

Oranga Tamariki

Remand Home

(OPCAT monitoring)

Te Whare Awhi, Palmerston North

Visit date: 9(2)(a) [REDACTED]

Report date: 9(2)(a) [REDACTED]



MANAAKITIA Ā TĀTOU TAMARIKI

Children's
Commissioner

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Introduction

Purpose of visit

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

carried out an announced monitoring visit to Te Whare Awhi, Palmerston North.

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 children and young people are detained and examine the conditions and treatment of children and young people, 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 Whare Awhi is a remand home located in the Palmerston North community. It is staffed and run by youth justice residence, Te Au rere a te Tonga. The home has capacity for up to four young males.

9(2)(a)

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Our monitoring processes

We were interested in hearing about the experiences of young people. We also wanted to understand the group dynamics at the remand home. We used several methods to engage with young people and staff.

We conducted one-to-one interviews with young people who chose to talk with us. We also spent time observing young people and staff in the home, including sharing lunch, dinner and

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/>

having conversations with young people and staff. This enabled us to see and experience evening routines.

As well as interviewing individual young people, we interviewed staff and external stakeholders, and reviewed relevant documentation.

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

Our evaluation processes

We are using key descriptors to describe our findings in relation to:

- the treatment of young people 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 young people	OCC expectation
Harmful	Treatment and/or conditions that are damaging or hurtful for children and young people	Must be urgently addressed
Poor	Treatment and/or conditions that are not sufficient to meet the needs of children and young people	Requires improvement in the near future
Good	Treatment and/or conditions that are sufficient to meet the needs of children and young people	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 children and young people	Should continue subject to effectiveness. May also be beneficial in other residential contexts

Overall findings and recommendations

Overall findings

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

- Young people have no opportunities to provide formal feedback about their experience at Te Whare Awhi
- Young people have no access to independent advocacy
- Staff receive no supervision, including cultural supervision
- Casual pool staff have a poor attitude
- There is no overarching plan for working with rangatahi Māori

Recommendations

Oranga Tamariki National Office	
We recommend that the DCE Youth Justice Services:	
Rec 1:	Provides regular supervision, as per the Oranga Tamariki supervision policy, including cultural supervision for all staff.
Rec 2:	Ensures independent advocacy is consistently available for young people at remand homes.
Rec 3:	Ensures the remand home has the appropriate technology required, for example reliable internet connection.
Rec 4:	Creates a clear and transparent admission criteria and process for all admissions to Te Whare Awhi.
Rec 5:	Develops and implements a plan for improving outcomes for mokopuna Māori within all remand homes.
Rec 6:	Clarifies the purpose, function and operating model of remand homes as distinct from the purpose, function and operating model of secure residences.
Te Whare Awhi	
We recommend that the leadership team:	
Rec 7:	Consults young people on the redesign of the physical environment and equipment needed for Te Whare Awhi.

Rec 8:	Develops and promotes a mechanism for young people to provide feedback about their experience at Te Whare Awhi.
Rec 9:	Ensures all staff who work at the remand home: <ul style="list-style-type: none">a) undertake a specialised, remand home focussed induction and training process.b) are employed to work solely at the remand home.

Domain 1: Treatment

Our monitoring of the Treatment domain includes examination of the relationships between children, young people and staff, and the quality of planning and interventions tailored to individual children and young people's needs.

Findings from this visit

Strengths

Young people like the remand home model

We heard from young people they enjoy the freedom the remand home model gives them. They particularly like being able to get food from the kitchen whenever they like, go to the toilet without asking and being able to attend offsite activities.

Additionally, most of the young people we spoke to said the staff are "all good". We heard from stakeholders they feel the staff care about the young people who stay at Te Whare Awhi. Many young people said they knew the staff from their time at Te Au rere a te Tonga. Young people talked about this being good, but also confusing.

9(2)(a)

Staff work with young people to understand their goals

When young people arrive at the remand home, they develop long and short-term goals, based on their future aspirations. Staff said they 'work backwards' with young people to understand what they want their future to look like and then set appropriate goals and steps to assist young people to get there. These goals are supported by staff at the remand home, education staff and young people's whānau.

Staff relationships with young people help manage challenging incidents

We understand there is an emphasis on not using physical or environmental restraint on the young people. Rather, staff rely on their good relationships with young people to manage situations. Staff described encouraging young people to go outside or into another space if they are becoming unsettled.

