



# Whakatakapokai Youth Justice Residence

OPCAT Monitoring Report

Visit Date: 13-15 February 2024

Report Date: May 2024



# Kia kuru pounamu te rongo

## 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.



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# 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 detained:

- 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 unannounced visit to Whakatakopokai Youth Justice Residence on 13-15 February 2024 as part of its NPM monitoring visit programme. The purpose of the visit was to fulfil Mana Mokopuna responsibilities under the OPCAT to monitor the safety and well-being<sup>1</sup> of mokopuna deprived of their liberty.

## 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.

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<sup>1</sup> Six domains as prescribed by the Subcommittee on the Prevention of Torture *Monitoring places of detention: A practical guide* (2004) – Treatment; Protection Systems; Material conditions; Activities and access to others; Medical care and Personnel. The seventh domain, 'Improving Outcomes for Mokopuna Māori' was developed for the Aotearoa New Zealand context by the former Office of the Children's Commissioner (predecessor organisation to Mana Mokopuna – Children and Young People's Commission) to assess how mokopuna Māori are supported to have a positive connection to their identity and whakapapa.



## About this facility

**Facility Name:** Whakatakapokai Youth Justice Residence operated by Oranga Tamariki

**Region:** Tāmaki Makaurau (Auckland)

**Operating capacity:** 15 bed capacity – Whakatakapokai is made up of two units, where mokopuna live. These contain, bedrooms, bathrooms, a dining area, kitchen, television room and rooms for mokopuna to regulate and have phone calls. At the time of the visit, there was one unit for tāne and another for wāhine.

There were 12 mokopuna on-site at the time of the visit.

**Status under which mokopuna are detained:** s238(1)(d) and s311 of the Oranga Tamariki Act 1989 and s173, s174 (females only) and s175 of the Criminal Procedure Act 2011.

## Issues and Concerns raised to Mana Mokopuna – including ill-treatment of mokopuna

During the monitoring visit staff behaviour was highlighted as a significant concern. This specifically related to allegations of kaimahi physically assaulting mokopuna in their bedrooms, supplying mokopuna with contraband and inappropriate relationships with mokopuna. Oranga Tamariki Senior Leadership were notified immediately of these concerns as soon as they were detected, and five reports of concern were made following on from the end of the visit. Mana Mokopuna considers that treatment of mokopuna at Whakatakapokai Youth Justice residence:

- Contravenes the UN Convention on the Rights of the Child (the Children's Convention), specifically the rights of mokopuna to safety and the principle of the best interests of the child<sup>2</sup>
- Contravenes the rights and protections of mokopuna Māori under Te Tiriti o Waitangi<sup>3</sup>
- Meets the threshold for ill-treatment under OCPAT.<sup>4</sup>

Below is a full summary of the issues and concerns that were detected through this monitoring visit regarding the care and safety of mokopuna detained in the facility.

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<sup>2</sup> Article 19 and Article 3, [Convention on the Rights of the Child | OHCHR](#)

<sup>3</sup> Specifically Articles 2 and 3 of Te Tiriti o Waitangi as they relate to mokopuna as taonga and the commitment to provide active protection to achieve equitable outcomes for mokopuna and their whānau, hāpu and iwi.

<sup>4</sup> [Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment | OHCHR](#) and [Preventing Torture: The Role of National Preventive Mechanisms – A Practical Guide | OHCHR](#)



# Key Findings

Mana Mokopuna reports the following findings:

## Areas of Concern

- There were allegations of inappropriate behaviour by staff, including physical harm, supplying mokopuna contraband, and inappropriate relationships with mokopuna. A total of five Reports of Concern (ROC) were logged with the Oranga Tamariki National Contact Centre regarding this alleged behaviour. Three of the ROCs were logged on 16 February 2024 and a further two on 14 March 2024.
- Mokopuna safety is compromised at Whakatakāpokai due to:
  - Kaimahi are inexperienced and as a result their actions are reinforcing dangerous and unprofessional staff practice and relationships with mokopuna.
  - Contraband is readily accessible, and allegedly being supplied to mokopuna by kaimahi.
  - A disconnect and tension exists between kaimahi working directly with mokopuna and the leadership team.
- Mokopuna Māori are disconnected from their whakapapa, with minimal work done by leadership to address this.
- There are significant discrepancies in the recording of information and incidents pertaining to mokopuna harm, safety, and well-being.
- Relationships between mokopuna are characterised by violence and a bullying culture that is intensifying within the facility.
- There is a general lack of meaningful programmes for mokopuna outside of school hours. This includes no gym or pool for recreational activities.
- There is an increase in use of force and secure care is being used to manage mokopuna behaviour and dynamics.
- Social work practice is inconsistent and mokopuna are not being regularly visited by their allocated key workers.
- The facility is in dire condition and in need of refurbishment.
- There are dedicated rooms allocated for assessments related to mokopuna health needs, however assessments are often interrupted and this is impacting on mokopuna engagement with professionals.
- Whakatakāpokai shares several services with another residence including cleaners, human resources, and a health team, impacting on services being delivered in a timely manner.



## Areas of opportunity

- Whānau contact is prioritised to support mokopuna to maintain relationships with their whānau.
- Kingslea School provides access to a positive educational programme for mokopuna.
- Information about mokopuna rights and access to advocacy services is visible in the facility.

## Recommendations

### 2024 Systemic Recommendations

	Recommendation
1	Te Waharoa induction to be reviewed and updated to ensure it contains the practical components and core responsibilities that kaimahi are required to carry out when working in residence.
2	Ensure social workers adhere to their practice responsibilities <sup>5</sup> for mokopuna and undertake at least the minimum contact visits required as per Oranga Tamariki Policy <sup>6</sup> .
3	Prioritise the continuity of care for mokopuna to transition out of residence, through strengthening partnerships with providers such as Odyssey House and Tū Maia currently working in the facility to maintain care and support for mokopuna post-residence.

### 2024 Facility Recommendations

	Recommendation
1	Whakatakopokai requires an urgent reset. Mokopuna admissions should remain on hold and priority given to ensure all staff undergo critical training.
2	Urgently implement a set training day for all kaimahi, including the leadership team working in the residence within the current roster. Trainings days should be comprehensive and provide on-going professional development opportunities for kaimahi, that meet the ever-evolving needs of mokopuna.
3	Employ a pool of dedicated kaimahi, consisting of cleaners, residential training lead, human resources, and medical team to be solely employed at Whakatakopokai, so resources are not shared with another residence and mokopuna are able to have timely access to support.

<sup>5</sup> [Allocating a key worker and co-worker | Practice Centre | Oranga Tamariki](#)

<sup>6</sup> [Visiting and engaging with tamariki in care | Practice Centre | Oranga Tamariki](#)



4	Members of senior leadership to be visible and provide support for kaimahi working in the units to prevent on-going tensions and silos within the residence.
5	Leadership team to create an action plan, led by the Kaiwhakaue, to address the disparities of mokopuna Māori and set measurable outcomes as determined by Whakatakapokai.
6	Allocate a designated room, that is readily accessible, allows privacy to enable assessments to occur for mokopuna with professionals without interruption
7	Reinstate MAT hui to occur on a regular basis with all professionals, whānau and mokopuna from admission into the residence until discharge back into the community.
8	Employ a residential programme coordinator to ensure there is variety and consistency in vocational and interest-based age-appropriate programmes for mokopuna to participate in.

## 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>7</sup> for New Zealand's sixth periodic review on its implementation of the Children's Convention<sup>8</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>9</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>10</sup>.

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

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

<sup>8</sup> [Convention on the Rights of the Child | OHCHR](#)

<sup>9</sup> Refer CAT/C/NZL/CO/7

<sup>10</sup> [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | OHCHR](#)





## Improving outcomes for mokopuna Māori

This domain 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.

