

Oranga Tamariki

Residence Visit

(OPCAT monitoring)

Te Kohanga, Rotorua

Visit date: 9(2)(a)

Report date: 9(2)(a)



MANAAKITIA Ā TĀTOU TAMARIKI

Children's
Commissioner

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Introduction

Purpose of visit

The purpose of this visit is to fulfil the international monitoring mandate of the Office of the Children’s Commissioner (OCC), to monitor the safety and wellbeing of mokopuna detained in secure locked facilities. 9(2)(a)

carried out an announced monitoring visit to Te Kohanga, Rotorua.

The Children’s Commissioner is a National Preventive Mechanism (NPM) under the Crimes of Torture Act (1989)¹. The role of OCC is to visit places where mokopuna are detained to examine the conditions and treatment of mokopuna, identify any improvements required or problems needing to be addressed, and make recommendations aimed at strengthening protections, improving treatment and conditions, and preventing ill treatment. For more information about the legislative context for our visits, see Appendix One.

Context

Te Kohanga is a remand home in Rotorua, with capacity for up to four mokopuna. It is staffed and run by Te Maioha o Parekarangi Youth Justice Residence, with a Team Leader Operations based at Te Kohanga. Two house parents are employed through Te Tuinga Whānau Support Services, which is contracted through Oranga Tamariki. The house parents live at Te Kohanga.

Unlike other remand homes and residences, Te Kohanga does not have specific night staff. Youth Workers work 12 hour shifts and alternate between day and night shifts.

9(2)(a)

Our monitoring processes

We are interested in hearing about the experiences of mokopuna. We also want to understand the group dynamics at the remand home. We use several methods to engage with mokopuna and staff.

We conduct interviews with mokopuna who choose to talk with us or have informal conversations if that is their preference. We also spend time observing mokopuna and staff in the home, including sharing lunch, dinner and partaking in activities. This enables us to see and experience daily routines.

As well as interviewing mokopuna, we interview staff and external stakeholders, and review relevant documentation.

For more information about our interviews and other information gathering processes see Appendix Two.

¹ This Act contains New Zealand’s practical mechanisms under the United Nations Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT).
<https://www.occ.org.nz/our-work/monitoring/monitoring-work/why-we-monitor/>

Our evaluation processes

We use key descriptors to describe our findings in relation to:

- the treatment of mokopuna at the remand home
- the conditions at the remand home

Our reports will also provide summaries of the strengths and areas for development according to each of the OPCAT domains.

The table below lists the descriptors currently used in our findings, describing their impact and our expectations for further action.

Finding	Impact for mokopuna	OCC expectation
Harmful	Treatment and/or conditions that are damaging or hurtful for mokopuna	Must be urgently addressed
Poor	Treatment and/or conditions that are not sufficient to meet the needs of mokopuna	Requires improvement in the near future
Good	Treatment and/or conditions that are sufficient to meet the needs of mokopuna	Must be reviewed regularly to ensure the standard is maintained and improved if possible
Very good	Treatment and/or conditions that work well to meet the needs of mokopuna	Should continue subject to effectiveness. May also be beneficial in other residential contexts

Overall findings and recommendations

Overall findings

We identified the following areas of practice as 'very good' which have a positive impact on the experience of mokopuna. The areas of practice are:

- The relationship between staff, mokopuna and their whānau. Mokopuna and their whānau trust the staff at Te Kohanga.
- A vision for improving outcomes for mokopuna Māori that aligns with Section 7AA of the Oranga Tamariki Act 1989.

We also found three key issues that must be urgently addressed. These issues were identified as 'harmful' and as having a significant impact on the safety and wellbeing of mokopuna and impact across the seven OPCAT domains. The issues are:

- The lack of transition support provided to mokopuna compromises their safety when they return to the community.
- Placing mokopuna with different legal statuses together creates difficult and unsafe dynamics that compromise the effectiveness of a remand home environment.
- The inability of mokopuna to have private phone calls to their whānau.

