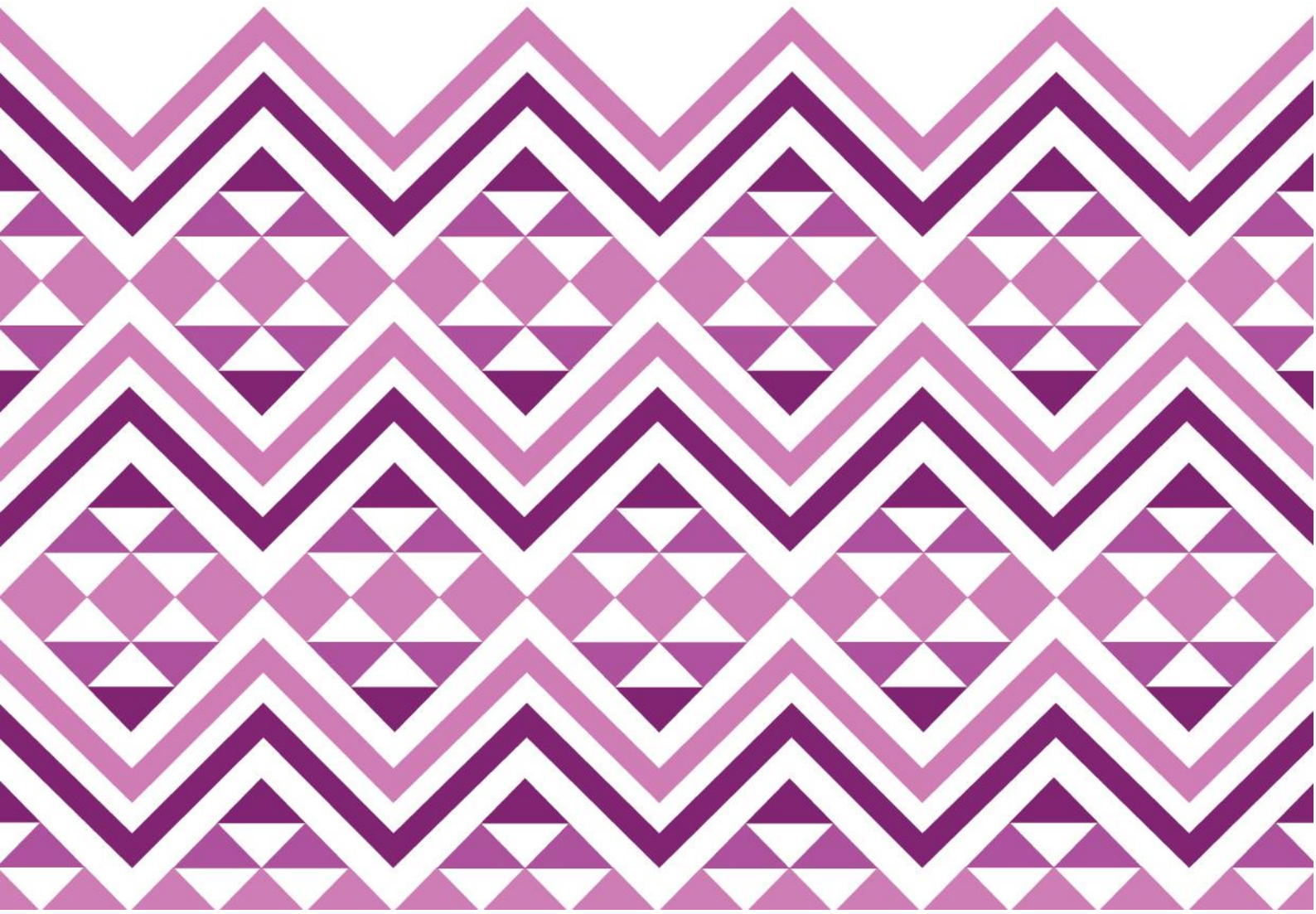


**Response to recommendations from Mana Mokopuna |  
Children and Young People's Commission OPCAT  
monitoring visit to:**

# **Kaahui Whetuu ki te Pito Care and Protection Residence**

**Visit date – September 2023**



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## Introduction

Kaahui Whetuu is a care and protection residence for mokopuna and rangatahi aged 10 and up to 17 years old, predominantly with a care and protection background who are placed in the custody of Oranga Tamariki—Ministry for Children (Oranga Tamariki). Referrals for mokopuna who have a Youth Justice legal status of s238(1)(a), (b) and (c) are also accepted into the community homes on occasion.

