rights are being upheld and advocated for.

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## Staff act as mokopuna advocates in the absence of engaged social workers

When Oranga Tamariki social workers are not in regular contact with mokopuna in their care, kaimahi at the fale try and bridge the gap even though they are not always in the position to achieve positive outcomes. Kaimahi gave examples when social workers call them to pass on information to mokopuna instead of speaking with them themselves. Kaimahi said this often places them in an awkward position especially when communicating difficult news as they are giving the news and simultaneously needing to de-escalate the behavioural outcomes mokopuna show in response. Kaimahi also said it's not their place to always be the 'bearer of bad news'.

Mokopuna should see their social worker face to face regularly.<sup>20</sup> They should have the opportunity to discuss information being given to them and be able to ask questions only their social worker can answer especially at key transition points or when additional emotional support is required.

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<sup>20</sup> [Visiting and engaging with tamariki in care | Oranga Tamariki](#) and [Assessing the frequency of visits to tamariki in care | Oranga Tamariki](#)



## Material Conditions

This assesses the quality and quantity of food, access to outside spaces, hygiene facilities, clothing, bedding, lighting and ventilation. It focuses on understanding how the living conditions in secure facilities contribute to the wellbeing and dignity of mokopuna.

### The fale provides a home-like environment for mokopuna

The set-up and dynamics of the fale mirrored that of a home. Mokopuna helped to clean the fale as per a chore roster and were responsible for ensuring general tidiness, which includes cleaning up after themselves. Mokopuna have access to metal cutlery and utensils, and regularly make themselves snacks such as smoothies or two-minute noodles independently. Kaimahi said having the ability to do this fosters a sense of belonging, that the fale is a home, and mokopuna have some independence.

The décor in the fale is tired and dated, but overall, the fale had good natural light and was clean and tidy. Adding colour and artwork to the walls would make the fale feel more inviting. Mana Mokopuna did see some colour in the lounge area with purple feature walls and encourage more of the same in other rooms in the fale. Mokopuna specifically mentioned making bedrooms feel like their own. Mana Mokopuna have seen this done successfully in other remand homes with chalk board paint and cork boards fixed to walls so that mokopuna can personalise their space.



*Communal areas and a bedroom at Toe Afua Le Taea.*

### The fale has a great outdoor area

There is a large, fenced backyard at the fale which includes a functional grassed area, fruit trees, planter boxes, trampoline, and basketball court. There is also a chalk board painted wall which mokopuna could decorate. Mana Mokopuna heard this was popular and saw how mokopuna had used the space to express their creativity. Kaimahi said that having shade sails in the garden would allow the space to be used more especially in summer months.



## Mokopuna have all basic needs met and are well-fed at the fale

Mokopuna are well-cared for and content at the fale. Mokopuna regularly had access to showers and said they have access to a variety of personal hygiene products. When asked if mokopuna have all they need here, the collective response was:

*"yeah everything's all good here, straight up."  
(Mokopuna)*

Kaimahi at the fale cook the majority of meals for mokopuna and were observed being creative in the kitchen. During the visit, there was little input into the menu by mokopuna and they did comment that the menu can be repetitive. However, mokopuna said they have access to a good amount of kai, which they are grateful for. Mokopuna can, and were seen to regularly make themselves snacks, such as noodles and smoothies, throughout the visit.



## Activities and access to others

This focuses on the opportunities available to mokopuna to engage in quality, youth friendly activities inside and outside secure facilities, including education and vocational activities. It is concerned with how the personal development of mokopuna is supported, including contact with friends and whānau.

### Privacy is important for mokopuna

Mokopuna have good access to whānau via phone-calls and have two scheduled call-times during the day. However, these calls are undertaken in a small room, on speakerphone, with kaimahi seated beside mokopuna. There is no option for mokopuna to have a phone call in private. Mokopuna said they would like to have the opportunity to have some privacy during their calls. One mokopuna noted that it can be very uncomfortable having a staff member seated beside them listening in especially in circumstances where heavy information is being communicated such as whānau passing away. Mokopuna said they felt awkward processing this kind of information sitting right next to a staff member.

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Mokopuna are entitled to privacy under the Privacy Act 2020 as well as Article 16 and 14[vii] of the Children's Convention.<sup>21</sup> Not providing the ability to have private phone calls is a breach of these rights.