### Every child belongs to a whakapapa!

*“Every child belongs to a whakapapa. Our children belong to someone, and social workers need to learn to connect mokopuna back to where they belong”.*

*(Mana Whenua in the rōhe).*

Mana Mokopuna – Children and Young People’s Commission aspires to see mokopuna supported to know of and connect to places, ancestors, events, and stories related to their whakapapa. During our monitoring visit, mokopuna shared stories about their whakapapa, whānau and their care journey. For example, a mokopuna read aloud his winning speech about Te Tiriti o Waitangi, Dame Whina Cooper, and his whakapapa. The mana and confidence he shared knowing who he was showed his tino rangatiratanga.

Mokopuna in Whakatakopokai were remorseful for offending behaviour and could explain reasons for their actions. They wanted people to know they are not just being ‘bad kids’. Mokopuna Māori shared their whānau history characterised by intergenerational trauma of offending, substance abuse, family violence, and parental figures being absent, and a lack of early intervention when offending started for them. Disconnection from culture, whānau and mokopuna experiences of being placed in various community homes, Care and Protection and Youth Justice residences for prolonged periods of time, continues to be the biggest driving factor for mokopuna Māori being disconnected from whakapapa.

Mokopuna currently living in Whakatakopokai want more opportunities to connect to their whakapapa. However, this is not happening due to the lack of:

- Support for the Kaiwhakaue to upskill kaimahi to increase cultural capability across the facility.
- Understanding of Te reo me ona Tikanga Māori which is a challenge for kaimahi learning and implementing Whakamana Tangata<sup>11</sup> due to not understanding the kupu or concepts that sit behind it.
- Capacity and resource to develop purposeful programmes for mokopuna to connect to their whakapapa.

*“Our rangatahi have fallen into dark holes and it’s our job to help them out”.*

*(Mana Whenua in the rōhe).*

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<sup>11</sup> A framework of restorative practice used in all youth justice residences.



More is required by the leadership team at Whakatakapokai to care and look after mokopuna Māori in a what is a state-run, westernised youth justice system. Kaimahi in the residence need to:

*“talk like somebody that cares, not dictate” and we “need kaimahi Māori with tikanga who care about mokopuna” ... “Oranga Tamariki needs to do better to connect mokopuna back to their whakapapa.”*

*(Mana Whenua in the rōhe).*

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Section 7AA of the Oranga Tamariki Act 1989<sup>12</sup> stipulates the State’s practical commitment to ensure practice, policies and processes reduce disparities for mokopuna Māori so that “no Tamaiti Māori will need state care.”<sup>13</sup>

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<sup>12</sup> [Oranga Tamariki Act 1989 No 24 \(as at 06 October 2023\), Public Act – New Zealand Legislation](#)

<sup>13</sup> [Section 7AA - What we do | Oranga Tamariki — Ministry for Children](#)



## Personnel

This domain 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.

### Practice is dangerous and unprofessional

*"Practice is s\*\*\* on the floor, we know that".  
(Kaimahi)*

Mana Mokopuna saw some kaimahi who demonstrate professional practice and positive engagement strategies with mokopuna. However, this was overshadowed by concerning inappropriate behaviour demonstrated by other kaimahi and a lack of engagement from kaimahi towards mokopuna.

Examples included:

- Kaimahi allegedly supplying mokopuna with contraband including disposable vapes, fast food and jewellery to bribe mokopuna to behave.
- Mokopuna allegedly receiving 'room visits' from kaimahi. This entails mokopuna being physically assaulted by kaimahi in their bedrooms at nighttime if they do not follow instructions given by kaimahi. It is alleged on occasions mokopuna have been 'thrown' into their bedrooms and assaulted.
- Mokopuna allegedly accessing kaimahi personal mobile phones to take photos and save them<sup>14</sup>.
- Kaimahi disclosing personal details and exchanging contact details such as social media accounts with mokopuna.
- Kaimahi encouraging playfighting and bullying amongst mokopuna, allowing incidents to escalate with minimal attempts to de-escalate. This was evident on the visit when a mokopuna was being targeted and verbally abused by other mokopuna. Kaimahi did not intervene and instead allowed it to occur.
- Lack of line of sight<sup>15</sup> meant mokopuna were at times freely walking down wings of the unit with no line of sight from kaimahi. This is dangerous given the number of incidents occurring.
- Lack of engagement with mokopuna by kaimahi –kaimahi often seen sitting with folded arms like 'security guards', just watching mokopuna and not engaging. Mana Mokopuna also experienced this lack of engagement from some kaimahi when entering units during our visit as they were not welcoming.

<sup>14</sup> [Data provided to Mana Mokopuna from Oranga Tamariki – SEN \(Serious Event Notifications\)](#)

<sup>15</sup> [Line of sight | Practice Centre | Oranga Tamariki](#)



- Complacency amongst kaimahi with some describing the job as “cruisy and easy” and these kaimahi said that they often have to remind themselves not to become complacent as the job can change at any time. On one occasion we observed a kaimahi lying on the couch with their shoes off, not maintaining line of sight and had to be prompted by another kaimahi to get up and get dinner ready for mokopuna.

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Oranga Tamariki is bound by the Children’s Convention<sup>16</sup> and Article 3<sup>17</sup> of Te Tiriti ō Waitangi to ensure the safety of mokopuna in state care.

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## Inadequate training and professional development reinforces dangerous staff practice

Mana Mokopuna recommends an urgent staff training schedule is implemented that occurs regularly, is tangible to uphold the rights of mokopuna living in Whakatakapokai and to meet the ever evolving and specific needs of mokopuna in the facility. Beyond this, a significant focus needs to be put on the ongoing professional development of kaimahi working in Whakatakapokai.

The inadequate induction programme and minimal access to training opportunities creates a snowball effect for poor practice. Kaimahi engage in the Te Waharoa<sup>18</sup> induction programme, which is standard across all residences, however this has been described by some kaimahi as “*shockingly inadequate*” and does not accurately reflect the realities of working with mokopuna in the units. This results in kaimahi feeling unprepared and unsupported to pro-socially engage with mokopuna and maintain safety.

Comprehensive training and development programmes are required to ensure best practice is being applied and to ensure that practice at Whakatakapokai is in line with the Oranga Tamariki National Care Standards<sup>19</sup>, Care Regulations<sup>20</sup>, policies, procedures, practice guidance, including Whakamana Tangata, and Te Toka Tūmoana<sup>21</sup>. Kaimahi need to be trained appropriately in a trauma-informed model of care, given the complexities and high level of need that mokopuna placed in residences often have.

- Kaimahi shared the need for tangible and practical training on how to undertake key responsibilities of their role. Mana Mokopuna notes that these are often very

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<sup>16</sup> [Convention on the Rights of the Child | OHCHR refer article 19](#)

<sup>17</sup> [The three articles of the Treaty of Waitangi – Nation and government – Te Ara Encyclopaedia of New Zealand](#)

<sup>18</sup> Induction programme for Oranga Tamariki residential kaimahi

<sup>19</sup> [National Care Standards | Oranga Tamariki — Ministry for Children](#)

<sup>20</sup> [Oranga Tamariki \(Residential Care\) Regulations 1996 \(SR 1996/354\) \(as at 01 July 2023\) – New Zealand Legislation](#)

<sup>21</sup> [Working with Māori: Te Toka Tūmoana | Practice Centre | Oranga Tamariki](#)



fundamental aspects of their roles, and it is highly concerning that kaimahi are currently not adequately equipped with relevant training.

The specific training needs shared by kaimahi include:

- Medication dispensation
- Conducting a shift handover
- Engagement skills to interact with mokopuna
- STAR<sup>22</sup> restraint refreshers
- How to complete incident reports, daily logs, and secure logs.
- How to facilitate a hui whakapiri amongst mokopuna.
- First aid training
- Practical role modelling that accurately depicts situations and allowing time for constructive feedback to be given and implemented

There is a need to employ highly skilled, experienced residential training leads that are dedicated to training kaimahi.