Recommendations

Oranga Tamariki National Office	
We recommend that the DCE Youth Justice Services:	
Rec 1:	Improve the Transition Support Service for mokopuna returning to their whānau and communities.
Rec 2:	Review the practice of placing mokopuna with different legal statuses together.
Rec 3:	Provide dedicated teaching resource and increased teaching hours for mokopuna
Te Kohanga Remand Home	
We recommend that the leadership team:	
Rec 1:	Improve knowledge amongst mokopuna and staff of the grievance process to encourage its use.
Rec 2:	Provide a separate space for the House Parents, to ensure they have adequate privacy.
Rec 3:	Provide privacy for mokopuna to make and receive phone calls.
Rec 4:	Ensure adequate staffing levels that allow for staff leave and sickness.
Rec 5:	Provide relevant training and professional development for all staff.
Rec 6:	Make cultural supervision available for all staff.
Rec 7:	Build a relationship with local Police to increase their understanding of the function of Te Kohanga as a remand home.

Domain 1: Treatment

Our monitoring of the Treatment domain includes examination of the relationships between mokopuna and staff, models of therapeutic care and behaviour management, and the quality of planning and interventions tailored to the individual needs of mokopuna.

Strengths

The tikanga of the whare is evident

When Te Kohanga was established, it initially had the same rules as Te Maioha o Parekarangi Youth Justice Residence. Since this time, staff and house parents have worked hard to establish kaupapa Māori me ona tikanga for the whare. This is a move away from 'rules' to managing dynamics through communication and trust. Expectations and tikanga are made clear to mokopuna who enter the whare, establishing it as a wairua space that is supportive and loving.

Staff choose not to use Western models such as Positive Behavioural Support as staff see this as punitive. Instead, they take an aspirational kaupapa Māori approach. They instil a sense of responsibility in mokopuna so they have an understanding that actions have consequences. The tikanga of the house is to have a hui whakapiri immediately after an incident or dispute. Mokopuna and staff will get together to talk through and resolve issues so they can move forward in a positive way.

Te Kohanga is centered in manaakitanga, with strong relationships between mokopuna and staff

Whanaungatanga is important for building positive relationships between mokopuna and staff. Staff are committed to the wellbeing of mokopuna in their care. Mokopuna spoke positively about staff and felt like they could talk to most of them. Staff reiterated the importance of having a homely environment.

Areas for development

The lack of transition support provided to mokopuna is harmful

Staff told us how disappointing it was to see mokopuna who had been at Te Kohanga **9(2)(a)**. They attributed this to a lack of transition planning and support.

The Transition Support Service run by Oranga Tamariki was set up to support mokopuna to connect back into their community. However, it isn't working. We heard there is little to no contact from the Transition Support Service prior to mokopuna leaving Te Kohanga. Staff are frustrated with the lack of consistency of transition support, which depends on who is assigned to work with a mokopuna.

Domain 2: Protection system

Our monitoring of the Protection System domain includes examination of the safety of mokopuna, and how well their rights are upheld.

Strengths

Staff work hard to mitigate any risks to the safety of mokopuna

Staff expressed concern about the presence of gangs in the local community and the possibility of mokopuna absconding and being influenced by gangs. Staff work hard to keep mokopuna safe in the whare and maintain a positive atmosphere that ensures mokopuna want to stay, rather than run away.

Staff on night shift do safety and security checks, ensuring doors are locked, perimeters are checked, and mokopuna are secure in their rooms. They contact Police if mokopuna abscond.

Areas for development

Having mokopuna on mixed orders is harmful

Te Kohanga was established for mokopuna on remand. However, due to a lack of appropriate placement options provided by Oranga Tamariki, the whare is often used for mokopuna on mixed legal statuses. For example, mokopuna who have been arrested by the Police are placed at Te Kohanga under section 235 of the Oranga Tamariki Act. The mix of mokopuna on different statuses disrupts the tikanga of the whare and those living there.