Kaahui Whetuu is made up of one secure assessment hub which is designated as a place of detention and subject to Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) requirements, and two community homes which are not places of detention and therefore not monitored under OPCAT.

In September 2023, Mana Mokopuna | Children and Young People's Commission (Mana Mokopuna) completed an announced visit of the Kaahui Whetuu secure assessment hub. The former predecessor of Mana Mokopuna, the Office of the Children's Commissioner, last visited Kaahui Whetuu in June 2021.

The purpose of the visit was to assess the quality of Oranga Tamariki services against the seven domains relevant to the Mana Mokopuna's role as a National Preventive Mechanism under OPCAT. The seven domains are:

- Domain 1: Treatment
- Domain 2: Protection systems
- Domain 3: Material conditions
- Domain 4: Activities and contact with others
- Domain 5: Medical services and care
- Domain 6: Personnel
- Domain 7: Improving outcomes for mokopuna Māori.

## Recommendations Summary

The OPCAT report for Kaahui Whetuu makes seven recommendations of which we have accepted six and rejected one. We value the feedback we receive and use recommendations to make improvements where possible.

Strengthening practice is an organisational priority and we continue to work towards ensuring consistent, quality practice, that is collaborative, relational, inclusive and culturally responsive to meet the needs of tamariki and rangatahi. We are committed to achieving better outcomes for tamariki and rangatahi.

Recommendations	Status
<b>Oranga Tamariki National Office</b>	
We recommend that the Chief Executive:	
1. Close the secure assessment hub to enable full implementation of a trauma-informed, community-based model that has input from mokopuna, their whānau, hāpu and iwi.	Reject
2. Ensure that if mokopuna are placed in the secure Kaahui Whetuu ki te Pito facility, they have access to education as is their right under the Children's Convention.	Accepted
3. Continue the elimination of use of force and secure care at Kaahui Whetuu ki te Pito.	Accepted
<b>Kaahui Whetuu Residential Service</b>	
We recommend that the leadership team:	
1. Re-establish a positive workplace culture and develop trust between Youth Workers and the facility leadership team to promote the wellbeing of kaimahi.	Accepted
2. Maintain consistent training days to support kaimahi as they work across the three sites for Kaahui Whetuu ki te Pito	Accepted
3. Ensure kaimahi have access to regular supervision in order to establish consistent practice across all sites for Kaahui Whetuu ki te Pito.	Accepted
4. Integrate the use of the carving equipment into the activity programme across the Kaahui Whetuu ki te Pito programme.	Accepted

The Oranga Tamariki responses to the Kaahui Whetuu OPCAT report recommendations are detailed in the remaining sections of this report.

## Response to Systemic Recommendations

Below are the Oranga Tamariki responses to the recommendations made to our Chief Executive in the Kaahui Whetuu OPCAT report.

### Recommendation 1

*Close the secure assessment hub to enable full implementation of a trauma-informed, community-based model that has input from mokopuna, their whānau, hāpu and iwi.*

#### Response

Oranga Tamariki supports, in future, closing the assessment hub for Kaahui Whetuu when a more suitable option is developed and implemented. At present, we cannot safely close this due to operational pressures for beds being high. We accept that our older residential facilities are not the right environment for some of the most vulnerable tamariki and rangatahi in our community, and we are committed to transforming these.

In June 2023, following an increase in pressure on residences, and several serious allegations involving staff and rangatahi in some of our residences, urgent action was undertaken by Oranga Tamariki. The Chief Executive appointed former Police Commissioner, Mike Bush, to temporarily take over the management of our residences and undertake an independent rapid review of these facilities.

We released the Independent External Rapid Review of Oranga Tamariki secure residences and community homes in September 2023. This review provides a thorough assessment of our residences and suggests significant high-level changes and improvements to make these care options safer for rangatahi and our staff. The findings of the report have been accepted in full by Oranga Tamariki and are included in our broader transformation work for the organisation.

Throughout the duration of the review, and as part of our ongoing transformation work, a key focus has been to improve the physical conditions of these facilities. This has included addressing remediation and infrastructure work to fix property issues in residences, commencing a programme of work to upgrade units, and in the course of this work, we have sought further opportunities to strengthen and improve the physical environment.