There are clear processes for staff to follow if young people abscond

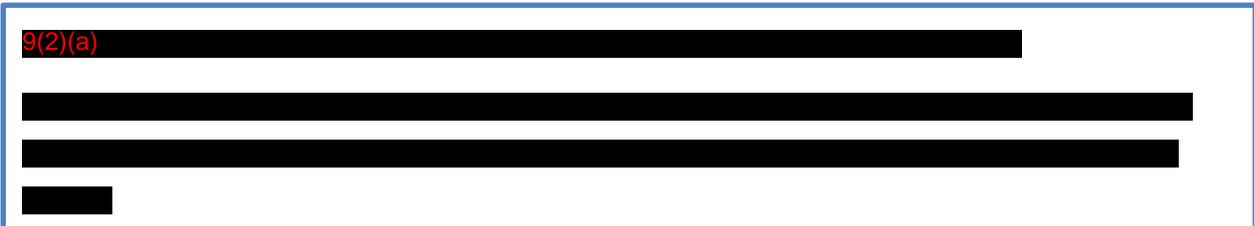
We heard from staff that young people do not abscond often but when they do the staff report the young person missing to their whānau, relevant Oranga Tamariki staff, and the Police. Staff from Te Au rere a te Tonga are called upon to help Te Whare Awhi staff look for young people.

Areas for development

Young people feel like they could be taken back to residence at any time

Young people we spoke to were clear that they felt it was a 'privilege' to be at the Te Whare Awhi instead of Te Au rere a te Tonga. Young people felt strongly they could be taken back to Te Au rere a te Tonga if they were not 'good enough'. Young people told us if they were restrained, they would return to the residence. We also heard from young people they could be returned to the secure unit of the residence, which worried them.

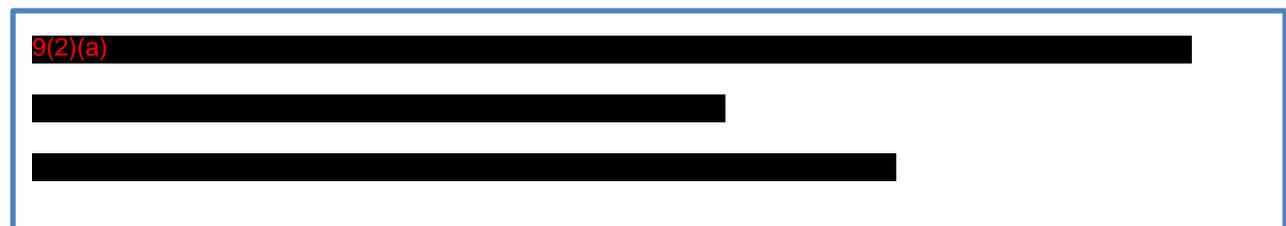
Purchase orders for kai are picked up from residence. A young person described feeling 'emotional' about having to return to the residence to pick up a purchase order. We also heard that young people must return to residence to visit the nurse. Both of these things are unhelpful for young people and increase their worry about being returned to Te Au rere a te Tonga.



Te Whare Awhi and Te Au rere a te Tonga are closely linked

Staff are shared between the residence and the remand home and mentioned that when there are no young people at Te Whare Awhi they work at the residence. Staff are also part of teams at the residence, attend trainings and are required to go to the residence to fill in their time sheets. While staff repeatedly described a softer, less-strict approach being adopted at Te Whare Awhi, we also heard from staff that some staff working alternating shifts across Te Whare Awhi and and Te Au rere a te Tonga need reminding of these differences.

The young people described aspects of Te Whare Awhi that reminded them of Te Au rere a te Tonga and some young people recollected being told that Te Whare Awhi and and Te Au rere a te Tonga were one and the same. We also noticed the COVID Tracer QR code on the entrance to Te Whare Awhi was the QR code for Te Au rere a te Tonga.



There is a lack of clarity about what being a 'community-based' remand home means

When asked about this, staff mentioned the home's location in a quiet suburban street, the lack of high fences and easier access to community providers. Young people's involvement in the local community was not apparent during our visit as they remained onsite and only one external

stakeholder visited. We found it difficult to establish which community-based providers were in frequent contact with the home.

Domain 2: Protection system

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

Findings from this visit

Strengths

Young people have at least one transition visit to the remand home

We heard from both young people and staff that a young person will have at least one visit to the home before they move in to see where they will be living.

Areas for development

There is no mechanism for young people to provide feedback about their experience

We heard from young people that if they wanted to provide formal feedback they could ask a staff member who would retrieve a Whaia te Māramatanga form from the residence. We also heard this from some staff. However, the Team Leader Operations understood that feedback should go through the Oranga Tamariki feedback process, rather than Whaia Te Māramatanga, which she did not think was ideal. It is important there is a well understood, formal means for young people to report things regarding their safety or contribute their ideas.