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### Mokopuna need opportunities to engage and connect with the community

A consistent message communicated by mokopuna at the fale was that they would like to have regular access to outings and more opportunity to get out amongst the community they are residing in. Mokopuna noted they did not need elaborate outings, as even a walk in the park to have break from the fale they reside in would make a positive difference for them. When mokopuna were asked if they would change anything here and what that would be, one responded saying:

*"Just like outings...anything though, like don't really care where it is, just to get out of the house though."*

Multiple mokopuna were able to articulate that having access to outings would be a deterrent to absconding, and one described the feeling as:

*"It's more like wanting to get out of the house. Instead of just having the feeling of, oh can't get out so we're going to run away to get out, aye."*

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<sup>21</sup> [Convention on the Rights of the Child | OHCHR](#)





## Communication breakdown impact upon mokopuna access to activities

When engaging with kaimahi it became clear there were varying levels of understanding regarding the process to gain approval and funding for activities mokopuna suggested. This appeared to be due to a breakdown in communication between Emerge Aotearoa, the management at the fale, and the kaimahi working directly with mokopuna. Kaimahi expressed eagerness to provide mokopuna with more options, but the process of getting the activity approved is unclear.

Kaimahi also noted administrative processes often create barriers to going on outings. This includes applying for funding from Emerge Aotearoa and filling out the required Risk Analysis and Management System (RAMS) forms. For example, kaimahi said that RAMS often do not take into account the ever-changing dynamics of the group with updated RAMS forms needing to be re-submitted regularly which is cumbersome and time consuming. Engaging mokopuna in the weekends when there is no structured education is also difficult and having pre-approved, off-site activities would alleviate mokopuna boredom and, as kaimahi explained, reduce the desire for mokopuna to leave and therefore abscond.

Mokopuna were very vocal about how they would like access to more things to do in and about the fale as it helps them stay on track. One mokopuna said:

*"Like when you actually think about the days too much, then its like gets longer and longer."*

Mana Mokopuna heard that when mokopuna are bored, that is when they are most likely to abscond. One mokopuna described the feeling as:

*"it's getting boring here, [so] I'm going to chop it."*

Mana Mokopuna would like to see mokopuna have more regular access to recreational activities as per article 31 of the Children's Convention.<sup>22</sup> Mokopuna have also identified a varied day helps them stay on track and make positive choices regarding their placement in the fale.

## Mokopuna need more variety in their education

Mokopuna have their education delivered through Tuilaepa Youth Mentoring Services (TYMS)<sup>23</sup> a Pasifika community service, which supports mokopuna in remand homes across Tāmaki Makaurau through the provision of teaching staff. The focus of education at the fale is largely on re-orientating mokopuna toward the benefits of schooling as many mokopuna coming into the fale have often been away from the education system for some time.

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<sup>22</sup> [Convention on the Rights of the Child | OHCHR](#)

<sup>23</sup> [Tuilaepa Youth Mentoring Service \(TYMS\) - Home](#)



Mana Mokopuna heard from mokopuna and kaimahi alike that whilst education is good, it can become repetitive in terms of approach and content. Mokopuna who are re-admitted into the fale have often done the same practical learning activities previously or in one of the other Tāmaki Makaurau remand homes.<sup>24</sup> Mokopuna also said that they need a physical education element in their school day and would welcome either getting a sports provider in or making regular use of the TYMS gym off-site.

Mokopuna also said that often education is too easy, and they would like the opportunity to learn more life skills and things relevant to the real world including financial and business literacy. As one mokopuna said:

*“If they could teach us like, you know, how to make legal money bruv instead of just teaching us some random things, that could help us...we could learn more on how to make money legally instead of stealing.”*

It is important that all elements of education are provided which includes mokopuna ability to participate in physical education activity.

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<sup>24</sup> TYMS is responsible for delivering education in four Tāmaki Makaurau remand homes.



## Medical services and care

This focuses on how the physical and mental health of mokopuna are met, in order to uphold their decency, privacy and dignity.

### Mokopuna should have no barriers to accessing primary medical care

Mokopuna access to medical care is orchestrated through their Oranga Tamariki social worker. This can cause delays in mokopuna receiving timely medical care if their social worker is not immediately reachable or responsive. One mokopuna described an occasion where they were needing medical attention but were unable to get through to their social worker quickly creating an unnecessary delay in treatment.

