

18 March 2022

Judge Francis Eivers
Children's Commissioner
Office of the Children's Commissioner
PO Box 5610
Wellington 6145

Sent via email: [REDACTED]

Tēnā koe Judge Eivers

Draft OPCAT Report – Te Oranga Care and Protection Residence

We received a letter dated 18 February 2022 from [REDACTED] Lead Advisor providing the draft Optional Protocol to the Convention Against Torture OPCAT report for Te Oranga Care and Protection Residence. On 7 March 2022, we provided our feedback on the factual accuracy of the draft report and enclosed are our responses to your report recommendations.

In October 2021 your monitoring team visited Te Oranga Care and Protection Residence to monitor the safety and wellbeing of tamariki and rangatahi. The monitoring visits were completed as part of your role as a National Preventive Mechanism under the OPCAT.

We were pleased to note that during your visit you found no evidence that mokopuna had been subjected to torture, or cruel or degrading punishment. We acknowledge and accept you identified areas of concern relating to change management, communication, transitions out of residence and inappropriate use of secure care.

The response by Oranga Tamariki—Ministry for Children (Oranga Tamariki) to the serious event at Te Oranga on 28 June 2021 was immediate. The Oranga Tamariki Chief Executive announced on 1 July 2021 that Te Oranga would close, and multiple investigations and reviews followed. This decision was made in the context of the information available at that time, and the wellbeing and best interests of the tamariki and rangatahi who were staying at Te Oranga were at the heart of the decision.

We note in our enclosed response that a Police investigation into excessive force for individuals remains ongoing, and we cannot comment further on this for legal and privacy reasons. However, it is pleasing to advise that our investigations and reviews, which occurred from July to October last year, did not support the view that the tamariki and rangatahi at Te Oranga were unsafe, or that there was a widespread culture of abuse.

On 26 October 2021, the decision to close Te Oranga was rescinded by the Acting Chief Executive of Oranga Tamariki. While Te Oranga will not close, it is accepted

that Te Oranga and similar facilities are not the right environment for some of the most vulnerable tamariki and rangatahi in our community.

Following the decision announced on 26 October 2021 a substantial amount of work has been undertaken. A project team has been established to support a return to safer operations at the residence with reduced capacity by April 2022. The project team have developed a two-stage plan.

The first stage is characterised as a “reset”, delivering interim improvements to the operating model. The work involves:

- An aesthetic refurbishment of the physical environment, which is now close to completion.
- Changes to the operating model including providing care for a smaller group of tamariki, as well as other improvements.
- Training and development for the existing kaimahi and leadership at Te Oranga to fill knowledge and capability gaps that they have identified.

The second stage focuses on the transition away from Care and Protection Residences into a new model developed alongside tangata whenua and other stakeholders (i.e., Ministry of Education and Ministry of Health). This is an organisational priority and forms part of our Future Direction Plan. A business case is currently being progressed, and it proposes Te Oranga as a top priority for this work.

Progress has been made towards the first stage of work, including kaimahi being brought back to Te Oranga for design workshops focused on a new way of operating, alongside Unions, representatives from Ngāi Tūāhuriri (mana whenua of the site), and health and education providers. Kaimahi have also been provided training opportunities and been redeployed to other services in the interim.

Since these workshops were held, Oranga Tamariki leadership and the project team have considered alternative options for this work, including engaging with Ngāi Tahu on the possibility of co-designing with them, alongside Ngāi Tūāhuriri, Health and Education. This is an opportunity for Oranga Tamariki to discuss options with Ngāi Tahu and Ngāi Tūāhuriri for developing an integrated, cohesive care response system in the Canterbury region, designed in partnership with them.

Depending on the aspirations of our partners, these engagements may result in delaying our plans to fully reopen Te Oranga as an interim measure. These insights will also further inform stage 2 work occurring in parallel. Once the outcome of further engagement with our partners is known, additional detailed project planning will occur.

Finally, we recognise your important role in examining and monitoring the general conditions and treatment of tamariki and rangatahi. We value the feedback we receive and will use your recommendations to make improvements where possible. We remain committed to achieving better outcomes for tamariki and rangatahi.

I would be happy to arrange a meeting to discuss the work we have underway at Te Oranga, and more broadly the transition away from Care and Protection Residences to a new model of care, as set out in our Future Direction Plan.

I trust you find this information useful. If you have any questions or would like further information, please feel free to contact me on [REDACTED] or alternatively Julie Miller, Director Review Management, on [REDACTED]

Nāku noa, nā

Jane Fletcher
Deputy Chief Executive
Governance and Engagement