The National Infrastructure Team is undertaking scoping work to help the National Care and Protection Residential Service to better understand what property works are required to ensure Kaahui Whetuu meets a secure specification that is fit for purpose. Scoping work is due to conclude in December 2023, and early in 2024 we will consider the property options available for the Kaahui Whetuu hub. Once the final option is determined, we will explore an operating model with our partners.

More broadly, as part of the next stage of our transformation work for residences, work is underway by Oranga Tamariki to develop new options to transition away from the current older residential facilities. The longer-term use of the Kaahui Whetuu hub, and other alternative options, will be considered as part of this work.

### Recommendation 2

*Ensure that if mokopuna are placed in the secure Kaahui Whetuu ki te Pito facility, they have access to education as is their right under the Children's Convention.*

#### Response

A positive experience of school and education can be a significant protective factor for tamariki. It is important we understand and respond to the educational needs of all tamariki and rangatahi we work with, as this can determine future wellbeing and success.

The National Care Standards Regulations 36 to 43 outline several requirements for supporting the education needs of tamariki and rangatahi in care. Once the education needs of tamariki and rangatahi

have been assessed and identified, their All About Me Plan<sup>1</sup> will outline how these needs will be supported and monitored. We acknowledge that this an important right under the Children's Convention.

Kingslea School does not provide education onsite at the hub. They are contracted to provide 13 places for tamariki and rangatahi offsite in their multi-site specialist school, which covers the Kaahui Whetuu hub and community homes. At times, the model used for the community homes has been for tamariki and rangatahi to be enrolled in a local community school instead, which is what would occur under typical circumstances when living in the community.

Oranga Tamariki continues to work closely with the Ministry of Education (MoE) and work is underway to strengthen education provision in Oranga Tamariki residences. The Schedule, 'National Guidelines for the Provision of Education with Care and Protection and Youth Justice Residences' (Schedule) has been signed off by Oranga Tamariki and is now with the MoE for final signing. The Schedule will be added as a new Schedule to the current Memorandum of Understanding between MoE and Oranga Tamariki and is the first of its kind. The next stage of this work is to finalise 'Residence Education Operational Agreements' between individual residences and the education providers that service them, which will occur during 2024.

Additionally, Oranga Tamariki and the other Children's Agencies are continuing to progress the Oranga Tamariki Action Plan. A key action area in the Plan that relates to the provision of education is recommendation 8, 'Meeting children's and young people's needs and building whānau resilience', which has three streams:

- Access to services: Relevant agencies working with Oranga Tamariki to respond to findings and recommendations for in-depth needs assessments and Identifying options to improve service access.
- Learning in residential care: A joint work programme between the Ministry of Education (MoE) and Oranga Tamariki to respond to the Education Review Office evaluation of learning in residential care.
- Education high needs review: MoE is working with Oranga Tamariki and other agencies to consider how to align services to ensure children and young people with the highest learning needs have the right support for learning to occur.

### Recommendation 3

*Continue the elimination of use of force and secure care at Kaahui Whetuu ki te Pito.*

#### Response

##### *Secure care*

We acknowledge that the secure care unit at Kaahui Whetuu is no longer fit for purpose, and this is why we are no longer using it. As noted in our response to systemic recommendation 1, work is being undertaken to consider how we can make the physical structure of Kaahui Whetuu hub fit for purpose as an interim measure while new options are considered.

Oranga Tamariki supports reducing and minimising the use of secure care. Under section 368 of the Oranga Tamariki Act 1989 (the Act), the use of secure care in relation to children and young people in our care is supported to prevent absconding (when certain criteria are met) or to prevent the child or young person from behaving in a manner likely to cause physical harm to that child or young person or to any other person. This practice should always be considered a last resort after all other interventions have been attempted.

With exception to the Kaahui Whetuu hub, secure care units in our residences reflect the same physical structure as other units. Rangatahi have a bedroom and access to communal areas for education, recreation and socialisation with staff and other young people. They are not places of

<sup>1</sup> The All About Me plan helps everyone involved support the needs and objectives of tamariki or rangatahi, by recording planning information that is responsive to their changing needs and circumstances and advances their long-term goals and outcomes.

isolation, and the time limits for detention in secure care are set out in section 370 of the Act. A child or young person cannot remain in secure care longer than three consecutive days without prior approval being granted by the Youth Court.

