

**Response to recommendations from the Office of
the Children's Commissioner monitoring visit to:**

Te Puna Wai o Tuhinapo Youth Justice Residence

Visit date - November 2021

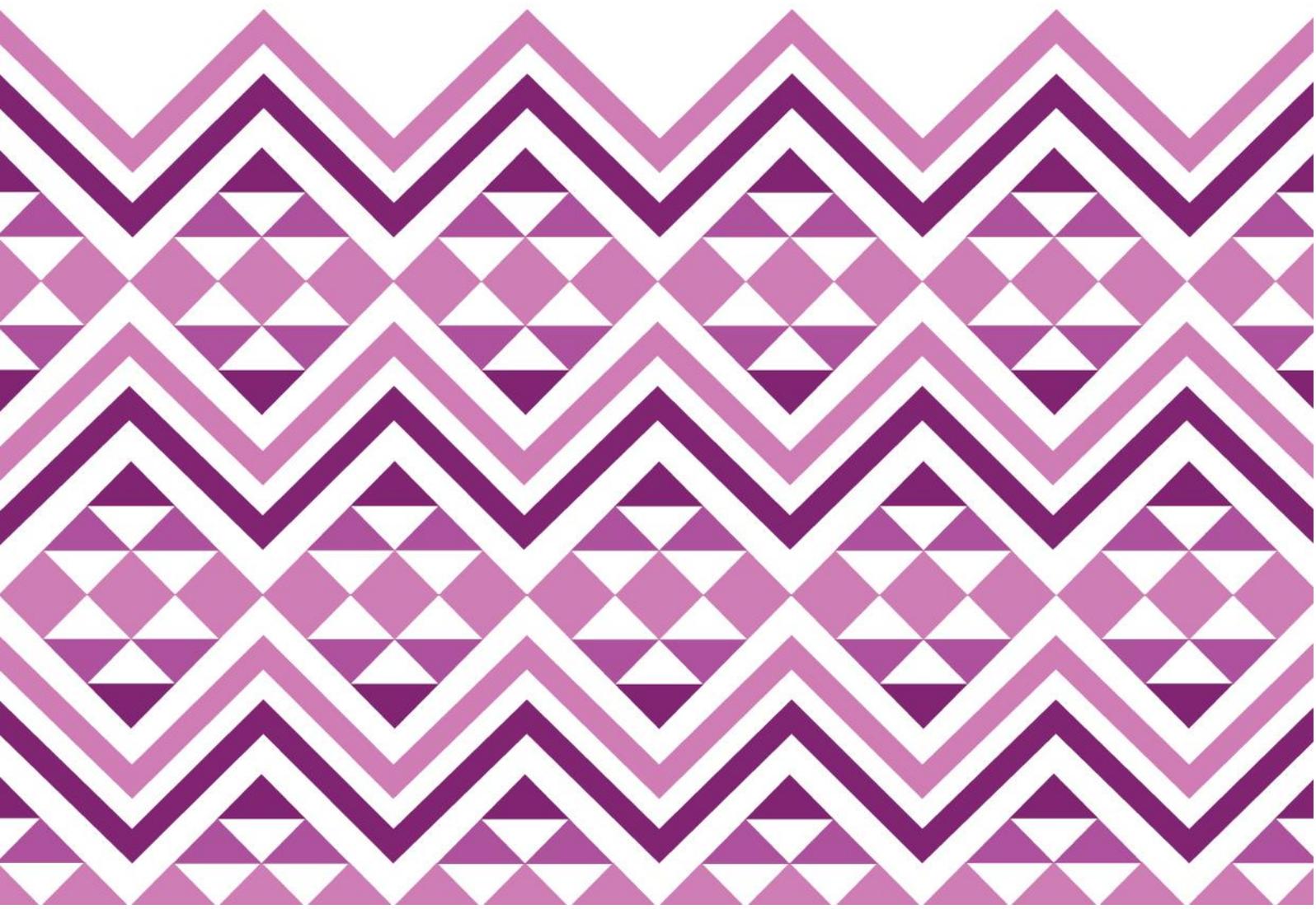


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Introduction

Te Puna Wai o Tuhinapo is an Oranga Tamariki—Ministry for Children (Oranga Tamariki) Youth Justice Residence located in Rolleston, Christchurch.