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Mana Mokopuna advocate for all remand homes to have the authority to escort mokopuna to and from medical services when the need arises. Individual remand homes should have assigned Medical Centres where mokopuna placed in homes can have unrestricted access to General Practitioners and registered nurses. Timely medical care is a right as per Article 24 of the Children's Convention.<sup>25</sup>

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### Sexual health could be better supported

Mokopuna in remand homes can often miss out on receiving important sexual health education and check-ups. Mana Mokopuna heard that mokopuna access to sexual health support and education depends on their Oranga Tamariki social worker. Kaimahi at the fale along with TYMS educators do cover general sexual health topics but believe mokopuna would receive better initial screens and information with a specialist external provider.

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<sup>25</sup> [Convention on the Rights of the Child | OHCHR](#)



## Personnel

This focuses on the relationships between staff and mokopuna, and the recruitment, training, support and supervision offered to the staff team. In order for facilities to provide therapeutic care and a safe environment for mokopuna, staff must be highly skilled, trained and supported.

### Social workers play a key role in mokopuna experience

Oranga Tamariki allocated social workers are critical in mokopuna accessing the things they need relevant to their care plans. However, Mana Mokopuna heard from both kaimahi and mokopuna that it can be 'luck of the draw' as to whether mokopuna get a social worker who is responsive, engages regularly and communicates decisions well to mokopuna and their whānau. How responsive a social worker is, often dictates the experience mokopuna have in the fale.

Social workers provide the following for mokopuna living at the fale:

- Arranging face-to-face access with whānau
- Making appointments and escorting mokopuna to medical appointments
- Ensuring mokopuna have adequate clothing and arranging for either the purchase of new clothing or bringing clothing to the fale provided by whānau.
- Arranging haircuts
- Completing regular remand reviews
- Completing or arranging assessments and ensuring attendees at the up-coming Family Group Conference<sup>26</sup> have all the information needed to make informed decisions for their mokopuna.

Social workers need to be in constant contact with mokopuna and their whānau to ensure everyone is clear what is happening in different parts of the remand period. However, this communication is not always consistent and one mokopuna said:

*"I'll try and call her [social worker] but sometimes she don't pick up. Like yesterday I tried to call her 'cos she told me to call her at this time, so I called her at that time and then she doesn't even pick up."*

Feeling 'let-down' and that your social worker 'doesn't care' has a significant impact on the experience mokopuna have at the fale. Kaimahi often have to calm mokopuna when they feel frustrated with feelings often escalating. Kaimahi said this has a ripple effect for everyone in

<sup>26</sup> [Youth justice family group conferences | Oranga Tamariki — Ministry for Children](#)



the fale and that having a responsive social worker makes all the difference for both mokopuna and those working in the fale.

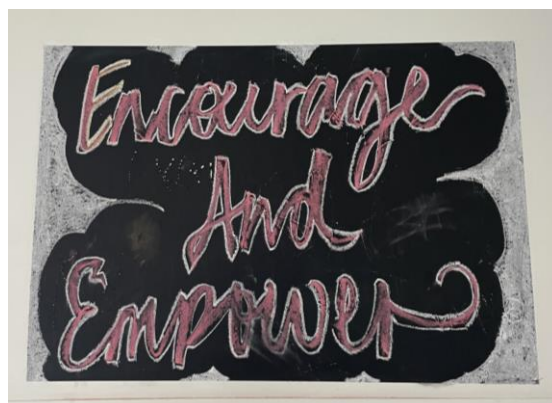
## Value-based care is exhibited by kaimahi at the fale

The fale operates under Emerge Aotearoa which is underpinned by the following values:

- Whakawhānaungatanga – Connecting with a purpose
- Manaaki – Engaging with respect
- Ako – Walking and learning together
- Whakamana – Acting with integrity

During the visit, Mana Mokopuna observed kaimahi upholding and exhibiting these values in their day-to-day care of mokopuna. There was an intention to connect with mokopuna in a way that makes them feel at home, be honest with mokopuna, and provide encouragement to stay through their remand period. Kaimahi made it clear with mokopuna that they are not alone in this journey. For example, when mokopuna wanted to leave kaimahi would engage purposely one-to-one with mokopuna and outline the realities of what leaving entailed, highlighting the positives of staying and that mokopuna were capable of seeing things through.

Mokopuna said that kaimahi explaining and talking things through with them helps them to decide to stay. Mokopuna also said they felt cared for and heard by all kaimahi, which they said was not the case in other homes they had been to. Additionally, kaimahi extended this care to one another, and Mana Mokopuna observed support youth workers working well together and role-modelling supportive relationships.



