

# Oranga Tamariki

# Remand Home

(OPCAT monitoring)

**Will St Whare, Dunedin**

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 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 Will Street Whare, Dunedin.

The Children’s Commissioner is a National Preventive Mechanism (NPM) under the Crimes of Torture Act (1989)<sup>1</sup>. 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

Will Street Whare is a Remand Home in Dunedin run by volunteer house parents. It has capacity for up to four young people and is the only remand home in the South Island. At the time of our visit, there were no children or young people staying at Will Street Whare. 9(2)(a)

## Our monitoring processes

We are primarily interested in hearing about the experiences of children and young people and understanding the group dynamics at the remand home. We use several methods to engage the young people and staff.

We usually conduct one-to-one interviews with children and young people who choose to talk with us. We also spend time observing children, young people and staff in the space, including taking part in activities, sharing dinner and having conversations with children, young people and staff.

We interviewed Oranga Tamariki employees, whānau and external stakeholders and reviewed relevant documentation.

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

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<sup>1</sup> 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 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.

<b>Finding</b>	<b>Impact for young people</b>	<b>OCC expectation</b>
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 identified the following area of practice as 'very good':

- The physical environment of the whare is well maintained.

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

- Young people have no opportunities to provide formal feedback about their experience at Will Street Whare.
- Young people have no access to independent advocacy.
- Mixing young people who only have Care and Protection orders with young people on remand.
- House parents pay for kai from their personal finances.
- Staff, including the house parents receive no induction, training, professional development or supervision.
- The lack of a plan for working with rangatahi Māori and embedding tikanga Māori.

## Recommendations

Oranga Tamariki National Office	
We recommend that the DCE Youth Justice Services:	
<b>Rec 1:</b>	Not place a child or young person with only care and protection custody status in Will Street Whare.
<b>Rec 2:</b>	Prioritise appropriate placements for young people leaving Will Street Whare to provide them with certainty about their transition.
<b>Rec 3:</b>	Provide regular supervision for all staff, as per the Oranga Tamariki supervision policy, including cultural supervision.
<b>Rec 4:</b>	Provide independent advocacy for young people at remand homes.
<b>Rec 5:</b>	Provide adequate budget for food and activities for the young people.
<b>Rec 6:</b>	Provide staff with the technology to do their job, for example, cell phones.
<b>Rec 7:</b>	Provide staff with all relevant information about young people at their admission.
<b>Rec 8:</b>	Complete the memorandum of understanding with stakeholders.

<b>Rec 9:</b>	Provide information about Will Street Whare for young people, their whānau and stakeholders.
<b>Rec 10:</b>	Develop and implement a plan for improving outcomes for mokopuna Māori.
<b>Will Street Whare</b>	
<b>We recommend the leadership team:</b>	
<b>Rec 11:</b>	Consistently apply line of sight for all young people in all circumstances.
<b>Rec 12:</b>	Provide appropriate training and induction for all staff.
<b>Rec 13:</b>	Provide sensory objects for young people.
<b>Rec 14:</b>	Allow young people to personalise their rooms and consult with them on redecorating the whare.
<b>Rec 15:</b>	Embed tikanga and expert cultural knowledge of kaimahi Māori into the day-to-day running of the Whare.
<b>Rec 16:</b>	Rewrite the rules of the Whare, with input from the young people and staff.
<b>Rec 17:</b>	Develop and promote a mechanism for young people to provide feedback about their experience at Will Street Whare.

## 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

### **House parents strive to provide a home-like experience**

Although we did not speak with any young people during our visit, the overwhelming majority of staff and stakeholders commented on the value of the house parents. Many talked about the genuine and deep care the house parents have for young people who stay with them. Some described the house parents as "excellent", "really amazing" and "collaborative". Many people we spoke with told us that even after young people leave the whare, they call the house parents when they are distressed or need support.

### **Staff relationships with young people help manage challenging incidents**

We understand there is no physical or environmental restraint used against the young people. Staff rely on their good relationships with them to manage situations, and to date this has been successful. Staff described taking young people for walks, encouraging them to go outside or into another space as methods they have used when young people have been heightened. We heard that the Police are contacted if situations escalate to a point where staff feel it is unsafe for themselves or other young people.