In November 2021, staff from the Office of the Children's Commissioner (OCC) carried out an unannounced monitoring visit to Te Puna Wai o Tuhinapo Youth Justice Residence.

Te Puna Wai o Tuhinapo has capacity for 40 rangatahi. The legal status under which rangatahi are detained at the residence include:

- Oranga Tamariki Act 1989, s.235, s.238(1)(d), s.311
- Corrections Act 2004, s.34A
- Criminal Procedure Act 2011, s.173 and s.175

The purpose of the visit was to assess the quality of Oranga Tamariki services against the seven domains relevant to the OCC's role as a National Preventive Mechanism under the Optional Protocol to the Convention Against Torture and Cruelty (OPCAT). The seven domains are:

- Domain 1: Treatment
- Domain 2: Protection systems
- Domain 3: Material conditions
- Domain 4: Activities and contact with others
- Domain 5: Medical services and care
- Domain 6: Personnel
- Domain 7: Improving outcomes for mokopuna Māori

The draft OPCAT report for Te Puna Wai o Tuhinapo Youth Justice Residence was shared with Oranga Tamariki on 15 March 2022.

Recommendations Summary

The OPCAT report for Te Puna Wai o Tuhinapo Youth Justice Residence makes ten recommendations and we have accepted all of these.

Strengthening practice is an organisational priority and we continue to work towards ensuring consistent, quality practice, that is collaborative, culturally responsive and meets the needs of tamariki and rangatahi. We are committed to achieving better outcomes for tamariki and rangatahi.

Recommendations	Status
Systemic Recommendations	
1. Develop a nationwide package of trauma informed programmes to address criminogenic behaviour, alcohol and drug use, life skills, and cultural development.	Accepted
2. Develop practice tools to embed the use of Whakamana Tangata into every-day operations.	Accepted
3. Review the grievance process to be independent and impartial.	Accepted
4. Revise the Individual Care Plan and Admission Booklet templates to be functional, youth-friendly, and available in other accessible formats and languages.	Accepted
Facility Recommendations	
1. Provide an open unit for females, with structured programmes and activities. The Secure Care Unit is not an appropriate alternative.	Accepted
Update As of 25 November 2021, the Rakaia Unit was opened for female admissions.	
2. Provide a single unit for all new admissions that can house both males and females to mitigate the risk of Covid-19 transmission.	Accepted
3. Reduce the number of use of force incidents and admissions to secure care.	Accepted
4. Develop structured programmes and activities outside of school hours and particularly over the school holidays, that cater to different interests and abilities.	Accepted
5. Develop cultural programmes for mokopuna Māori to support their learning about their whakapapa, matauranga Māori and Te ao Māori.	Accepted
6. Provide portable electronic devices with secure video calling software to maintain regular contact with whānau and external providers who are unable to visit site.	Accepted

The Oranga Tamariki responses to the Te Puna Wai o Tuhinapo Youth Justice Residence OPCAT report recommendations are detailed in the remaining sections of this report.

Response to Systemic Recommendations

Below are the Oranga Tamariki responses to the systemic recommendations made in the Te Puna Wai o Tuhinapo OPCAT report.

Recommendation 1

Develop a nationwide package of trauma informed programmes to address criminogenic behaviour, alcohol and drug use, life skills, and cultural development.

Response

We acknowledge that it is important that a nationwide suite of programmes available is for rangatahi that provide trauma informed programmes to address criminogenic behaviour, alcohol and drug use, life skills, and cultural development.