*Artwork at the fale*



## A thorough induction process and on-going professional development is essential

The induction process includes a two week introduction to the fale and training alongside experienced kaimahi to learn or 'mirror' how they operate. Alongside this, Emerge Aotearoa offer a 12-month training package that is mostly delivered via on-line training modules. There is a core module that kaimahi must complete within 90-days once they are assigned shifts in the fale. Many kaimahi working in the fale had not come from backgrounds of working with mokopuna. It is therefore important kaimahi induction is thorough to ensure they can safely and competently engage with high and complex needs mokopuna.

However, kaimahi raised that there are limited opportunities for them to engage in on-going training. Emerge Aotearoa offers some training opportunities for their staff as a collective, but often these can be difficult to access for kaimahi at the fale due to a lack of contingency staff available to backfill. Kaimahi also said they would like the opportunity to collaborate and share learning across different shift teams in order to develop consistent practice for the fale.

There is opportunity for Emerge Aotearoa to engage with kaimahi and get their feedback on the induction process and professional development programme. Kaimahi have good ideas around what resources and tools they need to work capably and confidently in the fale and are looking for an avenue to share these with management.

## Staffing numbers and limited contingency can have an impact on kaimahi well-being and mokopuna care

Mana Mokopuna heard from kaimahi that often there is not enough staff readily available to cover shifts when necessary, and currently contracted staffing numbers<sup>27</sup> can make it hard to meet mokopuna needs when the fale is full. It is not uncommon for the fale to be full.

At the time of the visit there were three mokopuna living at the fale and the kaimahi to mokopuna ratio worked well. However, when mokopuna numbers increase, there is added pressure on kaimahi to keep line of sight and be able to engage meaningfully with each mokopuna. Kaimahi also explained they often cannot take breaks on shift and feel pressure when needing to apply for annual leave or take sick days. Kaimahi said they are expected to find their own replacements and it can feel like they have to "*schedule in their sick days*".

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<sup>27</sup> Service delivery contract between Oranga Tamariki and Emerge Aotearoa stipulates agreed funding to keep the fale operational.



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Kaimahi are entitled to take annual leave at their discretion and sick leave is vital for health, wellness and mental well-being. Emerge Aotearoa must ensure that there is enough contingency staff to enable a safe workplace that complies with the Holidays Act 2003. Kaimahi are also entitled to regular breaks as per the Employment Relations Authority guidelines.<sup>28</sup> This is not only important to ensure enough on-shift rest, but also enables the ability for kaimahi to promote consistent care for mokopuna.

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## Kaimahi need access to external and cultural supervision

Aside from one-on-one check-ins with their manager, kaimahi at the fale do not currently have access to independent supervision. Kaimahi said there are times when they feel the need to discuss their practice approaches or de-brief after incidents with someone external to Emerge Aotearoa. Kaimahi told Mana Mokopuna there had been times when they tried to raise issues and concerns privately, but these had been shared openly rather than addressed in a confidential manner, resulting in kaimahi feeling disconnected and unsafe.

The majority of kaimahi working at the fale are Māori and Pasifika and cultural supervision is important for kaimahi to grow their skills, knowledge and practice when working with diverse groups of mokopuna. It is important for kaimahi to be able to reflect, with a cultural lens, on their practice approach and how they can enhance their cultural engagement going forward.

Mana Mokopuna strongly recommend Emerge Aotearoa introduce a supervision policy to support kaimahi both professionally and culturally. Mokopuna are entitled to the best quality of care, and to achieve this, kaimahi need to have the ability to grow their knowledge, share best practice, and enhance their self-awareness and resilience.

## Communication breakdowns lead to inconsistent understanding around processes

Across different engagements during the visit, it became clear there were breakdowns in communication occurring between Emerge Aotearoa Leadership, Toe Afua Le Taeao management team, and kaimahi (Youth Support workers). Examples of these are:

- varied understanding on how to access permissions and funding for activities and outings for mokopuna
- how kaimahi can access training and EAP services
- the process to improve the physical status of the fale.

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<sup>28</sup> [Rest and meal breaks » Employment New Zealand](#)



Kaimahi said that these communication breakdowns and inconsistent understandings of operations can have a detrimental impact on staff morale, feeling of worth and the overall experience mokopuna have in the fale.

Mana Mokopuna encourage Toe Afua Le Taeao management and Emerge Aotearoa to work collaboratively and consider ways that allow all kaimahi to receive consistent messaging, alongside the opportunity for kaimahi to regularly feed information up the management levels.