### **Will Street Whare provides a stable environment for young people**

Many staff felt that a positive aspect of being in a remand home is that young people have a period of stability, often within their own community in the time that they are there. External stakeholders commented that a remand home is a much better alternative to a Youth Justice residence. Some examples staff and stakeholders described were that young people have a secure place to stay, are fed, clothed, have regular access to a doctor and are engaged with counsellors. Professionals told us that they see benefits of the young people having somewhere safe and secure even if they are only there for a short stay.

### **Regular Multi-Agency Team (MAT) meetings occur**

We understand that all professionals working with young people participate in a weekly hui. This is a time to review and provide updates for young people on their plans. We heard that Family Group Conferences (FGCs) are held at the Whare. We also heard from staff that they currently don't but would like to contribute to young people's All About Me Plans.

## Areas for development

### **Staff and stakeholders would like to see more sensory engagement tools for young people**

Staff told us they would like to see more sensory spaces and tools for young people. Some suggested having a sensory room for young people to use. Others suggested having more sensory items available. One idea was for the young people to have access to music or books in their bedrooms at night before they go to sleep.

### **Finding placements can be challenging**

We heard there is sometimes uncertainty for young people about where they are going to live after they leave the Whare. We heard a high number of young people are transitioned to independent living. Oranga Tamariki staff and stakeholders we spoke to, shared their concerns about young people returning to unstable living situations or back into the justice system as a result of not finding a placement.

### **There is poor information about Will Street Whare**

We heard from staff and stakeholders there is limited information available about Will Street Whare. They felt that simple documentation would help inform young people and their whānau about the Whare and the services provided.

## 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

### **Admission to Will Street Whare**

Staff told us the house parents tell young people their rights and explain the rules of the Whare when they first arrive. The key message from the house parents during this conversation is that they will always be safe at the Whare.

There are good check-in opportunities for young people throughout the day. We heard that young people and staff do check-ins with one another to gauge the mood, hear about what has happened during the day and make any plans for the rest of the day. This happens first thing in the morning, at school and after school. Check in's make sure that rights are being upheld and that young people feel safe.

Areas for development

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

Young people can provide feedback directly to the house parents or staff members. Staff were unaware of any formal process for feedback or suggestions from young people. It is important there is a formal means for young people to report things regarding their safety or contribute their ideas.

### **There is a lack of access to independent advocates for young people**

There is no independent advocacy body to capture young people's experience at Will Street Whare. We heard that one contributing factor was the staff turnover at VOYCE Whakarongo Mai. This meant there is not a consistent point of contact with VOYCE. We also heard there are no other options being explored for independent advocacy to be available. Both the lack of feedback mechanisms and independent advocacy in the remand home is harmful for young people and must be addressed.

### **Children and young people with care and protection status may be placed with young people on remand**

From 1 July 2020 to the time of our visit, 9(2)(a) children and young people with care and protection custody orders were placed at Will Street Whare. Many staff and stakeholders we spoke to commented on the inappropriateness of children and young people subject to care and

protection custody orders being placed in a remand setting. The impact for children and young people is harmful and this must not occur.

### **More information about young people is required prior to admission**

We heard mixed views about the information the staff receive about young people prior to their admission. The management team said they receive a lot of information from Oranga Tamariki National Office that includes the custody status, relevant historical or behavioural information and any health matters about each young person.

Staff told us the amount of relevant information they receive about young people varies and they sometimes do not know when a young person is being admitted. We also heard staff can read young people's files, however they do not always have time to do that or access to them on admission. The staff need all of the information about young people before admission.

### **House rules at Will Street Whare**

The house rules have been developed by the house parents and are strictly enforced by them. Staff and stakeholders said the rules are confusing and restrictive. We heard there could be fewer and more values-based rules designed by the young people.

## 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

### **Will Street Whare is well maintained**

We heard from many people that Will Street Whare is always clean, warm and tidy. We also observed this during our visit. There is no visible tagging or damage to the property. Many we spoke to attribute this to the house parents having high cleaning standards for those who live and work there.

The outside environment is also maintained to a very good standard. There are multiple areas young people can exercise in as well as an abundant vegetable garden staff and young people maintain together.