Oranga Tamariki is currently undertaking a fundamental and significant shift in our approach, operating model and practice so we can truly be tamariki and whānau centred. To do this, we have developed a Future Direction Plan that draws together themes from across Hipokingia ki te Kahu Aroha Hipokingia ki te Katoa (the report of the Ministerial Advisory Board) as well as recommendations from previous reviews. The Future Direction plan is available at the following link: [OT-Future-Direction-Action-Plan.pdf \(orangatamariki.govt.nz\)](#).

Building on the work of the Future Direction Plan, the Minister for Children asked the Ministerial Advisory Board to review the provision of care in Oranga Tamariki Care and Protection and Youth Justice Residences. The Minister recently received that Review and provided the Board with a formal response. Both the report and the Minister's response will shortly be proactively released.

The Future Direction Plan and the Ministerial Advisory Board's Review of Oranga Tamariki residences have set a clear direction for the actions required by the Organisation over the next several years, and we are progressing this work with urgency. This focuses on developing a workforce strategy that supports high quality social work practice, and the development of a new model of care and operating model that drives locally led, centrally enabled ways of working. Oversight of the progress for this work is being monitored by the Oranga Tamariki Ministerial Advisory Board.

We are pleased you report identifies there a good range of onsite activities delivered to rangatahi by staff at Te Puna Wai with the relevant skills and experienced to support the learning of rangatahi. We acknowledge the disruption of the COVID-19 Pandemic on our ability to deliver externally provided programmes at Te Puna Wai o Tuhinapo and look forward to this resolving as the pandemic subsides.

The National Youth Justice Residences Team support the development of a national curriculum of programmes for Youth Justice Residences. We are talking with rangatahi, key kaimahi and external stakeholders to inform this work, which will be aligned to our new operating model that drives locally led, centrally enabled ways of working.

We are working with other government Ministries to increase access to specialist interventions for tamariki, such as mental health provision and drug alcohol intervention. Oranga Tamariki have established Interagency Governance Groups (IGG) across our operational regions to increase partnership with the local District Health Board and Regional Ministry of Education. Each IGG are currently agreeing Terms of Reference for service obligations and expectations for the provision of services in Oranga Tamariki residences.

Recommendation 2

Develop practice tools to embed the use of Whakamana Tangata into every-day operations.

Response

Over the last two years all Youth Justice Residences have adopted a Māori centred practice approach, Whakamana Tangata. This is aligned to the practice shift we are making across the organisation towards relational, restorative, and inclusive practice that sees te tamaiti in the context of whānau and within an oranga frame. This approach also considers the impacts of individual and collective trauma when tamariki and whānau have experienced challenging events.

This Whakamana Tangata approach is based on, and informed by, five specific Māori values (ara tikanga, mana, tapu, mauri ora, piringa) and four restorative principles (relationships, respect, responsibility, repair). Focusing on preventative and restorative elements, it encourages rangatahi to take responsibility for their actions and behaviour, enhancing accountability for repairing the harm caused and restoring the mana of those involved.

In September 2021, Victoria University (The Diana Unwin Chair in Restorative Justice) completed an evaluation of Whakamana Tangata at Te Maioha o Parekarangi Youth Justice Residence. The evaluation identified there is good evidence about the benefits of Whakamana Tangata for kaimahi and indicative evidence of the benefits for rangatahi. The evaluation recommended further strengthening Whakamana Tangata within Te Maioha o Parekarangi Youth Justice Residence by:

- Increasing the number of Whakamana Tangata practice positions
 - to support kaimahi professional development and applied practice.
 - to increase the availability of support across all days of the week and shift rosters.
- Developing training resources such as practice-based case studies, learning examples in print and video format.
- Supporting all new kaimahi, including managers, to participate in Whakamana Tangata induction and other training to ensure they have a firm grounding and understanding of Whakamana Tangata.

We are progressing work that focuses on supporting managers. Throughout 2022, the Whakamana Tangata Kaiwhakaterere will work closely with leadership teams at each Youth Justice Residence to support moving into a 'way of being' and creating a relational culture amongst teams by role modelling desired practices from Whakamana Tangata.