Young people do not have contact with an independent advocate

We saw posters about VOYCE Whakarongo Mai Kaiwhakamana visiting Te Au rere a te Tonga. We were told by staff that VOYCE do not visit the home.

The lack of an effective feedback mechanism and independent advocacy in the remand home is harmful for young people and must be urgently addressed.

There is no clear criteria or decision-making process for admission

During our visit, staff told us multiple versions of how young people are admitted to Te Whare Awhi. Staff said they were unaware of the process and criteria for admission for those young people who they feel could be a good fit for the remand setting. We heard inconsistencies such as the frequency of panel meetings to discuss admissions, who is on this panel and who can make referrals. It is critical there is a transparent admission process that both staff and young people are aware of to ensure there is robust decision making.

Local young people are less likely to be admitted to Te Whare Awhi

Staff told us young people living closer to whānau is positive, however, local young people were less likely to be placed at Te Whare Awhi due to a perceived higher risk of absconding. We noted that less than half of the admissions since July 2020 were from the Palmerston North region. Combined with uncertainty surrounding the admission criteria, this has the potential to

disadvantage local young people and reduce the efficacy of the community-based remand model.

Domain 3: Material conditions

Our monitoring of the Material Conditions domain includes looking at how the living conditions in places of detention contribute to children and young people's wellbeing, including, accommodation, internal and external environments, hygiene facilities, bedding and food.

Findings from this visit

Strengths

Young people like the ability to access the kitchen and to cook what they like

The kitchen at Te Whare Awhi is available for young people to use any time they want to. With staff support, young people complete meal planning, purchasing groceries and cooking meals. Young people told us they like the food, the portion sizes are big, and they enjoy being able to eat whenever they are hungry.

Young people like the bedrooms and bathrooms

Young people told us their beds at the remand home are comfortable and they sleep well as a result. We also heard young people have access to a radio and can have books in their bedrooms at night if they want. Additionally, young people told us the bathroom facilities at Te Whare Awhi are good and they can shower for as long as they like.

Areas for development

The physical layout of the house is not fit for purpose

There is no room dedicated to schooling or for young people to meet with professionals or their whānau. Currently these both occur in the open plan dining and kitchen area. We heard from young people and staff this can cause disruption when there are meetings or when meals are being cooked. The home needs refurbishment including the outdoor shed and garage.

Young people suggested having equipment including a basketball hoop and a pool table as well as upgrading the gym equipment. Young people told us they would like a brighter environment including more artwork on the walls of the whare.

The technology at the whare needs improvement

We heard the internet connection is slow, cuts out and only works in certain areas of the whare. This impacts young people's schooling as much of their education is based online. Staff also rely on internet to complete their notes and shared their frustrations when they cannot complete their tasks.

Additionally, the phone at the whare is down the hallway and staff cannot always answer it in time when young people's whānau or other professionals call.

Domain 4: Activities and contact with others

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

Findings from this visit

Strengths

Regular contact with whānau

Staff said that whānau are welcome to visit their young person as often as they like. 9(2)(a) told us 9(2)(a) whānau regularly visited 9(2)(a) while 9(2)(a) staying at the remand home. Phone calls between young people and their whānau can occur any time, however there is no capability for video calls. We heard that Oranga Tamariki provide financial support for whānau to visit their young person while they are staying at the whare. 9(2)(a)

Relevant education is provided to young people

Young people told us they enjoy the education provided to them while they are staying at Te Whare Awhi. We heard that education is based on planning with young people and is centred around practical things to assist them when they leave the remand home such as setting up bank accounts and driver's licences. We also heard the teacher is passionate and well-liked by staff and young people.

Young people participate in lots of activities

We were told that young people are kept busy by participating in sports teams, going to the pool and bike riding. Where possible, activities are provided according to their interests and they can determine their level of engagement. We observed minimal staff facilitation of activities for young people and did not observe young people participating in any off-site activities.

Domain 5: Medical Services and care

Our monitoring of the Medical Services and Care domain evaluates how well children and young people's health needs are assessed and met.

Findings from this visit

Strengths

Primary health needs are met

Young people have their health assessments at Te Au rere a te Tonga and any specialist medical referrals required are made by the nursing staff at the time. Young people understand that if they need to see the nurse they have to return to the residence. We understand that staff are trained to give young people medication and there are robust recording processes when medication is dispensed.

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 children and young people, including processes for staff recruitment, selection, training, supervision, and ongoing professional development.