### **Kai is prepared and shared together**

The house parents are responsible for cooking kai for young people. We understand when young people are at the whare, they are also encouraged to help prepare meals. The house parents provide meals for Oranga Tamariki staff and whānau members are encouraged to share kai at mealtimes.

Areas for development

### **The physical environment could be more youth-friendly**

Will Street Whare is well maintained and the house parents do their best to make the young people feel welcome. Staff told us they would like to see a more vibrant, youth-friendly environment at the Whare. Young people could also be encouraged to personalise their rooms.

### **House parents pay for kai from their personal finances**

We heard that the house parents purchase kai from their personal account and get reimbursed four to eight weeks later. We understand Oranga Tamariki began giving a weekly contribution when staff started eating at the whare, however the kai for young people still comes out of the house parents' personal accounts. We also heard that the kai budget needs to be increased.

It is unacceptable to allow volunteers to feed children in the custody of the state from their personal accounts and to wait up to two months to be reimbursed.

## 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

### **Young people have regular contact with whānau**

Staff said that whānau are welcome to visit their young person at the Whare as often as they like. Whānau call to arrange a time to come in and can use the whānau room. This space is often used to repair and build relationships between the young people and their whānau.

The Whare does not have the technology for young people to video call their whānau. Phone calls between young people and their whānau are restricted to ten minutes but can be at any time.

### **Education is provided to young people**

Education for young people is provided by community partner Te Hou Ora Whānau Services. Young people are required to attend the programme from 9am-3pm weekdays. The teaching staff spend half the day in the classroom and the other half doing activities. Teaching staff describe their role as helping young people see themselves as “legitimate learners” and to frame all experiences as learning opportunities.

Areas for development

### **Staff are inconsistent in applying line of sight to young people**

To meet the legal requirements under section 238(1)(d), young people must always be in the line of sight of an Oranga Tamariki employee. However, we heard this was inconsistently applied.

We heard an example of a young person who was unable to attend an appointment because an Oranga Tamariki staff member was not available to accompany them. We also heard where non-Oranga Tamariki employees were alone with young people off-site. Another example was where young people had to move to a different education provider where line of sight could be maintained. Staff commented on how situations such as schooling can feel as if there are more adults compared with the number of young people.

Failure to comply with the legal requirement for line of site under section 238(1)(d) must be addressed urgently.

### **Staff have no budget to provide activities for young people**

We heard from staff there is no budget for community-based activities. Staff can pay for activities and get reimbursed but this can take weeks. Staff told us their ability to plan events in advance is limited and they often make plans for the day based on the weather. Staff had many ideas about what activities they would do with young people if they had a budget.

## 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

### **Good health education is provided to young people**

The nurse provides as much health education to young people during their time at the Whare as the young people would like and are able to engage with. Topics include sexual health, prostate cancer, and information about the health implications of smoking. While there is a desire for more health education to be provided in a group setting, the nurse feels that due to the short length of stay at the Whare they should continue to provide this one-to-one in the initial assessments or informally when the opportunity arises, such as car rides to other appointments.

### **Primary health needs are met**

The initial health assessment covers physical health and mental health. The nurse makes any referrals to specialist services as required and often attends specialist appointments with the young people. The nurse is a passionate health advocate who is aware and understanding of the opportunity Will Street Whare provides for health care to be prioritised. We heard from multiple people that the nurse is good at engaging with young people and good to work with.

### **Mental health support for young people is good**

Mental health agencies in Dunedin provide good support for young people. We heard that it is easy for young people to attend appointments and for staff to take them. Community providers prioritise the young people while they are at Will Street Whare.

Adventure Development Limited (ADL) is contracted to continue supporting young people and their whānau up to six months after they leave the Whare. ADL report they can provide any services whānau need, and they have few barriers with funding.

## 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

#### Strengths

##### **Recruitment is under way to increase staffing at Will Street Whare**

Oranga Tamariki is recruiting to increase the number of staff to also meet the requirement for maintaining line of sight to young people at all times. We understand that Oranga Tamariki is recruiting for an additional youth worker as well as a casual pool.