A programme is currently being developed to support each leadership team, which is named Te Haerenga (the journey). There are three measures for the journey, each representing different parts of the Whakamana Tangata waka model. The waka is symbolic of relationships and the parts of the waka include Pou Manawa (mast), Rā Matua (the sail) and Te Moana (the ocean). The intent of the programme is to help Whakamana Tangata Kaiwhakaterere assess, prioritise, plan, equip and support each leadership team to embed Whakamana Tangata in their roles and teams.

In addition, we will build on the existing training resources to support kaimahi and identify opportunities to strengthen and refine the induction model in Te Waharoa, the Youth Justice Residence induction.

Recommendation 3

Review the grievance process to be independent and impartial.

Response

As part of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018, every tamaiti and rangatahi is entitled to receive information about what they can expect in our care or custody and be supported to raise any concerns they have. This includes ensuring information about making complaints, accessing support services and independent advocacy is available to all tamariki and rangatahi.

In August 2021, a project, Manaaki Kōrero, commenced to review the Oranga Tamariki feedback and complaints systems. Specifically, this work focuses on:

- Delivering immediate improvements to the residential grievance process, including informing our review of the Oranga Tamariki (Residential Care) Regulations 1996.
- Designing and delivering fit for tamariki, rangatahi and whānau non-residential feedback and complaint processes, including enhancements to existing processes.
- Develop mechanisms to enable tamariki, rangatahi and whānau to get information, advice and assistance when needed.

Feedback from key kaimahi is being sought to support this work. Oranga Tamariki have partnered with VOYCE Whakarongo Mai to support tamariki, rangatahi and whānau to co-design Manaaki Kōrero. Manaaki Kōrero will inform the future operating approach for all feedback and complaints processes across Oranga Tamariki residences.

VOYCE Whakarongo Mai regularly visited Te Puna Wai o Tuhinapo while tamariki and rangatahi were present at the facility. VOYCE Whakarongo Mai has open access to our Youth Justice Residences, and their presence is always welcomed.

When tamariki and rangatahi arrive at our Youth Justice Residences, they receive introductory packs that include information about how to make a complaint and access independent advocacy. This information is explained in a way that is appropriate for their age, development, language, and disability. Youth Justice Residences also display information about the role of VOYCE Whakarongo Mai around each residence.

Rangatahi can have access to a phone to contact VOYCE Whakarongo Mai and the option to meet representatives when they visit the residence. They can also request a visit from a VOYCE representative when they need advocacy for a specific concern. In addition, other options for expressing themselves, such as video calling and recording, can be used with tamariki and rangatahi as required.

Recommendation 4

Revise the Individual Care Plan and Admission Booklet templates to be functional, youth-friendly, and available in other accessible formats and languages.

Response

It is essential that Youth Justice Residences provide rangatahi with information in a way that is appropriate to their age, stage of development, culture, and any disability they may have. It is also essential that rangatahi understand their right to have information or an explanation of any actions that significantly affect them including legal proceedings, family group conference proceedings and processes, options that are available and these could affect them, and all plans.

We are currently working to review and update the Individual Care Plan (ICP) template to ensure it is fit for purpose and incorporates the key components of the All About Me Plan. We will also review the Admission Booklet to strengthen the resource to be more functional, youth friendly and available in other accessible formats and languages. This work is being progressed over the coming months and will be included as part of the work that is currently underway to develop standard operating procedures.

Initial thinking for the review and update of the ICP have shown the Te Whare Tapa Whā model by Mason Durie may provide a suitable framework for a refreshed ICP. We will also seek expert advice on the content of both documents to ensure these meet best practice expectations for the language and communication needs of the cohort we work with.

Response to Facility Recommendations

Below are the Oranga Tamariki responses to the facility recommendations made in the Te Puna Wai o Tuhinapo Youth Justice Residence OPCAT report.

Recommendation 1

Provide an open unit for females, with structured programmes and activities. The Secure Care Unit is not an appropriate alternative.

Update

As of 25 November 2021, the Rakaia Unit was opened for female admissions.