Findings from this visit

Areas for development

Stakeholders want to be more involved with Te Whare Awhi

Although we heard that stakeholders are welcome to visit the remand home whenever they like, we heard Oranga Tamariki are not proactive in their communication about the remand home or forthcoming with what their plans are for young people. A stakeholder suggested that a regular meeting or event to acknowledge one another would strengthen relationships between the community and the home. We also heard there is a reliance on individual staff members to hold community relationships and networks.

Supervision for staff is inconsistent

Most staff we spoke to at Te Whare Awhi said they do not receive professional or cultural supervision in a group setting or individually. 9(2)(a) did not know what supervision was. All staff we spoke to said they would like regular supervision.

Professional supervision is designed to promote quality practice and provide opportunities to debrief situations and reflect on one's practice². Oranga Tamariki is in breach of its supervision policy and the supervision practice standard. This has a harmful impact for young people.

There is no specific training for working in a remand home

All staff working at the remand home receive training and induction at Te Au rere a te Tonga. There is no training specific to working at Te Whare Awhi. It is important that staff can distinguish between the different types of treatment required at a remand home in comparison to a residence.

Casual pool staff have a poor attitude

During our visit we observed 9(2)(a) who had worked a morning shift at the residence and was working an afternoon shift at the whare. 9(2)(a) was lying on the couch, watching TV and had little engagement with the young people. During this time, OCC staff were the only ones with line of sight to a young person. We heard from young people the following day that staff members had fallen asleep at work. We also heard comments during our

² <https://practice.orangatamariki.govt.nz/practice-standards/use-professional-supervision/use-professional-supervision-guidance/>

visit indicating that staff felt working at the remand home was 'easy' and 'cruisy'. It is critical that staff who are designated with the care of young people take their roles seriously and are performing their duties at all times. This is a harmful finding that impacts the safety of young people.

Certain staff behaviours surrounding the line of sight to young people is causing anxiety

9(2)(a) expressed that they experienced feelings of anxiety and a loss of confidence from the way in which staff monitored their day to day activities. The behaviour in question is the practice of staff being in extremely close physical proximity to young people engaged in unstructured activities. We observed staff sitting less than a meter away from young people for extended periods of time. 9(2)(a) shared with us that while they didn't like the practice, they were used to it because it reminded them of how staff acted in residence.

9(2)(a)

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.

Findings from this visit

Strengths

There are visible te reo Māori resources on the walls at the home

Efforts have been made to include te reo Māori throughout the home with bi-lingual signage found on walls throughout the home along with printed karakia. Mokopuna Māori can also access weekly mau rākau classes if they want to.

Areas for development

There is no overarching plan for working with mokopuna Māori

There was no evidence of a vision or strategic direction for mokopuna Māori. There is no written, time-framed plan for improving outcomes for mokopuna Māori aligned with the legislative requirements of Section 7AA of the Oranga Tamariki Act 1989. This includes having regard to mana tamaiti, whakapapa and whānaungatanga. The lack of plan that will work for mokopuna Māori is harmful and needs to be urgently addressed.

Young people learn less about Māoritanga at Te Whare Awhi than at the residence

Some young people said they learned karakia, their pepehā and powhiri at the residence but did not feel that these cultural practices were able to be continued at the home despite having karakia and kupu Māori on the walls at Te Whare Awhi.

9(2)(a)

There is more representation of Pasifika culture than Māori culture at the home

Mokopuna Māori said there were more Pasifika cultural activities than te ao Māori. There were various opportunities for mokopuna to cook Pasifika food, grow Pasifika vegetables and learn about Pasifika culture from staff who identified as Pasifika. The young people described this as positive. We are concerned that we did not hear the same occurring between kaimahi Māori and the young people, especially as there is a high number of mokopuna Māori admitted to the home.

Partnerships with whānau, hapū and iwi and mana whenua need further development

The relationship with mana whenua mirrored the relationship of the home with other community networks. There was no formal partnership between mana whanua and Te Whare Awhi. Relationships with mana whenua are held by individual staff members, or the residence rather than the home.

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 places where children and young people are detained to examine the conditions of the facility and treatment of children and young people, 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 children and young people.

Appendix Two: Interviews and information gathering

Method	
Individual interviews	<ul style="list-style-type: none"> ■ (a) [REDACTED]
Individual and group interviews	<ul style="list-style-type: none"> ■ (a) [REDACTED] ■ [REDACTED] ■ [REDACTED] ■ [REDACTED]
External stakeholder interviews	<ul style="list-style-type: none"> ■ (a) [REDACTED] ■ [REDACTED] ■ [REDACTED]
Documentation	<ul style="list-style-type: none"> • Young people's files – including Individual Care Plans and All About Me plans • Admission data
Observations	<ul style="list-style-type: none"> • Day time and evening observations