The success of Te Kohanga is reliant on managing dynamics and relationships in the whare. Placing mokopuna there with no prior warning and for short periods of time is unsettling and harmful for mokopuna. The Team Leader advocates for the right mix of mokopuna to ensure the dynamics in the house work, however they do not have the final say on admissions.

Staff and mokopuna need better awareness of the grievance process

Whilst the hui whakapiri process is strong, awareness of the formal grievance process needs to be improved. There is a lack of understanding amongst Youth Workers about the importance of mokopuna making a complaint or suggestion when they have concerns. There is also an attitude amongst mokopuna that they should not 'snitch', for fear of being ostracised by other mokopuna or staff.

The Team Leader is committed to addressing complaints made by mokopuna and taking them seriously. **9(2)(a)**

[REDACTED]

The Team Leader was concerned that it had taken the mokopuna involved some time to make a complaint and suggested this may have been because they didn't feel safe or supported to do so. It was also raised that no staff who were present during the assault had encouraged them to make a complaint. This highlights a need to ensure the grievance process is accessible and understood by both mokopuna and staff.

9(2)(a) [REDACTED]
[REDACTED]

Domain 3: Material conditions

Our monitoring of the Material Conditions domain includes looking at how the living conditions in secure residences contribute to the wellbeing of mokopuna, including, accommodation, internal and external environments, hygiene facilities, bedding and food.

Te Kohanga provides a home like environment

The internal environment shows the tikanga of the whare, including a tino rangatiratanga flag, art, karakia, waiata and the whakapapa of mokopuna. There is an open plan living area where mokopuna and staff can hang out. The home is well kept and clean, with a large kitchen and dining table. Bedrooms can get cold, however mokopuna have access to heaters. Whānau appreciate that when they visit, it feels like a home and not a prison.

9(2)(a)

Mokopuna have access to plenty of kai

Kai at the whare was described as 'wicked' and 'gangster'. There is a substantial budget, so mokopuna are well fed and there is always fruit and snacks available. The house parents do the majority of cooking and mokopuna enjoy the food. Mokopuna plan meals and cook on the weekend so they develop cooking and budgeting life skills.

Areas for development

The layout of the whare provides the house parents with very little privacy and personal space

The house parents live at the whare, which means they effectively live under the same restrictions as mokopuna. The house does not provide them with a private space of their own. They have a living room, although:

- It is in a different part of the house to their bedroom
- It has internal windows, and people can see into it
- It is used for meetings and whānau visits, which seriously limits house parents access to it.

Domain 4: Activities and contact with others

Our monitoring of the Activities and Contact with Others domain assesses the opportunities available to mokopuna to engage in quality, youth friendly activities inside and outside secure residences and to have contact with their whānau.

Strengths

There is a comprehensive and varied activities programme

Mokopuna and their whānau spoke positively about the activities available through Te Kohanga. There is a very full programme of activities, which is thoughtfully planned by staff. The activities schedule is aimed at the interests of mokopuna whilst utilising the skills of staff, which are substantial and varied. Activities take place after school and on the weekend.

Activity planning for the day shifts is completed when staff are on night shifts. Matauranga Māori is embedded in activities by skilled kaimahi Māori. For example, frisbee golf is done with a history lesson, connecting wairua to whenua, whenua to the rangatahi and rangatahi to the activity. Staff enthusiastically join in the activities. Mokopuna have excellent access to outdoor spaces and nature – swimming in the lake is particularly popular.

Mokopuna are supported to maintain contact with their whānau

When mokopuna do have relationships with whānau, staff are focused on maintaining them. Whānau spoke positively of the way staff support mokopuna. They noted a positive change in attitude while they were in the care of Te Kohanga. They also spoke of their pride at seeing mokopuna engaging with their whakapapa, doing karakia, pepeha and waiata.