A suite of Secure Care Standard Operating Procedures has been developed alongside a learning approach to embed the use of these. It is intended that these will provide further clarification for kaimahi regarding the safe, legal and fair operation of secure care. The implementation of these standards for all residences will commence in 2024 and be completed before the end of the year.

#### *Use of force*

Use of Force should only be considered when all other reasonable alternatives have been attempted or, in extreme circumstance, when all other reasonable alternatives are considered inappropriate due to the nature of the situation.

The use of force in residences must be undertaken in line with the Oranga Tamariki (Residential Care) Regulations 1996. The use of restraint while dealing with a child or young person in residence must be kept to an absolute minimum. It should only be used in extreme circumstances and when staff have reasonable grounds for believing that the use of physical force is necessary, such as in self-defence or in the defence of another person.

All our kaimahi in care and protection residences are trained in Safety Interventions, which is a programme licenced to the Crisis Response Institute. This approach is designed to ensure staff understand the legal and ethical risks of use of force/restraint and to make sure that all other options are explored before force is used. Importantly, this includes the use of verbal de-escalation techniques prior to using physical force. Safety Interventions refresher training must be undertaken each year.

In addition, the National Care and Protection Residential Services Team are setting up a core instructor group for 'Safety Interventions: Advanced and Emergency'. This is the more advanced level of training provided by the Crisis Response Institute. To date, the National Training Lead and one local Training Lead at a residence have completed the course and the next stage of this work is to deploy the training packages across our workforce which is scheduled to begin in March 2024.

Each time force is used at Kaahui Whetuu hub and any other residence, it is reviewed by a Safety Interventions trainer and senior residence managers. Together they review the CCTV footage of the use of force incident to ensure it was lawful and that practice requirements were met. The outcome of this review is documented, and in any instances where further investigation is required, an electronic recording of the CCTV footage is saved.

We are actively reviewing the legislation applicable to residential care to ensure it reflects best practice and supports the successful implementation of the new operating model for Oranga Tamariki. The review includes identifying whether changes are required for provisions for the use of secure care, restraint, and searches to ensure they are used as a last resort and in a manner that is consistent with the rights, mana and dignity of children and young people.

## Response to Facility Recommendations

Below are the Oranga Tamariki responses to the recommendations made to the Kaahui Whetuu Leadership Team in the Kaahui Whetuu OPCAT report. The Kaahui Whetuu Leadership Team has local operational responsibility for Kaahui Whetuu.

### Recommendation 1

*Re-establish a positive workplace culture and develop trust between Youth Workers and the facility leadership team to promote the wellbeing of kaimahi.*

#### Response

As noted in systemic recommendation one, Oranga Tamariki has recently undertaken an independent review of our residences and community homes, which provides a road map for residences and homes to be aligned to the direction of change Oranga Tamariki has underway. Workforce development is a key focus of our transformation work for residences, which will support upskilling staff in all aspects of their roles.

At the conclusion of July 2023, a Workforce Development Framework was implemented for Care and Protection residences. This Framework focuses on building and promoting a culture of continuous learning and improvement in every aspect of Care and Protection Residential services and its operational delivery. Recent workforce development initiatives include:

- Establishing an induction and training baseline for all new kaimahi, which is flexible and can be deployed nationwide.
- Establishing a recognised youth worker qualification pathway through CareerForce.
- Setting up a core instructor group for 'Safety Interventions: Advanced and Emergency'.
- Undertaking the appointment of Training Facilitators in residences, who will work closely with the National Training Lead to deliver the annual training cycle.

Prior to Mana Mokopuna's OPCAT monitoring visit to Kaahui Whetuu, senior managers in the National Care and Protection Residential Services Team were working closely with the Kaahui Whetuu Team to help address concerns raised by staff and support the growth of a positive workplace culture. This work has occurred in collaboration with youth workers, management staff, the unions and key regional staff.

A 120-day plan has been developed for Kaahui Whetuu, which will be implemented in December 2023 and conclude at the end of the first quarter in 2024. The plan focuses on addressing key operational concerns held by all kaimahi and identifies clear goals and measurable actions to address these. We intend to report on the outcomes of the plan at the conclusion of 2024 quarter one and look forward to updating the Commission on this work.