Response

At the end of November 2021, as noted above, Te Puna Wai o Tuhinapo opened the Rakaia Unit for female rangatahi. We acknowledge and accept that the Secure Care Unit is not an appropriate alternative.

The Rakaia Unit is a ten-bed unit, with five beds available for female rangatahi. The Unit is staffed by Care Team kaimahi, with female kaimahi always present, and two Team Leaders who have operational oversight. The Unit also accommodates Kingslea School, who undertake education provision for all rangatahi at Te Puna Wai o Tuhinapo.

If a female rangatahi in the Rakaia Unit contracts COVID-19, there is sufficient space for isolation purposes. This also safely allows isolation bubbles for rangatahi and kaimahi to operate in the Unit if required.

We now consider this recommendation to be completed.

Recommendation 2

Provide a single unit for all new admissions that can house both males and females to mitigate the risk of Covid-19 transmission.

Response

In the current pandemic environment, Oranga Tamariki is working within a COVID-19 Protection Framework. Under the framework we continue to balance our primary responsibilities of actively preventing further transmission of COVID-19, meeting the wellbeing needs of the tamariki and rangatahi we work with, and ensuring the safety of our workforce.

At Te Puna Wai o Tuhinapo, the Waimakariri and Muriwai Units are currently used as Admission and Medical Unit bubbles to ensure any risk of COVID-19 is contained and safely managed. When required, these units operate separately from the other units at the residence. These units have an enhanced level of daily cleaning, use of medical grade facemasks and PPE, as required, and increased physical distancing to minimise contact.

When a rangatahi is received at Te Puna Wai o Tuhinapo, their information is carefully assessed to support an informed decision on the length of stay required in the Admission and Medical Unit bubble. This includes medical history if this information is available. When there are medical concerns apparent, we are also guided by the onsite residence health providers. We ask all rangatahi entering a residence to be tested for COVID-19 as soon as practicable. Rangatahi are made aware, however, that they can decline to be tested. We also inform rangatahi about why an Admission and Medical Unit bubble is required and give them the opportunity to ask any questions they may have.

Once the period in the Admission and Medical Unit bubble is completed, and there are no further symptoms or issues arising regarding the rangatahi, they will be transitioned to an existing unit bubble within the residence. This transition is followed in conjunction with appropriate residence planning, with the normal screening and assessments.

Recommendation 3

Reduce the number of use of force incidents and admissions to secure care.

Response

Use of Force should only be considered when all other reasonable alternatives have been attempted or, in extreme circumstance, when all other reasonable alternatives are considered inappropriate due to the nature of the situation.

Te Puna Wai o Tuhinapo supports the reduction of use of force incidents and admissions to secure care. Both practices are closely scrutinised at the residence and must follow policy and legal requirements.

The use of force in residences must be undertaken in line with the Oranga Tamariki (Residential Care) Regulations 1996. The use of restraint while dealing with a child or young person in residence must be kept to an absolute minimum. It should only be used in extreme circumstances and when staff have reasonable grounds for believing that the use of physical force is necessary, such as in self-defence or in the defence of another person.

All our kaimahi are trained in the safe use of force, known as the Safe Tactical Approach and Response (STAR) programme. This approach is currently used across all Youth Justice Residences and is designed to ensure staff understand the legal and ethical risks of use of force/restraint and to make sure that all other options are explored before force is used. Importantly, this includes the use of verbal de-escalation techniques prior to using physical force.

Each time we use force at Te Puna Wai o Tuhinapo and any other residence, it is reviewed by the staff involved, alongside senior managers who review CCTV footage, to ensure it was lawful and that practice requirements were met. In 2021, a use of force panel was established to review all incidents of use of force in youth justice residences. The panel includes senior Oranga Tamariki representatives, a senior advisor from the Ministry of Justice, with expertise in use of force, and a Manager from VOYCE- Whakarongo Mai.

As part of the Oranga Tamariki Future Direction Plan are progressing work to ensure the appropriate application of STAR including revised restraint practices. This work will include frequent staff training on practice and recertification of all staff. This work is included under Action 4.4 in the Future Direction plan.