Whānau are welcome to visit the whāre and are invited to have kai with mokopuna and staff. Visits happen in the house parents lounge, where whānau and mokopuna can relax. Te Kohanga make efforts to ensure whānau can visit, such as providing petrol vouchers or having social workers pick them up.

Areas for development

Schooling arrangements could be improved

Schooling is provided by Kingslea School, who are contracted through Te Maioha o Parekarangi. At the time of our visit, there was a recently appointed teacher who was working well with mokopuna. However, the teacher is only on site for three hours a day during the week. There are frequently times where the teacher needs to cover at Te Maioha o Parekarangi, leaving Te Kohanga with no teacher at short notice.

Mokopuna do not have privacy when they make phone calls

Mokopuna can make 20-minute phone calls each night, with a staff member present. Mokopuna are entitled to privacy during phone calls, in line with the [Oranga Tamariki \(Residential Care\) Regulations 1996](#). The lack of privacy to make phone calls must urgently be addressed.

Domain 5: Medical Services and care

Our monitoring of the Medical Services and Care domain evaluates how the health needs of mokopuna are assessed and met.

Strengths

Access to primary health care and physical activity is readily available

Mokopuna don't need to be registered to access Rotovegas Youth Health Clinic anytime without an appointment. Social workers inform staff of any health needs that mokopuna have.

Mokopuna are encouraged to keep fit and can work out at a local gym every morning as part of their daily routine.

Domain 6: Personnel

Our monitoring of the Personnel domain assesses the quality, suitability and capacity of Oranga Tamariki staff to provide safe, secure, respectful care for mokopuna, including processes for staff recruitment, selection, training, supervision and ongoing professional development.

Strengths

Staff work together to ensure mokopuna have a good experience

All staff work cohesively together, recognising that they all have a role to play in providing a positive environment for mokopuna.

- House parents are responsible for setting the wairua, tikanga and supporting mokopuna into Te Kohanga.
- The Team Leader oversees well-structured administrative processes for staff, that do not interfere with their ability to engage with mokopuna.
- Youth Workers work hard to build positive relationships with mokopuna and act as mentors.

Area of development

There are challenges in finding staff to cover shifts

The team at Te Kohanga is small, with two youth workers on each shift. As there is no pool of casual staff, it can be challenging to find shift cover when staff are sick or on leave. This means other staff are relied on to fill in, including the house parents.

Staff from Te Maioha o Parekarangi can provide cover. However, as the tikanga of Te Kohanga is very different, moving staff between the facilities is difficult poses issues. Specific skills are required to work at Te Kohanga, and some staff from Te Maioha o Parekarangi struggle to adjust to the different way of working, for example no restraints.

Staff will benefit from a wider range of training

The Team Lead encourages training, however it can be difficult for staff to complete the training due to the roster where staff alternate between day and night shifts. Staff want more training in various areas, including:

- Understanding mental health
- Behaviour management
- Te Ao Māori
- Visiting other remand homes around the country
- Therapeutic interventions

Staff need cultural supervision

Professional supervision is provided by the Team Leader, however there is no cultural supervision. Cultural supervision needs to be provided given the development of Te Kohanga implementing Kaupapa Māori. This provides cultural accountability for all staff and enhance the cultural practices that Te Kohanga have established.

Local Police lack understanding of the function of Te Kohanga

Te Kohanga have a Memorandum of Understanding with local Police, however the purpose and tikanga of the home is misunderstood by Police. 9(2)(a) there are sometimes delays in responding to incidents.

Domain 7: Improving Outcomes for Mokopuna Māori

Our monitoring of the Improving Outcomes for Mokopuna Māori domain assesses the residence's plans and progress for improving outcomes for mokopuna Māori, including the extent to which Māori values are embraced and upheld, and the relationships mokopuna are supported to have with their whānau, hapū and iwi.