## Kaimahi are not provided with on-going professional development

Kaimahi have expressed they do not always know what to do when faced with mokopuna who have high needs and complex behaviours, and at times feel “*set up to fail*” because they have not been provided with guidance and tools. They said work becomes more about what you need to get through a shift, rather than what is best for mokopuna and their needs. Kaimahi said this was particularly difficult at the weekends when there are often no supervisors rostered, or if they are, they do not answer their phones. This leaves kaimahi feeling isolated and making it up as they go.

The Leadership Team was transparent about the need for on-going professional development and echoed the views of kaimahi. They acknowledged that apart from Te Waharoa, kaimahi are largely working in the units with mokopuna untrained. Managers said this is due to no time or capacity for kaimahi to come off the units to partake in training and professional development opportunities. This results in mistakes being made, processes not being followed, reporting being inaccurate, and a lack of engagement with mokopuna. This can then lead to heightened dynamics amongst mokopuna, inappropriate and dangerous practice being reinforced rather than addressed.

*“Kaimahi are being sent onto the floor untrained and we are hoping for the best”.*  
(Kaimahi)

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<sup>22</sup> [Summary-report-restraint-and-de-escalation.pdf \(orangatamariki.govt.nz\)](#)



The Leadership Team advised they are reviewing where in the roster a training day could fit, as kaimahi have expressed they like the current roster as it suits them in terms of their work life balance Leadership is exploring utilising the casual pool from Tautoko Whānau Ora to cover shifts to ensure kaimahi can attend trainings.

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There is a need for experienced, qualified, and skilled kaimahi to work with mokopuna who have the highest and most complex needs, as outlined in the Oranga Tamariki Secure residence and sample of Community Home Independent External Review.<sup>23</sup>

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## Mokopuna care and safety is compromised by inexperienced kaimahi

Although kaimahi numbers have increased since the Oranga Tamariki Secure residence and sample of Community Home Independent External Review in September 2023, the calibre and lack of relevant experience of kaimahi working with mokopuna who have the highest and most complex needs has been identified as a key challenge the leadership team are facing. Kaimahi acknowledge the efforts being put into the Oranga Tamariki national recruitment strategy for residences. However, kaimahi said it feels as though leadership are “filling the gaps”, by employing people out of desperation to ensure there are enough people to cover shifts. Whakatakapokai has a strong working relationship with Tautoko Whānau Ora<sup>24</sup>, which has been described as a “lifeline” in terms of contracting kaimahi to work in the residence to help sustain appropriate kaimahi to mokopuna ratios.

## Tension exists between the Leadership Team and kaimahi working directly with mokopuna.

*“We want to know that they care”.*  
(Kaimahi reflecting on the leadership team)

There is a clear disconnect between those managing the residence and those working directly with mokopuna. The Leadership Team members generally thought the residence was running well and that it was in a relatively good space but acknowledged that there is always room for improvement. However, when Mana Mokopuna asked kaimahi to describe their relationship with their managers, they said they are feeling unseen and unheard by leadership. Kaimahi described the current state of the residence as toxic and negative. Kaimahi currently feel unsupported and have a lack of trust and respect for management. Kaimahi gave examples of managers never being in the units and only being visible when something was wrong. During the tour of the facility, a member of the Leadership Team commented that they had no idea

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<sup>23</sup> [Secure-residence-review.pdf \(orangatamariki.govt.nz\)](#)

<sup>24</sup> [Tautoko Whanau Ora | www.tautokowhanauora.com](#) | Auckland



how dire the material conditions of the facility were, indicating it had been some time since they were in the units where mokopuna live.

Several kaimahi shared that they have been raising multiple concerns about inappropriate staff practice and behaviour to management and are feeling frustrated and hopeless, as they feel nothing is being done by management to act on these concerns. Kaimahi questioned why it had to take an external monitor (Mana Mokopuna) to visit the residence in order for them to have voice and feel like they are heard. Kaimahi also shared on-going frustrations about the lack of follow-through when they make recommendations to improve practice. Management needs to prioritise practice improvement, as the current culture is impacting on the quality of care experienced by mokopuna.

*“Even just checking in would make a difference”.*  
*(Kaimahi).*

There was a clear ‘us versus them’ division between management and kaimahi, resulting in kaimahi working in siloed groups. This sentiment was also mentioned in kōrero with external stakeholders who said one of the biggest challenges the residence is facing is kaimahi are ‘anti-management’. Management did say they have issues with many kaimahi not turning up for shifts, trainings, and meetings.

*“We just do our own thing and don’t worry about them up there [managers]”.*  
*(Kaimahi).*

A fractured workforce can have significant impact for mokopuna wellbeing and safety. Mana Mokopuna recommends the residence pauses admissions to re-set expectations around kaimahi practice and implement critical training modules, before any further mokopuna are admitted into Whakatakāpokai. Utilising dedicated HR resource would also assist residence management to streamline HR or employment related concerns and any subsequent action plans.



## Treatment

This domain 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.

### Mokopuna are taonga and kaimahi practice diminishes their mana

Although there were some positive interactions between kaimahi and mokopuna, such as initiating recreational activities like board games, card games, playing basketball and boxing, overall, there was minimal engagement between the two groups. Mana Mokopuna observed kaimahi sitting idle and simply watching mokopuna. Kaimahi working in the facility described these kaimahi as “*babysitters and youth watchers*”. The lack of engagement and positive role modelling behaviour from kaimahi is reflected in how mokopuna treat each other and see themselves in the facility. Mokopuna who are living in Whakatakāpokai often present with high and complex needs, including mental health needs, neurodevelopmental needs, and behavioural challenges and bring their own histories of complex trauma and whānau dynamics with them when they enter the residence.

Many mokopuna therefore rely on kaimahi to guide them and facilitate good relationships. Mokopuna in Whakatakāpokai are not receiving this type of care on a consistent basis, and Mana Mokopuna observed some mokopuna struggling to interact in a healthy way with their peers. Minimal engagement from kaimahi is resulting in unit dynamics often being heightened, with the risk that violence can escalate very quickly.

Some kaimahi shared the struggles and challenges they experience in managing these dynamics. There are clear cliques amongst mokopuna, with those who do not fit into the cliques being ostracised and bullied. Mana Mokopuna observed instances when mokopuna were ridiculing others and making statements such as “*you’re paru!*”<sup>25</sup> whilst swearing and making hurtful comments towards peers. This behaviour was met with little intervention from kaimahi. External agencies who are contracted to provide services for mokopuna at Whakatakāpokai also said they have seen kaimahi watch antisocial behaviour escalate amongst mokopuna, rather than intervening to de-escalate situations.

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Under Article 2 of Te Tiriti o Waitangi, mokopuna are taonga. The treatment of mokopuna within Whakatakāpokai is not upholding the mana of mokopuna but is diminishing it. Mokopuna are entitled to a high standard of care<sup>26</sup> and the relationship between kaimahi and mokopuna should always be professional and

<sup>25</sup> [paru - Te Aka Māori Dictionary \(maoridictionary.co.nz\)](https://www.maoridictionary.co.nz/paru)

<sup>26</sup> [Oranga Tamariki \(Residential Care\) Regulations 1996 \(SR 1996/354\) \(as at 01 July 2023\) 3 Right to professional and planned standards of care – New Zealand Legislation](#)





have due regard for the well-being, culture and needs of mokopuna residing in the facility.<sup>27</sup>

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## There is a bullying culture within Whakatakapokai

The lack of engagement from kaimahi contributes to the bullying culture amongst mokopuna within the residence. Mokopuna were apprehensive in engaging with Mana Mokopuna and when asked about relationships with kaimahi in the facility, mokopuna advised some kaimahi were “strict”, but were mindful of what they said. For mokopuna to thrive, a supportive environment, where positive pro-social role modelling occurs through whānaungatanga<sup>28</sup>, kaitiakitanga<sup>29</sup> and mātauranga<sup>30</sup> to uphold the mana of mokopuna is required. Instead, mokopuna were open about needing to use violence to protect themselves and keep their concerns to themselves. Kaimahi said mokopuna are made to feel that they cannot speak up about what is happening to them and others in the residence and are bribed or intimidated by certain kaimahi within the facility to behave.