Under section 368 of the Oranga Tamariki Act 1989 (the Act), the use of secure care in relation to children and young people in our care is supported to prevent absconding (when certain criteria are met) or to prevent the child or young person from behaving in a manner likely to cause physical harm to that child or young person or to any other person. This practice should always be considered a last resort after all other interventions have been attempted.

The secure care unit at Te Puna Wai o Tuhinapo reflects the same physical structure as other units. Rangatahi have a bedroom and access to communal areas for education, recreation and socialisation with staff and other young people. They are not places of isolation, and the time limits for detention in secure care are set out in section 370 of the Act. A child or young person cannot remain in secure care longer than three consecutive days without prior approval being granted by the Youth Court.

Te Puna Wai o Tuhinapo are currently trialling a new assessment tool for secure care called Ara Tikanga (The Pathway Forward). This is based on Mason's Durie's Te Whare Tapa Whā Māori

model of hauora. Following the four domains of the model,¹ rangatahi undertake a journey that explores their secure care admission in four parts. This includes an immediate assessment of their physical health after entry to secure care, undertaking a guided reflection process about their behaviour, information gathering about the incident that resulted in them being placed in secure care, and developing a plan to help put things right to support their exit from secure care and help prevent returning.

Ara Tikanga also fits within the Whakamana Tangata practice approach. An important component of the approach is 'Hui Whakapirito', which is a restorative process/hui that kaimahi and rangatahi are supported to use to address any harm caused by the events that led to the rangatahi being placed in secure care.

We are actively reviewing the legislation applicable to residential care to ensure it reflects best practice and supports the successful implementation of the new operating model for Oranga Tamariki, as set out in action 1.5 of the Future Direction Plan. The review includes identifying whether changes are required to provisions for the use of secure care, restraint, and searches to ensure they are used as a last resort and in a manner that is consistent with the rights, mana and dignity of children and young people.

Recommendation 4

Develop structured programmes and activities outside of school hours and particularly over the school holidays, that cater to different interests and abilities.

Response

We accept the importance of providing programmes and activities outside of school, and during the school holidays, that cater to the different interests and abilities of the rangatahi.

Structured daily routines are important and provide a structure to the day that supports rangatahi to get into a regular pattern of waking/sleeping, eating, learning, and recreation/relaxation. It is important that Youth Justice Residences establish and maintain a daily routine. During the weekends and public holidays, a more relaxed approach may be appropriate, although for some rangatahi, continuing the same level of daily structure is important.

At present, Te Puna Wai o Tuhinapo provides two main programmes:

- Inspire - Youth Outdoor Adventure Therapy Day Programme – which is an adventure therapy day programme for youth. This programme is a partnership between Adventure Specialties Trust and Te Puna Wai o Tuhinapo. Inspire supports the therapeutic and educational work that is already occurring for rangatahi whilst at the residence. Through adventure, challenge, and teamwork the participants learn about themselves; how to better manage their emotions and behaviour; how to work with others and are inspired towards positive change. Specific goals for the programme participants are designed to meet their individual needs.
- The Gateway Agricultural Programme offers an agricultural training and other practical vocational instruction. The training is delivered on two hectares (5 acres) on a model farm situated behind the Residence. Rangatahi are provided practical agricultural training and qualifications with the aim of developing the requisite values and attitudes necessary for success in employment. The learning is accredited, and the young people can complete up to 44 NCEA credits.

Rangatahi can also access life skills and vocational programmes that include cooking, barista training, scaffolding, forklift operation certification, learner car licence theory test and a barber course. Te Puna Wai o Tuhinapo also offers a range of physical recreation activities including swimming, gym, and ball sports, through to graphic design, music and arts-based activities, and

¹ Taha tinana (physical health), taha wairua (spiritual health), taha whānau (family health) and taha hinengaro (mental health)

passive recreation activities, for example cards, video games and reading books from our library that has a large range of books.