## Improving outcomes for mokopuna Māori

This focuses on identity and belonging, which are fundamental for all mokopuna to thrive. We assess commitment to Mātauranga Māori and the extent to which Māori values are upheld, cultural capacity is expanded and mokopuna are supported to explore their whakapapa.

### The fale has vision that is yet to be operationalised

The fale operates under the wider Emerge Aotearoa framework which is upheld by three pou:

- Māori succeeding as Māori
- Lived-experience and diversity are privileged
- Thriving Pacific peoples

Mana Mokopuna heard that there is room for these pou to be better implemented into practice at the fale. Emerge Aotearoa acknowledge this and have developed a Pacific framework 'Va'a o Folauga' to deliver on their Pacific peoples Pou, and there is a plan being developed which will outline the next steps toward building cultural capability and ensuring the needs of Māori are met. It is important that these plans are delivered in a manner that can be quickly operationalised in the fale.

Mokopuna are taonga and there is a need to ensure their physical and cultural safety as per Article 2 of Te Tiriti o Waitangi<sup>29</sup> and Articles 3,19 and 37 of the Children's Convention.<sup>30</sup>

### There is opportunity to build culture and increase tikanga in the fale

Kaimahi said they are eager to share their culture and grow their knowledge of tikanga and would welcome the opportunity to teach mokopuna more about Māori protocols and explore whakapapa as they already have good rapport with mokopuna to help meaningfully ground this. Kaimahi acknowledge this is an area of development for the whole fale, as one kaimahi commented, the only thing they have that is cultural at the moment is a 'tablecloth on the wall.'

Mana Mokopuna do acknowledge that the team were welcomed into the fale with mihi whakatau and one kaimahi led in the kaikōrero role for their first time. Mokopuna joined kaimahi to sing waiata tautoko which was a Tongan song they had learned for Tongan language week. Mokopuna and kaimahi had celebrated Tongan Language week by learning

<sup>29</sup> [Meaning of the Treaty | Waitangi Tribunal](#)

<sup>30</sup> [Convention on the Rights of the Child | OHCHR](#)



songs, sharing hāngī and wearing cultural garments. However, it is clear from kaimahi that there is a desire to 'do more.'

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The integration of te ao Māori practices at the fale would be responsive to article 2 under Te Tiriti o Waitangi, which guarantees Māori protection of all taonga, including their language and customs. This integration is imperative to improving the wellbeing of mokopuna Māori and aligns with calls made by the UN Committee on the Rights of the Child and the UN Committee Against Torture for strengthened duties of youth justice sector decision makers to uphold the right to identity of Māori children.<sup>31</sup> These calls for action also align with the legislative duty of the Chief Executive under s7AA of the Oranga Tamariki Act 1989.

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<sup>31</sup> CRC/C/NZL/CO/6 Para 27 and Paras 42,43 and CAT/C/NZL/CO/7 paras 37, 38.



# Appendix

## Gathering information

Mana Mokopuna gathered a range of information and evidence to support the analysis to develop findings for this report. These collectively form the basis of our recommendations.

Method	Role
Interviews and informal discussions with mokopuna (including informal focus groups) with mokopuna	
Interviews and informal discussions with Emerge Aotearoa and The fale staff	<ul style="list-style-type: none"><li>▪ Youth Support Workers</li><li>▪ Service Manager</li><li>▪ Regional Manager</li><li>▪ Pasifika Service Delivery Manager</li><li>▪ Cultural Partner Pasifika</li><li>▪ Quality Improvement Partner</li></ul>
Interviews with external stakeholders	<ul style="list-style-type: none"><li>▪ Tuilaepa Youth Mentoring Trust</li></ul>
Documentation Reviews	<ul style="list-style-type: none"><li>▪ Complaints Register</li><li>▪ Daily Checks Logbooks</li><li>▪ Staff Communication book</li><li>▪ Mokopuna All About Me Plans</li></ul>
Observations and joining in	<ul style="list-style-type: none"><li>▪ Fale routines, including meal-times [breakfast, lunch, and dinner] and how kaimahi and mokopuna interact with each other.</li><li>▪ Participating in programmes and activities run by kaimahi which included an off-site outing for Tongan Language Week.</li><li>▪ Observations of shift handovers, morning hui, meetings with external services</li><li>▪ Noting the Internal and external environment and how mokopuna and kaimahi use the resources available.</li></ul>