*“It’s all good in here, you just gotta rep yourself”.*  
(Mokopuna).

Some kaimahi also shared similar concerns and spoke of experiences of themselves being intimidated and targeted by colleagues when they challenged practice that they believed was harmful to mokopuna. Kaimahi gave examples of being mindful of waiting for certain kaimahi on their shift to leave the site before they themselves went into the carpark to go home, as they did not feel safe being around these particular kaimahi. Some kaimahi reported they do not feel safe calling out poor practice by colleagues, and they told us that management does nothing when they report issues them.

This behaviour by some kaimahi working at Whakatakapokai is harmful to mokopuna and kaimahi have a right to feel safe and supported at mahi.

## Violence amongst mokopuna has intensified

Violence amongst mokopuna at Whakatakapokai has increased significantly since the last visit. Documentation reviewed<sup>31</sup> between October-December 2023 showed there were, on average,

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<sup>27</sup> [Oranga Tamariki \(Residential Care\) Regulations 1996 \(SR 1996/354\) \(as at 01 July 2023\) 3 Right to professional and planned standards of care – New Zealand Legislation](#)

<sup>28</sup> [whanaungatanga - Te Aka Māori Dictionary \(maoridictionary.co.nz\)](#)

<sup>29</sup> [Kaitiakitanga - Te Aka Māori Dictionary \(maoridictionary.co.nz\)](#) [Mana Mokopuna PDF | Mana Mokopuna](#)

<sup>30</sup> [mātauranga - Te Aka Māori Dictionary \(maoridictionary.co.nz\)](#) [Mana Mokopuna PDF | Mana Mokopuna](#)

<sup>31</sup> [Monthly data supplied to Mana Mokopuna from Oranga Tamariki \(serious threats to kill or harm, assaults and assault minor injury\) data details for the period stated.](#)

<sup>31</sup> [Convention on the Rights of the Child | OHCHR](#)



six assaults<sup>32</sup> a month occurring in the facility. Kaimahi across the facility advise us that the nature of assaults have been targeted, and at times, without warning. Many incidents involve group assaults with riotous type behaviour, and as mentioned, kaimahi do little to de-escalate behaviours.

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Article 19<sup>33</sup> of the Children's Convention makes it clear that all mokopuna have the right to be protected from all forms of violence.

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Mokopuna involved in violent acts at Whakatakapokai are targeting the head area including punching the head and face. Facility data reviewed, signified an incident occurred where it had been reported a mokopuna had suffered a three second seizure after being punched in the head twice by another mokopuna. Weapons are also being made by mokopuna which is a contributing factor to the increase in violence. Facility data reviewed by our OPCAT Monitoring Team detailed that over recent months, there had been a number of makeshift 'shanks' and weapons being made out of broken pieces of plastic from disposable vapes, metal found around the residence, or using everyday items such as a 'vacuum pipe' to cause harm.

Mokopuna are feeling the need to resort to violence to protect themselves and this was evident during the visit as Mana Mokopuna observed an interaction, where a mokopuna confided in peers after being bullied. His peers advised him:

*"we told you bro, you need to stick up for yourself! I'll teach you how to fight".  
(Mokopuna to other mokopuna).*

## Mokopuna are experiencing inappropriate use of force and secure care

Mana Mokopuna were informed by kaimahi that there has been an increase<sup>34</sup> in the use of force being used to manage mokopuna behaviours at Whakatakapokai. All use of force incidents are reviewed by the Team Leader Logistics who is Safe Tactical Approach Response ('STAR')<sup>35</sup> trained to ensure use of force is lawful and in line with the Care Regulations. During the visit, kaimahi expressed that there is an increase in incidents where excessive use of force is being noted to make mokopuna comply with instructions given by some kaimahi. Kaimahi were able to describe in detail incidents where mokopuna have been picked up and thrown into their bedrooms when they have refused to comply with being told to go to their room or to maintain composure in the units.

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<sup>32</sup> Monthly data supplied to Mana Mokopuna from Oranga Tamariki (serious threats to kill or harm, assaults and assault minor injury).

<sup>33</sup> [UN Human Rights Office \(ohchr.org\)](https://www.ohchr.org/)

<sup>34</sup> Mana Mokopuna had requested Use of Force data, however to date this has not been received. During the visit we were advised by kaimahi anecdotally that there had been an increase in use of force.

<sup>35</sup> [Working with tamariki and rangatahi in residences | Practice Centre | Oranga Tamariki](#)



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The Concluding Observations on New Zealand released by the United Nations Committee Against Torture on 26 July 2023 recommend that New Zealand should explicitly prohibit the use of force, including physical restraints, against children in care.<sup>36</sup>

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Kaimahi advised numbers of secure care admissions are usually low, however in the last four months, there has been a significant increase in admissions into secure care at Whakatakapokai. The main reasons have been violence occurring between mokopuna; to regulate mokopuna who are heightened; or for non-compliance with instructions and behavioural expectations. In the past, kaimahi at Whakatakapokai have prided themselves on using secure care as a last resort. However, with a lack of good kaimahi training and a select group of kaimahi who expressed their preference using secure care to manage behaviours, the average number of admissions has increased. Mokopuna describe their time in secure care as:

*"It's s\*\*\*! Can't do anything, should at least have something you can do in there even if it is timeout".*  
(Mokopuna).

Kaimahi spoke about the impact of not being properly trained or having a clear understanding of the legal grounds for what constitutes a secure admission. This is resulting in unlawful secure care admissions, as they do not meet the grounds according to s368 of the Oranga Tamariki Act 1989.<sup>37</sup> Kaimahi were able to share recent examples and that their concerns were escalated to management at the time. Kaimahi said in these cases other, less restrictive options should have been used.

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The use of seclusion for any mokopuna under the age of 18 runs contrary to the Children's Convention<sup>38</sup> and the United Nations Convention Against Torture<sup>39</sup>. Secure care also runs contrary to Te Tiriti o Waitangi, given that mokopuna are taonga and they, and their mana, should be actively protected.<sup>40</sup>

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## Recording of information is inaccurate, lacks detail, and at times does not occur

Key information recorded in logbooks at Whakatakapokai is inaccurate, inconsistent, and lacks detail. This includes E-logs, Debriefing Sheets (SPADS)<sup>41</sup>, MySafety Reports<sup>42</sup> and Secure Care

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<sup>36</sup> CAT/C/NZL/CO/7 para 38(g)

<sup>37</sup> [Oranga Tamariki Act 1989 No 24 \(as at 06 October 2023\), Public Act 368 Grounds for placement in secure care – New Zealand Legislation](#)

<sup>38</sup> <https://www.ohchr.org/en/instrumentsmechanisms/instruments/convention-rights-child>

<sup>39</sup> [UNCRC30-English-Web.pdf \(manamokopuna.org.nz\)](#)

<sup>40</sup> [Articles 2 and 3 of Te Tiriti o Waitangi](#)

<sup>41</sup> [Shift Planning and Debriefing Sheets – Oranga Tamariki](#)

<sup>42</sup> [incident severity, incident type, nature of incident, title of incident – Oranga Tamariki](#)



logs. This has been identified as an area that requires significant improvement by leadership. Examples of poor recording include:

- Electronic Incident Reports (EIR's)<sup>43</sup>, are being completed inaccurately and without efficiency. At times EIR's are not being completed, and when requested, some folders were empty, and these incident reports were missing in the system.
- EIR's are not matching secure care logbooks.
- Incorrect dates and times are being recorded on incident reports.
- Under-reporting of incidents is occurring, as kaimahi are unclear on how to complete an incident report, what to record or on some occasions, kaimahi cannot be bothered completing paperwork. This was noted as challenging for management when trying to gather evidence regarding poor kaimahi practice.
- There is a lack of detail around the narrative in incident reports and logbooks indicating what led up to an incident or secure care admission and what was done to manage the incident before it escalated.
- There is a general lack of information in the logbooks about what mokopuna are doing whilst in secure care or in the units. For example, what reflection work is happening in secure care, when hui whakapiri are taking place, activities to fill the day, and general engagements with kaimahi.