#### Areas for development

##### **Staff need training and professional development**

Staff we spoke to had not received an induction, professional development or training to work with young people including de-escalation techniques. We were also aware 9(2)(a) who is responsible for the care of young people who did not have a First Aid certificate. While we understand there is an induction being developed, it is harmful to the young people if staff do not have the right skills and training to provide care for young people.

##### **Staff are not provided with the technology they need to do their job**

We heard that staff use their personal phones and computers for work purposes. This includes when staff are in the community with young people on outings. Oranga Tamariki policy<sup>2</sup> requires employees maintaining line of sight to have their phones on them. We understand it took over a year for 9(2)(a) to get a laptop for work. It is critical for Oranga Tamariki to provide the appropriate technology employees need to do their jobs. Staff must be able to separate their personal and professional lives.

##### **Staff at Will Street Whare do not receive supervision**

All staff we spoke to at Will Street Whare said they do not receive professional or cultural supervision in a group setting or individually. 9(2)(a)

All staff we spoke to, including the house parents, said they would like regular supervision. Oranga Tamariki National Office informed us after the visit that staff have been participating in monthly group supervision facilitated by Adventure Development Limited. Oranga Tamariki

<sup>2</sup> <https://practice.orangatamariki.govt.nz/previous-practice-centre/policy/working-with-children-and-young-people-in-residences/key-information/line-of-sight/>

National Office also told us that staff may not have recognised this as supervision. It is unclear how these sessions are providing the reflective space staff require if they are unaware the purpose of the sessions.

Professional supervision is designed to promote quality practice and provide opportunities to debrief situations and reflect on one's practice<sup>3</sup>. Oranga Tamariki is in breach of its supervision policy and the supervision practice standard. The lack of supervision is very concerning and will have a harmful impact on young people.

### **Relationships between Oranga Tamariki and stakeholders have been strained**

We heard there has been some strain on the relationship between contracted community providers and Oranga Tamariki, although it is improving. We also understand there has been no progress on the memorandum of understanding with providers. We heard this can cause confusion about which provider is responsible for delivering services for young people and causes tensions between organisations.

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<sup>3</sup> <https://practice.orangatamariki.govt.nz/practice-standards/use-professional-supervision/use-professional-supervision-guidance/>

## Domain 7: Improving Outcomes for Mokopuna Māori

*Our monitoring of the Improving Outcomes for Mokopuna Māori domain assesses the remand home'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

### **Mihi whakatau are held when new young people arrive**

We heard from staff that they welcome young people to Will Street Whare with a mihi whakatau. This is the kawa of the whare and is important for the staff and young people.

Areas for development

### **There is no overarching plan for working with rangatahi Māori**

There was no evidence of a vision or strategic direction for rangatahi 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.

Although there are some initiatives at the Whare, such as karakia before kai and a mihi whakatau, these need to be continually supported so that they are embedded into the day to day running of the Whare. The lack of a plan to work with rangatahi Māori is harmful and needs to be urgently addressed.

### **The skills of kaimahi Māori are not embedded into the running of Will Street Whare**

There are staff with skills such as te reo Māori and whakapapa searching who bring their cultural knowledge into the Whare. In order to engage in a deeper culture shift beyond activities, there needs to be recognition and investment in the cultural contributions of staff.

### **Cultural supervision is not available for staff**

Staff do not receive cultural supervision to reflect and strengthen their cultural knowledge. It is critical that staff working with young people are culturally literate and responsive. The absence of cultural supervision is concerning.

## **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

<p><b>Method</b></p>	
<p>Individual interviews</p>	<ul style="list-style-type: none"> <li>• No children or young people were present at the time of our visit</li> </ul>
<p>Individual and group interviews</p>	<p>§(a) [Redacted]</p> <p>§ [Redacted]</p>
<p>External stakeholder interviews</p>	<p>§(a) [Redacted]</p> <p>§ [Redacted]</p> <p>§ [Redacted]</p> <p>§ [Redacted]</p> <p>§ [Redacted]</p> <p>§ [Redacted]</p> <p>§ [Redacted]</p>
<p>Documentation</p>	<ul style="list-style-type: none"> <li>• Incident reports 01 January - 08 April 2021</li> <li>• Admission data</li> </ul>
<p>Observations</p>	<ul style="list-style-type: none"> <li>• Internal and external environment</li> </ul>