We acknowledge that during the last two school holiday periods, residences have had limited access to external providers due to the impact of the COVID-19 pandemic. Our kaimahi worked to reschedule most of the holiday programmes to ensure rangatahi were still able to participate in them.

As the COVID-19 pandemic slows and related operational pressures lessen, we anticipate that access to internal and external programmes and activities for rangatahi will be less disrupted, and we can shift our focus to further developing and expanding our suites of programmes and activities.

Recommendation 5

Develop cultural programmes for mokopuna Māori to support their learning about their whakapapa, matauranga Māori and Te ao Māori.

Response

We acknowledge the importance of having cultural programmes available at Te Puna Wai o Tuhinapo to support rangatahi to learn about their whakapapa, matauranga Māori and Te ao Māori. At present, residence kaimahi deliver cultural programmes involving teaching kapa haka, waiata, pōwhiri and Te Reo Māori.

The Kaiwhakaeue role at Te Puna Wai o Tuhinapo was recently permanently appointed. Whakamana Tangata, as mentioned in our response to systemic recommendation 2, is informed by the Māori values of ara tikanga, mana, tapu, and mauri ora, and forms an important foundation to build cultural interventions in the residence based on mātauranga Māori. It is anticipated that the newly appointed Kaiwhakaeue will strongly influence and drive the development and implementation of cultural programmes with increased depth for rangatahi Māori at the residence

Te Roopu has now been re-established at Te Puna Wai o Tuhinapo. This is a forum for kaimahi Māori at the residence to meet and consider new ways of integrating matauranga Māori in their mahi with rangatahi Māori. Te Roopu is active in all Youth Justice Residences, enabling collective learning from these forums.

Oranga Tamariki is committed to developing the cultural competency of its kaimahi, which is supported by the practice shift detailed in our response to systemic recommendation 2. We have enhanced the overall Practice Framework so that it brings together a mana-enhancing paradigm for practice with a Te Ao Māori informed framing of oranga. The shift to practice more strongly framed in Te Tiriti o Waitangi supports lifting the cultural competency of kaimahi and provides for bicultural support and development to elevate the practice competency of practitioners. The Practice Framework will support kaimahi to work in a way that recognises and values the inherent mana of the tamariki and whānau we work with and that improves outcomes for tamariki and rangatahi Māori.

Te Puna Wai o Tuhinapo kaimahi have completed the Oranga Tamariki Practice Shift training that supports this new framework, with most staff also having completed the Māori Practice Framework workshops. This training will be further delivered across 2022 as a focus of the Workforce Development Strategy.

Oranga Tamariki has recently launched Tū Māia. This is a 21-week learning programme delivered across three papers. It is designed and delivered by Te Hāpai Ō partners, and New Zealand's leading Māori Tertiary providers, Te Wānanga o Aotearoa, Te Whare Wānanga o Awanuiārangi and Te Wānanga o Raukawa. Tū Māia incorporates online learning (weekly online classes and self-directed activities), online support, and face-to-face learning (involving three noho wānanga). This gives kaimahi at Te Puna o Wai o Tuhinapo another opportunity to increase their knowledge and skills in relation to matauranga Māori and Te ao Māori when working with rangatahi.

Recommendation 6

Provide portable electronic devices with secure video calling software to maintain regular contact with whānau and external providers who are unable to visit site.

Response

Providing rangatahi access to portable electronic devices with secure video calling software needs to be carefully balanced with the safe and secure operations in our facilities. We acknowledge the importance of rangatahi maintaining regular contact with whānau and external providers who are unable to visit. At present, rangatahi can write letters, make phone calls, and use video and audio-conferencing facilities to have contact with their whānau.

We are currently strengthening communication access (Video and Audio Conferencing) across all Oranga Tamariki sites, including Youth Justice Residences. This has, and continues to be, part of our continuous technology enablement approach. A pilot to test video conferencing is currently underway at Te Puna Wai o Tuhinapo. It is expected that once the pilot concludes, the information gathered as part of the pilot will inform decisions for a solution to be rolled out to all residences.