Mana Mokopuna is concerned about the lack of and inaccuracy of the reporting of incidents, daily logs and secure care admissions at Whakatakakopai. It is imperative that all documentation is completed with accuracy and efficiency to ensure there is an accurate representation of harm mokopuna may be experiencing and that the correct processes and practices are implemented to investigate and address this.

## Social Work Practice is inconsiderate of mokopuna needs

*"My social worker is s\*\*\*, is always on leave, never visits me".  
(Mokopuna).*

The relationship between residential kaimahi at Whakatakakopai and Oranga Tamariki site Youth Justice Social Workers is described by kaimahi as appalling and a systemic issue. Kaimahi at Whakatakakopai shared frustrations around the lack of collaboration, communication, and engagement from social workers to support mokopuna who are in the residence. Mana Mokopuna was advised social workers are not visiting or making contact via a phone call to their assigned mokopuna to keep them informed of plans relating to them, and there is a lack of assessments and planning for mokopuna transitions. Mokopuna are often forgotten about and left in residence, and kaimahi said they feel social workers forget this is a Youth Justice facility and not a placement that mokopuna can stay long-term.

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<sup>43</sup> [Internal reports for recording of incidents in residence](#)



*"I wasn't told I was coming here, I thought I was going to a placement. Then when we got here I was annoyed, as they never told me I was coming here"*  
(Mokopuna).

These frustrations were shared by mokopuna, who were passionate and vocal about their experiences with social workers. Most commonly, mokopuna shared negative experiences of social workers not visiting them, answering their phone calls, or attending important hui related to them. Mokopuna spoke about not knowing what their plans were and being on remand for long periods of time without knowing the next steps. There were, however, a few mokopuna who had good social workers who they felt genuinely cared for them and wanted what was best for them.

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As part of Oranga Tamariki practice standards, social workers are required to see mokopuna regularly, face-to-face and ideally alone, in order to build trust, understand their needs, and ensure they have a say in decisions that impact them.<sup>44</sup>

Oranga Tamariki is required to provide appropriate transition supports to ensure a positive care transition experience for mokopuna under section 74 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018.<sup>45</sup> This includes providing information to mokopuna and their whānau about their placements prior to their transition date and providing sufficient monitoring and support to mokopuna during their transition out of residence.

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<sup>44</sup> [See and engage tamariki | Practice Centre | Oranga Tamariki](#)

<sup>45</sup> [Oranga Tamariki \(National Care Standards and Related Matters\) Regulations 2018 \(LI 2018/111\) \(as at 01 May 2023\) 74 Monitoring and support during care transition phase – New Zealand Legislation](#)



## Protection Systems

This domain 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.

### Collaboration is essential to ensure the placement is appropriate for mokopuna

Whakatakapokai is subject to a range of court conditions under the Resource Management Act<sup>46</sup>, that require annual reporting demonstrating the residence is compliant with the requirements.<sup>47</sup> The court conditions are pivotal in the development of operational procedures, policies, and admission process for mokopuna.

Referrals for admissions require a clinical assessment<sup>48</sup> and are reviewed by a psychologist and the residence manager. An experienced and qualified psychologist is necessary to verify the assessment against four screening criteria. These criteria assess the level of risk and need for mokopuna to determine if Whakatakapokai is the most appropriate placement for them. The four principles are non-negotiable, meaning that if a referral does not meet one principle it is declined. Mokopuna who are admitted into the residence have lower risk profiles and mokopuna who are charged with a schedule 1A offence<sup>49</sup> are not able to be placed in the residence.

As part of this process, rangatahi mentors<sup>50</sup> visit and/or speak with mokopuna to inform them of the court conditions, their rights, the approach the residence employs in terms of care and programmes and gain their consent to abide by the conditions. Once a referral is accepted and a new admission arrives, a history check on CYRAS<sup>51</sup> is completed to identify what support is needed for each mokopuna. A rangatahi mentor is assigned and an email is sent to professionals including within Education, Health, Odyssey House<sup>52</sup> and Tū Māia<sup>53</sup>, to begin the admission process. Although the admission process is robust in alignment with the strict court conditions, further improvements can be made such as reinstating regular Multi Agency Team ('MAT') hui.

Kaimahi advised MAT hui occur sporadically, there is a lack of collaboration amongst services and a lack of information sharing. Stakeholders are eager to collaborate with one another, as there is a shared understanding that the challenges that mokopuna face do not occur in

<sup>46</sup> [3800 Care and Protection Centre - Upper North Whakatakapokai Conditions \(aucklandcouncil.govt.nz\)](https://aucklandcouncil.govt.nz)

<sup>47</sup> [Whakatakapokai | Oranga Tamariki — Ministry for Children](#)

<sup>48</sup> [3800 Care and Protection Centre - Upper North Whakatakapokai Conditions \(aucklandcouncil.govt.nz\)](https://aucklandcouncil.govt.nz) refer to pg. 26.

<sup>49</sup> [Children, Young Persons, and Their Families \(Oranga Tamariki\) Legislation Act 2017 No 31 \(as at 01 July 2019\), Public Act Schedule 2 New Schedule 1A inserted – New Zealand Legislation](#)

<sup>50</sup> [Rangatahi mentors role is to build therapeutic relationships with mokopuna, whānau, social workers and providers to support mokopuna during their time in residence and to support their transition back into the community.](#)

<sup>51</sup> [Oranga Tamariki client database system](#)

<sup>52</sup> [Odyssey](#)

<sup>53</sup> [Tū Māia • Healthpoint](#)



isolation. Stakeholders feel it is essential to be working collaboratively together from the beginning of the journey for mokopuna in residence, right through to their discharge and integration back into the community.

In alignment with Oranga Tamariki policy,<sup>54</sup> Mana Mokopuna recommends MAT hui with all relevant parties, including Health and Education are reinstated to review and update individual mokopuna plans, at least once every four weeks. This will help to ensure professionals are working collaboratively together with mokopuna and their whānau to meet their needs.

## Contraband is readily available and accessible at Whakatakapokai

Mana Mokopuna was advised mokopuna are being supplied contraband as a bribe to behave or to prevent mokopuna from disclosing information about their treatment in the residence.

There is a significant amount of contraband present in the residence, particularly disposable vapes, and on occasions cannabis. Seizure data provided from January-December 2023 indicates there were 130 seizures, and that 65% of these were vapes<sup>55</sup>. Kaimahi across the facility acknowledged that the number of whānau visits does not correlate with the amount of contraband present in the residence and that there is an awareness mokopuna are being supplied vapes through residential kaimahi. However, it is challenging to provide sufficient evidence to prove this is occurring, and for kaimahi who are bringing contraband in to be held accountable.



*(Photos of disposable vapes seized in Whakatakapokai, sighted during monitoring visit)*

<sup>54</sup> Working with tamariki and rangatahi in residences | Practice Centre | Oranga Tamariki

<sup>55</sup> Seizure data was provided during the monitoring visit from Whakatakapokai.





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It is illegal to supply mokopuna under the age of 18 with vapes.<sup>56</sup> Urgent action is required to implement measures to address the large influx of contraband accessible to mokopuna in Whakatakapokai given the harmful impacts to their wellbeing and the long-term addiction it can create<sup>57</sup>.

