

28 November 2024

Dr Claire Achmad  
Te Kaikōmihana Matua | Chief Children's Commissioner

Dear Dr Achmad

### **OPCAT Monitoring Report - Hikitia te Wairua Adolescent Mental Health Unit**

Thank you for your letter of 11 November 2024 that provided our agencies with a pre-publication copy of your monitoring report that followed an unannounced visit to the Hikitia te Wairua Adolescent Mental Health Unit (Hikitia te Wairua) by your Optional Protocol to the Convention Against Torture (OPCAT) monitoring team in May 2024. Thank you also for the amendments to the final report to the updated version we received on 26 November 2024.

We absolutely agree that young people deserve the best care possible, and we fully support your role in monitoring and overseeing the protection of children's rights as the Children's Commissioner. We also recognise the role you have in advocating for young people in these circumstances. Hikitia Te Wairua is one of the most secure services in the country - and it should therefore be one of the most scrutinised services.

As discussed, we have concerns stemming from the report and its findings which affects your report's overall framing. We appreciate the amendments made to provide some additional context to the updated report. We remain concerned about your decision to omit key contextual information provided by Health New Zealand (Health NZ), the Ministry of Health (MoH) and Disability Support Services (now the responsibility of the Ministry of Social Development (MSD) having transferred in September 2024 from Whaikaha). We were very grateful that you confirmed that there were no findings of torture following your team's visit, as initially noted in your letter of 13 November 2024 to the Minister for Disability Issues Hon Louise Upston.

Of most significance, aspects of your report do not fully recognise or reflect the wider context of the requirements of managing the specific cohort of young people ordered into Hikitia Te Wairua by the courts during 2023. The period your monitoring report covered was highly unusual for Hikitia te Wairua. As you know, throughout 2023 and early 2024, it was required to support multiple young people who presented very differently to the population it is designed for. Again, these placements were at the direction of the Courts.

Some of these young people engaged in serious acts of violence which resulted in damage to the facility and significant harm to care staff, who suffered fractures and

head injuries. This meant that some restrictive practices, such as seclusion, which is always a last resort, were used to keep the young people, our staff and the public safe.

In the absence of such information, the report does not assist the reader to fully understand the complex and difficult circumstances that arose. For example, your report does not recognise the steps taken by agencies once alerted to the situation at the time (e.g. what the Director of Mental Health did with Health NZ to transfer one of the young people) and minimises the efforts taken by dedicated care staff working to support these young people while also deescalating a complex and violent situation.

Despite that, all agencies involved have accepted your report's recommendations and good progress has been made to address these, including:

- Health NZ has progressed all its recommendations to ensure Hikitia te Wairua is providing the best possible care.
- Work continues to evolve the service's model of care and facilities, to build a diverse workforce, and to improve the efficiency of reporting processes.
- Work is underway to look at how we upgrade facilities to be fit for purpose for the future recognising that ageing facilities such as Hikitia te Wairua do not serve young people well.

It is important to note that the current cohort of young people that Hikitia Te Wairua is supporting are responding well to the model of care and staff expertise. The use of restrictive practices is at a minimum and seclusion has not been used since March 2024 and Health NZ remains committed to using it only as a last resort. MoH and MSD will continue to monitor progress at Hikitia Te Wairua.

We also look forward to continuing to work with you on ensuring young people receive the very best care by the State in these circumstances. Please be assured that our agencies are working closely to ensure young people involved with the criminal justice system receive the most appropriate placements and supports.

Yours sincerely



Fepulea'i Margie Apa  
Chief Executive  
**Health New Zealand |  
Te Whatu Ora**



Dr Diana Sarfati  
Director-General  
**Ministry of Health**



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