### Recommendation 2

*Maintain consistent training days to support kaimahi as they work across the three sites for Kaahui Whetuu ki te Pito*

#### Response

As per our response to facility recommendation 1, workforce development is a key focus of the transformation work for residences and homes. Training days for kaimahi provide an important opportunity to build and promote our culture of continuous learning and improvement in every aspect of service provision for Kaahui Whetuu.

Training days occur every third Tuesday as part of the regular shift cycle for kaimahi. It is a requirement that all kaimahi who work with tamariki and rangatahi across Kaahui Whetuu attend training days, and this expectation has been reiterated by national senior managers. Training days provide an opportunity for kaimahi to engage in:

- Individual and group supervision based on the development needs of kaimahi.
- Personal and professional development.



- The development of shift and programme planning for the next three-week shift cycle.
- Annual performance review processes for staff.

Professional development for staff can include training on (but are not limited to) refresher training for Safety Interventions, the Alert Programme,<sup>2</sup> health and safety, first aid, mySafety,<sup>3</sup> medication dispensing and recording, Benestar—Employee Assistance Programme, team building, Fetal Alcohol Spectrum Disorder and other practice-related training that may be required.

A focus on training days is also included as part of the 120-day plan for Kaahui Whetuu.

### Recommendation 3

*Ensure kaimahi have access to regular supervision in order to establish consistent practice across all sites for Kaahui Whetuu ki te Pito.*

#### Response

Access to regular supervision to help establish consistent practice across all sites for Kaahui Whetuu ki te Pito has been re-established. Oranga Tamariki is committed to developing supervision and encourages kaimahi to make use of all forms of supervision (dyad or supervisor/supervisee supervision, group supervision, peer supervision, cultural supervision) to reflect, learn and stretch. Focusing on kaimahi ora is also an important part of the supervision process.

The development of supervision is an organisational priority. We have committed to working with the Social Workers Registration Board to introduce micro-credentialing for supervision and other specialist areas, which recognises the skills and knowledge that are required by supervisors and other specialist roles.

In line with our practice approach, over the next year, Oranga Tamariki will continue updating its supervision policy to reflect our commitment to the Treaty of Waitangi, mana-enhancing practice, and Te Ao Māori principles of oranga that support mana tamaiti, whakapapa and whanaungatanga. We are also developing a permanent policy for cultural supervision; increasing the cultural competence of our workforce is an organisational priority.

We recognise the importance of regular professional supervision. As per our professional supervision policy, the Social Work Registration Board's policy requires that social workers "...access regular and appropriate supervision at least monthly and in a manner that is consistent with reasonable expectations of the levels of skill and practice ability of the individual." In this regard, registered social workers undertake regular one-to-one supervision, which is facilitated externally. This can be weekly, fortnightly, or monthly according to the development needs of each social worker. As per the same policy, youth workers are provided with group supervision every three weeks. In some instances, when youth workers have specific development needs, one-to-one supervision is provided.

Further work on supervision practice will be developed throughout 2024 to include a more specific focus on supervision practice for youth justice and care and protection residential facilities. Increasing the frequency and type of supervision for youth workers is being considered as part of this work.

The 'Frontline Leaders Training Programme' is currently being rolled out nationally to all residence team leaders. The programme focuses on developing leadership and practice skills and is intended to help team leaders and our organisation to improve and sustain quality care and interventions for rangatahi and whānau. The second component of this programme focuses on leading kaimahi, which includes supervision and performance management training.

We are focused on ensuring Kaahui Whetuu kaimahi understand how to fully benefit from group supervision opportunities like daily briefings and debriefings before and after each shift to support their individual learning and reflection. Kaimahi are also encouraged to actively take part in training days every three weeks, further developing their practice. Other types of leaning and development like coaching and mentoring, and advice and guidance are also available.

<sup>2</sup> This program takes complex behavioural theory and breaks it down, teaching staff how to use simple sensory strategies, placed in routines at the right time to support self- regulation.

<sup>3</sup> The Ministry's incident reporting system.

#### Recommendation 4

*Integrate the use of the carving equipment into the activity programme across the Kaahui Whetuu ki te Pito programme.*

#### Response

Oranga Tamariki is supportive of integrating traditional Māori carving, and the equipment required to do this, into the activity programme for Kaahui Whetuu ki te Pito. To safely facilitate this activity, and manage the risks associated with using carving equipment, we require a fit for purpose space to undertake this. The development of a carving space will be considered as part of the scoping of property works being undertaken by the National Infrastructure Team, as noted in our response to systemic recommendation 1.