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## Mokopuna rights and independent advocate information are visible in the residence

*"I know my rights, so will push these when I am here".  
(Mokopuna).*

Visual posters about the oversight system<sup>58</sup>, VOYCE Whakarongo Mai<sup>59</sup> and Whāia te Maramatanga<sup>60</sup> outlining how mokopuna can make a complaint or access independent advocacy are displayed on the walls in the units. The Quality Lead runs 'my voice, my rights' sessions three times a week, where mokopuna are informed on their rights in relation to key pieces of legislation such as the Children's Convention<sup>61</sup> and Oranga Tamariki National Care Regulations<sup>62</sup>. Mana Mokopuna encourages leadership within the residence to continue prioritising these sessions for mokopuna to have the continued opportunity to learn and ask questions about their rights whilst in residence.

VOYCE Whakarongo Mai and the grievance panel are in the residence on a regular basis engaging with mokopuna with their consent. Both advocate groups said they have good relationships with the leadership team and kaimahi and are always welcomed into the residence. This allows transparent conversations around areas for improvement, in particular the inaccurate reporting, timeliness and recording of grievances, and challenging the perception that despite the grievances process having flaws, it is integral that kaimahi encourage mokopuna to use this process. It is therefore important that mokopuna are encouraged by kaimahi across the facility to feel safe to raise their voice on issues that matter to them and affect them, and that there are no barriers to accessing independent advocates, making complaints, and accessing the grievance process.

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<sup>56</sup> [It is illegal to supply vapes both directly and indirectly to mokopuna under the age of 18 \(Smokefree Environments and Regulated Products \(Vaping\) Amendment Act 2020\).](#)

<sup>57</sup> [Vaping & Young People | KidsHealth NZ](#)

<sup>58</sup> [Oversight of Oranga Tamariki system | Ombudsman New Zealand](#)

<sup>59</sup> [VOYCE - Whakarongo Mai - advocacy for children with care experience](#)

<sup>60</sup> [Residence grievance process](#)

<sup>61</sup> [Convention on the Rights of the Child | OHCHR](#)

<sup>62</sup> [Oranga Tamariki \(National Care Standards and Related Matters\) Regulations 2018 \(LI 2018/111\) \(as at 01 May 2023\) Contents – New Zealand Legislation](#)





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Mokopuna in residence have a right according to the Oranga Tamariki (Residential Care) Regulations 1996<sup>63</sup>s15(2)(b) to lodge a complaint under the grievance procedure in residence. Mokopuna should be listened to and to have support to be ensure their rights are upheld with mana and integrity, ensuring the process is tika<sup>64</sup>.

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<sup>63</sup> [Oranga Tamariki \(Residential Care\) Regulations 1996 \(SR 1996/354\) \(as at 01 July 2023\) 15 Right of access to grievance procedure – New Zealand Legislation](#)

<sup>64</sup> [tika - Te Aka Māori Dictionary \(maoridictionary.co.nz\)](#)



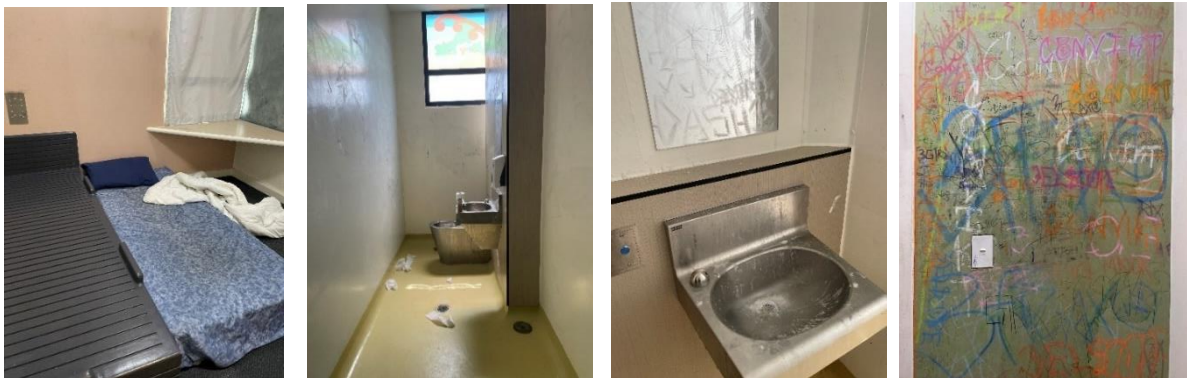
## Material Conditions

This domain 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.

### Mokopuna are living in inadequate conditions

Whakatakopokai is made up of two units and both are in poor condition. The units are filthy, carpets are stained, and food is engrained into the floor. One unit had wet scrunched up toilet paper thrown on the walls and ceilings in the bathrooms, the toilets and basins are stained, floors were dirty, and there was a strong unpleasant smell. Graffiti is on the walls and windows throughout the units, and it appeared the units have not been cleaned for some time. Temperatures in bedrooms range from extremely hot or freezing cold. One mokopuna said *"my bedroom is freezing, so I have three blankets"*. Due to ventilation issues, three bedrooms have been decommissioned.

Kaimahi explained there is one cleaner employed for the facility, and if the cleaner is not available, Whakatakopokai seek assistance from a shared pool of cleaners with another residence in the region. Kaimahi said they then have to wait for a cleaner to be available or hope that mokopuna do their daily chores to maintain the cleanliness of the facility.



*Photos of a bedroom and bathrooms in one of the units.*

Mana Mokopuna recommends employing a pool of cleaners dedicated to Whakatakopokai, that the units are all immediately commercially cleaned, graffiti removed, and the ventilation issues are addressed to ensure mokopuna are living in adequate conditions.



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These conditions are inconsistent with Article 27<sup>65</sup> of the Children’s Convention, as the facility is not providing an adequate standard of living for mokopuna and their development.

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## Major delays in refurbishment of property at Whakatakapokai impacts on mokopuna access to recreational activities

*“It’s s\*\*\* that the gym is still not working”.*  
(Mokopuna)

There are several property requests outstanding for the facility due the significant delays in these being fixed. Mana Mokopuna notes that the swimming pool and gymnasium have been under refurbishment since March 2022. Despite residence management advocating for these repairs to be prioritised for mokopuna and placing inflatable pools into the unit courtyards, there has been very little progress. During the visit, there were contractors on site working in the gym, and management were informed it was a matter of weeks before it was ready for use.

Although mokopuna have access to the outdoors through the courtyards, if it is raining mokopuna do not have a dry space to engage in recreational and physical activity. Mokopuna shared how much they enjoy physical activity and the current limited access to it leaves them feeling bored. Kaimahi echoed the importance of incorporating physical activity into daily routines to allow mokopuna to burn energy and prevent boredom.

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Significant delays of over a year for a gymnasium to be refurbished and the swimming pool remaining out of use limits mokopuna access to the outdoors and recreational activity, inconsistent with Article 31 of the Children’s Convention.<sup>66</sup>

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## Outstanding repairs can cause safety issues for mokopuna and kaimahi

In addition to the gym and the pool, Mana Mokopuna was made aware that some of the interlock gates were not working adequately or were broken. Several times when Mana Mokopuna needed to get through a gate using the keys it would not open properly or there were delays in the door opening, requiring constant communication to the ‘key press’<sup>67</sup> for kaimahi to unlock the gate to exit the compound. Kaimahi told us it is a concern when there is a response code<sup>68</sup> called in an emergency and they cannot get through the gates quickly

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<sup>65</sup> [Convention on the Rights of the Child | OHCHR](#)

<sup>66</sup> [Convention on the Rights of the Child | OHCHR](#)

<sup>67</sup> [Key press is the room containing the cameras, keys and monitors the security of the residence.](#)

<sup>68</sup> [Response codes are emergency calls made via the radios that all kaimahi wear when there is an incident that requires urgent assistance.](#)



enough to assist. Some of the gates were being worked on during our monitoring visit, and priority should be given to enabling all repairs are completed in a timely manner to ensure the safety of mokopuna and kaimahi.