Strengths

There is a focus on improving outcomes for mokopuna Māori

There is a vision for improving outcomes for mokopuna Māori, which is embedded in the way Te Kohanga runs. This focus aligns with, and predates the legislative requirements of Section 7AA of the Oranga Tamariki Act 1989. This includes having regard to mana tamaiti, whakapapa and whānaungatanga. Staff are building a relationship with Ngati Whakaue and community groups to engage and connect mokopuna to the local marae.

Te ao Māori me ona tikanga instils mana in mokopuna

Te ao Māori me ona tikanga is embedded at Te Kohanga. Mokopuna are involved, included, heard, and given opportunities to lead. During poroporoaki on our visit, mokopuna spontaneously lead a haka. This shows the impact of how staff support mokopuna to embrace their culture.

Staff focus on mokopuna as people, rather than on their legal status. This is evident in the staff room, where a board detailing key information on mokopuna outlines their whakapapa as more important than their legal status.

Kaimahi Māori bring wairua into the way they engage and work with mokopuna. They notice a shift in the behaviour of mokopuna, who are more comfortable in and proud of their culture. Te ao Māori me ona tikanga happens through:

- mihi whakatau
- normalising the use of te reo
- karakia, waiata and pēpeha
- hui whakapiri
- acknowledging whakapapa
- activities
- poroporoaki

Mihi whakatau are held to welcome mokopuna and visitors

We were warmly welcomed with a mihi whakatau following Te Arawa kawa. Mokopuna were encouraged by staff to introduce themselves through pēpeha. All visitors and mokopuna are welcomed with a mihi whakatau as part of the tikanga of the whare and considered part of the Te Kohanga whānau.

Areas for development

Western systems make it difficult to maintain a Kaupapa Māori approach

There are significant differences between the Kaupapa Māori approach at Te Kohanga and the Western system it is based within. The Youth Justice system is restrictive and based on compliance, whilst a Kaupapa Māori approach is strengths and people focused. Whilst it is evident that the Kaupapa Māori approach is positive for mokopuna, the Western system has power over decision making.

The Kaupapa Māori space is positive in spite of, not because of, the system that it sits within. This tension needs to be managed by Oranga Tamariki, acknowledging that the tikanga of Te Kohanga is different to a Youth Justice residence. The focus on whanaungatanga is what makes Te Kohanga a successful and supportive environment, so this needs to be supported at a structural level.

Appendix One: Why we visit – legislative background

The Office of the Children’s Commissioner is designated as a National Preventive Mechanism (NPM) under the Crimes of Torture Act (1989). This Act contains New Zealand’s practical mechanisms for ensuring compliance with the United Nations Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT). The convention was ratified by New Zealand in 2007. Our role is to visit secure youth justice and care and protection residences to examine the conditions of the residences and treatment of mokopuna, identify any improvements required or problems needing to be addressed and make recommendations aimed at improving treatment and conditions and preventing ill treatment.

In addition, the Children’s Commissioner has a statutory responsibility to monitor and assess the services provided under the Oranga Tamariki Act 1989. Specifically, section 13(1) (c) of the Children’s Commissioner Act 2003, states that the Commissioner must monitor and assess the policies and practices of Oranga Tamariki and encourage the development of policies and services that are designed to promote the welfare of mokopuna.

Appendix Two: Interviews and information gathering

Method	
Individual interviews	<ul style="list-style-type: none"> █ (a) █
Individual and group interviews	<ul style="list-style-type: none"> █ (a) █ █ █ █ █ █ █ █ █ █ █
External stakeholder interviews	<ul style="list-style-type: none"> █ (a) █ █ █ █ █ █ █ █ █ 9(
Documentation	<ul style="list-style-type: none"> • Incident reports • Programme Planning • Programme Risk Mitigation • Individual Risk Assessments • Rangatahi Register • Grievances
Observations	<ul style="list-style-type: none"> • School • Lunch and evening meals • Shift handover • Afternoon offsite activity