## Mokopuna continue to voice concerns around quality and quantity of kai

*"Kai is s\*\*\*!"  
(Mokopuna).*

A common grievance made by mokopuna through the grievance process is about the quality of kai and there not being enough of it. Mokopuna describe the kai as 'yuck' and 's\*\*\*'. Kai is repetitive and often being wasted as mokopuna do not like it. Mokopuna particularly do not like the dinners. Kaimahi also raised concerns around there being a lack of nutritional value in the kai and have raised this with management, with nothing being done to change this to date.

Mana Mokopuna encourages Whakatakapokai to consider and listen to mokopuna voice, to ensure mokopuna have access to a range of nutritional options and the quantities being served are appropriate to support their on-going development and hauora.



## Activities and access to others

This domain 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.

### No Programme Co-ordinator at Whakatakapokai impacts on activities developed for mokopuna

Whakatakapokai does not have a Programme Co-ordinator, and at the time of the visit, the Residence Manager was filling this position in the interim. Mana Mokopuna observed mokopuna engaging in a programme called 'Rap and Rec', which entails mokopuna writing and recording raps using a microphone and other sound equipment.

The Residence Manager is supportive of and happy to approve kaimahi led initiatives or programmes to encourage mokopuna to learn new skills and being exposed to positive, healthy experiences if there are clear and detailed risk assessments. However, the barrier is kaimahi are not taking advantage of this opportunity. Mokopuna were seen playing cards, board games, basketball, or boxing. If mokopuna were not doing these activities, they were generally sitting around or playfighting with one another in the units. Mokopuna told us on several occasions they were bored and just 'kick back'.

Kaimahi were open in saying the lack of programmes has meant an increase in incidents. Kaimahi also said that some of the games run for mokopuna were of a competitive nature, and kaimahi seemed to egg on mokopuna, which has often resulted in mokopuna becoming aggressive towards one another and on some occasions ending up in assaults.

Mana Mokopuna encourages the residence to employ a Programme Co-ordinator to help streamline and coordinate appropriate activities and programmes for mokopuna on a regular basis.

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The lack of programmes and pro-social activities for mokopuna is inconsistent with Part Two of the National Care Standards<sup>69</sup>. Mokopuna need positive role-models, a therapeutic environment, and access to programmes to help them build the skills necessary to move away from anti-social pathways and prevent reoffending.

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<sup>69</sup> [National Care Standards | Oranga Tamariki — Ministry for Children](#)



## Kingslea School provides mokopuna access to a positive experience with education

Kingslea School<sup>70</sup> has established a positive working relationship with the residence kaimahi. The school is based in a hub across the compound from the units, to allow mokopuna to move out of the unit during the day and engage in education. There are various resources and opportunities available for mokopuna in the education block, and these include:

- Spacious, tidy classrooms, with bright, colourful pieces of artwork created by mokopuna hung up on the walls.
- The classrooms allow for both units to all engage in education in the hub at the same time, dependent on the unit dynamics and mokopuna behaviour.
- There is a big whiteboard with a clear structure of the weekly timetable for mokopuna to refer to and know what to expect.
- Mokopuna are currently working on achieving NCEA credits and there is strong encouragement from the teachers for mokopuna to achieve these, so when they transition back into the community, they can leave with something.
- There is a kitchen where mokopuna learn to cook on a budget, with a focus on teaching life skills that can be used in the community. Mokopuna were learning to cook with mince the week of the visit.

The Whakatakopokai leadership team have also arranged and funded the following programmes which are supported by Kingslea School either with teachers attending the programmes, or with time during the structured school day:

- Odyssey House run a psychoeducation programme twice a week for an hour. Mokopuna engaged well with the programme and shared with Mana Mokopuna what they had been learning.
- Two adventure-based learning ('ABL') offsite activities a week which occur on a Tuesday and Thursday (separate days for separate units). During the monitoring visit mokopuna were seen going offsite to the beach, accompanied by Kingslea School teachers and kaimahi from Whakatakopokai. Mokopuna were smiling, happy and exhausted from the big days out.

Teachers advised mokopuna generally come into residence with a negative view of school as mokopuna have often not had positive educational experiences. The school vision for Kingslea School is 'rediscovering the magic of learning' and teachers are passionate and creative about finding different ways of teaching mokopuna. To do this, teachers develop plans that are tailored to meet individual mokopuna needs. This was evident as mokopuna were observed to be settled, had developed positive and supportive relationships with teachers, and despite

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<sup>70</sup> [Kingslea School – Learning for Life](#)



Mana Mokopuna entering the classroom, mokopuna were not distracted and remained engaged in their learning.

Kingslea kaimahi shared the current model used in their community-based school. This is based on an “excellent partnership” formed with MacStrong Mentors,<sup>71</sup> where mokopuna are provided with a mentor outside of school hours. This provides consistency of care, pro-social role modelling, and experiences aimed at preventing re-offending and has been hugely successful for mokopuna. Kaimahi believe collaborative information sharing, reinstating MAT hui, and establishing partnerships like the community model, are integral to successful transitions for mokopuna out of the Youth Justice residences, such as Whakatakapokai.

## Mokopuna contact with whānau is prioritised

*“My mum visits me every Tuesday, she walks from rewa<sup>72</sup> to see me”.*  
(Mokopuna)

Whakatakapokai prioritises mokopuna having whānau contact and the facility is accommodating of ensuring relationships between mokopuna and whānau are maintained. Mokopuna said their whānau regularly come to visit. Whānau can visit mokopuna during weekdays and weekends with phone calls generally occurring outside of school hours. Mana Mokopuna saw whānau bringing in kai to share with their mokopuna and on occasions residence kaimahi will also ask the kitchen staff to prepare kai for whānau as a form of manaakitanga. If there are siblings engaged in a Youth Justice process, Whakatakapokai prioritises placing siblings in the residence together so they can maintain contact with each other. There have been several siblings placed in the residence over time<sup>73</sup>.

Funding is not a barrier to ensure mokopuna have contact with whānau, and Mana Mokopuna heard of instances where the residence management team have approved and arranged flights, accommodation, grocery vouchers/food parcels or additional support for whānau so they can see their mokopuna. Kaimahi are strong advocates for mokopuna maintaining connection with their whānau and will do what is needed to ensure whānau are supported to visit, attend important hui such as Family Group Conferences, and be updated on the care of their mokopuna whilst in residence. Some kaimahi try hard to ensure supports are in place to support mokopuna and their whānau for when mokopuna return to the community. If mokopuna are unable to return to the care of whānau, kaimahi will advocate for a clear plan stipulating what contact will look like.

Mana Mokopuna could see the commitment many kaimahi in the residence have to maintaining whānau relationships for mokopuna in their care. Mana Mokopuna recommends the continuation of this support for whānau connection for all mokopuna in Whakatakapokai.

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<sup>71</sup> MacStrong | Mentoring | Life Skills Coaching | Youth | Mac Strong

<sup>72</sup> Short for Manurewa – suburb of Auckland City.

<sup>73</sup> Data regarding the number of siblings that have been placed at Whakatakapokai was requested during the visit, however to date has not been received.



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Mokopuna have the right to see their whānau regularly when in State Care as outlined under section 10 of the Oranga Tamariki Residential Care Regulations.<sup>74</sup> Whakatakapokai makes every effort to ensure all mokopuna, regardless of where they come from, can exercise this right. Connection with the local community and their whānau encourages young people to feel included and part of a caring and protective environment that will love and guide them<sup>75</sup>

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<sup>74</sup> [Oranga Tamariki \(Residential Care\) Regulations 1996 \(SR 1996/354\) \(as at 01 July 2023\) 10 Rights to visits and communications with family and other persons – New Zealand Legislation](#)

<sup>75</sup> <https://www.manamokopuna.org.nz/publications/media-releases/reset-of-youth-justice-system-cannot-be-delayed-chief-childrens-commissioner/>





## Medical services and care

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

### Whakatakapokai sharing medical resources with Korowai Manaaki is problematic

The medical team for Whakatakapokai comprises of a doctor and two nurses, which is shared with another local Youth Justice residence. This is problematic as the medical team prioritise according to need due to overseeing both sites. This can mean that mokopuna do not receive timely medical care. The management team said that Whakatakapokai have not had nurses, or a GP solely based on site for the past three years. The Residence Manager did say however, a full-time nurse had been recruited for the residence.

Mokopuna have access to a range of health services including the dental clinic, Odyssey House for alcohol and other drug counselling, and Tū Māia a mental health in-reach service that provides support and mental health assessments for mokopuna who are in the residence. External providers would like to collaborate more to provide continuity of care from the beginning of a mokopuna journey into residence, and then back into the community. This will ensure support is in place and consistent during the period of reintegration when the most support is required.

### There is limited access and space for assessments to be undertaken

A challenge for health professionals is accessibility to undertake assessments with mokopuna. Staff described having to move rooms during assessments and said this was unhelpful and disruptive, particularly due to the type of assessments undertaken and then needing to re-engage and re-focus mokopuna. Kaimahi said it would be beneficial having a designated room where they can appropriately undertake assessments and provide any medical assistance for mokopuna, privately and with the integrity of upholding their mana.

Mana Mokopuna encourages management to continue advocating for Oranga Tamariki to ensure there is a medical team based solely at Whakatakapokai to ensure mokopuna have their physical and mental health needs met in a space that empowers professional engagement with mokopuna.



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Mokopuna have the right to health and health services including dental, sexual, and mental health services in a timely manner under Article 24 of the Children's Convention<sup>76</sup>.

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<sup>76</sup> [Convention on the Rights of the Child | OHCHR](#) - Article 24 Health and Health Services



# Appendix One

## Progress on 2022 recommendations

The below table provides an assessment of OPCAT Monitoring recommendations made in the previous March 2022 report about Whakatakapokai. Mana Mokopuna acknowledges that work on system recommendations is being led at the Oranga Tamariki National Office level. The progress detailed here is a facility reflection relating to day-to-day operations at Whakatakapokai.

### 2022 System Recommendations

	2022 Recommendation	Progress as at February 2024
1	Revise the Individual Care Plan templates to ensure they are functional, youth-friendly, and available in other accessible formats and languages.	<b>No progress</b> At the time of the visit in February 2024, Mana Mokopuna requested to have access to mokopuna care plans, however, did not receive these within the requested timeframe or post the monitoring visit, and was therefore unable to determine if there has been any progress.
2	Develop a nationwide package of training programmes that sits alongside the Oranga Tamariki Te Waharoa Induction programme. Training programmes should include: <ul style="list-style-type: none"> <li>• criminogenic risk factors</li> <li>• alcohol and drug support</li> <li>• mental health needs</li> <li>• intellectual disability</li> <li>• neurodiversity</li> <li>• life skills</li> <li>• cultural development/ capacity building.</li> </ul>	<b>Limited progress</b> Although kaimahi are engaging in Te Waharoa training, it does not reflect the realities of working in the residential environment and kaimahi are not receiving appropriate further training beyond the induction programme.
3	Review the grievance process. It should be independent and impartial and provide a clear mechanism for keeping mokopuna informed of progress.	<b>Limited progress</b> Whaia te Maramatanga is still being used in the residence and on-going issues have been raised regarding it not being impartial or independent of the residence.
4	Review current HR policy and ensure it is fit for purpose especially pertaining to active staff internal investigations where allegations of harm have been made.	<b>Complete</b> The policy review has been completed by Oranga Tamariki.  However, at the time of the visit Whakatakapokai did not have dedicated HR kaimahi. This resource is shared with another Youth Justice residence in the region and can often result in delays in the HR process. Having dedicated resource should be re-considered to ensure residence management have the support through advice and guidance to streamline HR or employment related concerns and any subsequent action plans. This is especially relevant due to the inappropriate practice noted on this February 2024 visit.
5	Document and record Safety Plans, HR advice and risk analyses when serious events involving mokopuna occur. This information should be held in a central location such as CYRAS	<b>Limited progress</b> There are concerns regarding the accuracy, consistency and detail in recording of information and incidents at the facility.



## 2022 Facility Recommendations

	2022 Recommendation	Progress as at February 2024
1	Ensure all Individual Care Plans are maintained to a consistent standard and that mokopuna are involved in the development of those plans.	<b>No progress</b> At the time of the visit in February 2024, Mana Mokopuna requested to have access to mokopuna care plans, however, did not receive these within the requested timeframe or post the monitoring visit.
2	Ensure staff at all levels are aware Whakatakapokai has a therapeutic model of care and can demonstrate this in their every-day engagements with mokopuna.	<b>No progress</b> At the time of the visit there was no evidence of a therapeutic model of care and our OPCAT Monitoring team was informed kaimahi are working in the units untrained.
3	Provide a range of recreational resources for mokopuna within their unit as well as outside.	<b>Limited progress</b> During the visit recreational activities were occurring such as boxing, fitness, and board games. However, other than this Mana Mokopuna did not observe and was not informed of any other vocational programmes or activities.
4	Prioritise the refurbishment of the pool and gym and keep mokopuna informed of the building progress.	<b>Limited progress</b> At the time of the visit the pool and the gym were still under refurbishment and unable to be used by mokopuna.
5	Involve mokopuna in the development of their transition plans and vocational courses.	<b>Limited progress</b> Whakatakapokai has transitioned to All About Me Plans (AAMPs) and Rangatahi Mentors have been pivotal in working alongside social workers and whānau to ensure mokopuna are always well-informed of their transition plans and vocational courses. However, copies of the AAMPs were requested, but were not received. There are ongoing concerns about the collaboration with site social workers and the gap in social workers not informing mokopuna about their plans.



# Appendix Two

## 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.	
Interviews and informal discussions staff	<ul style="list-style-type: none"><li>Residence Manager</li><li>Residence Manager Operations</li><li>Quality Lead</li><li>Team Leader Logistics</li><li>Senior Psychologist</li><li>Rangatahi Mentors</li><li>Residential Youth Workers</li><li>Team Leader Operations</li><li>Grievance Panel</li><li>VOYCE Whakarongo Mai</li><li>Tū Māia</li><li>Kingslea School</li><li>Odyssey House</li><li>Mana Whenua</li><li>Kaiwhakaue</li><li>Nurses</li><li>Request for contact details with whānau was made, however were not received.</li></ul>
Documentation	<ul style="list-style-type: none"><li>Grievance Quarterly Reports</li><li>Serious Event Notifications</li><li>My Safety Incident Reports</li><li>Seizure forms</li><li>Report of Concerns</li></ul> <p>Requests were made for further documentation, which was being prepared during our visit, however, at the date of writing this report, is yet to be received by Mana Mokopuna.</p> <ul style="list-style-type: none"><li>Report of Concerns for June, September and December 2023.</li><li>Daily logs and Secure Care logs</li><li>Secure care admissions for three months</li><li>Incident reports October 2023-January 2024.</li></ul>



	<ul style="list-style-type: none"><li>■ Use of Force incidents and reviews November 2023-February 2024</li><li>■ Safety Plans</li><li>■ Transition Plans</li><li>■ Remand Reviews</li></ul>
Observations	<ul style="list-style-type: none"><li>■ Unit routines</li><li>■ Engagements between kaimahi and mokopuna</li><li>■ Shift handovers</li><li>■ Education</li><li>■ Mealtimes</li><li>■ Activities on-site</li></ul>