

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

Te Au rere a te Tonga Youth Justice Residence

Visit date - December 2021

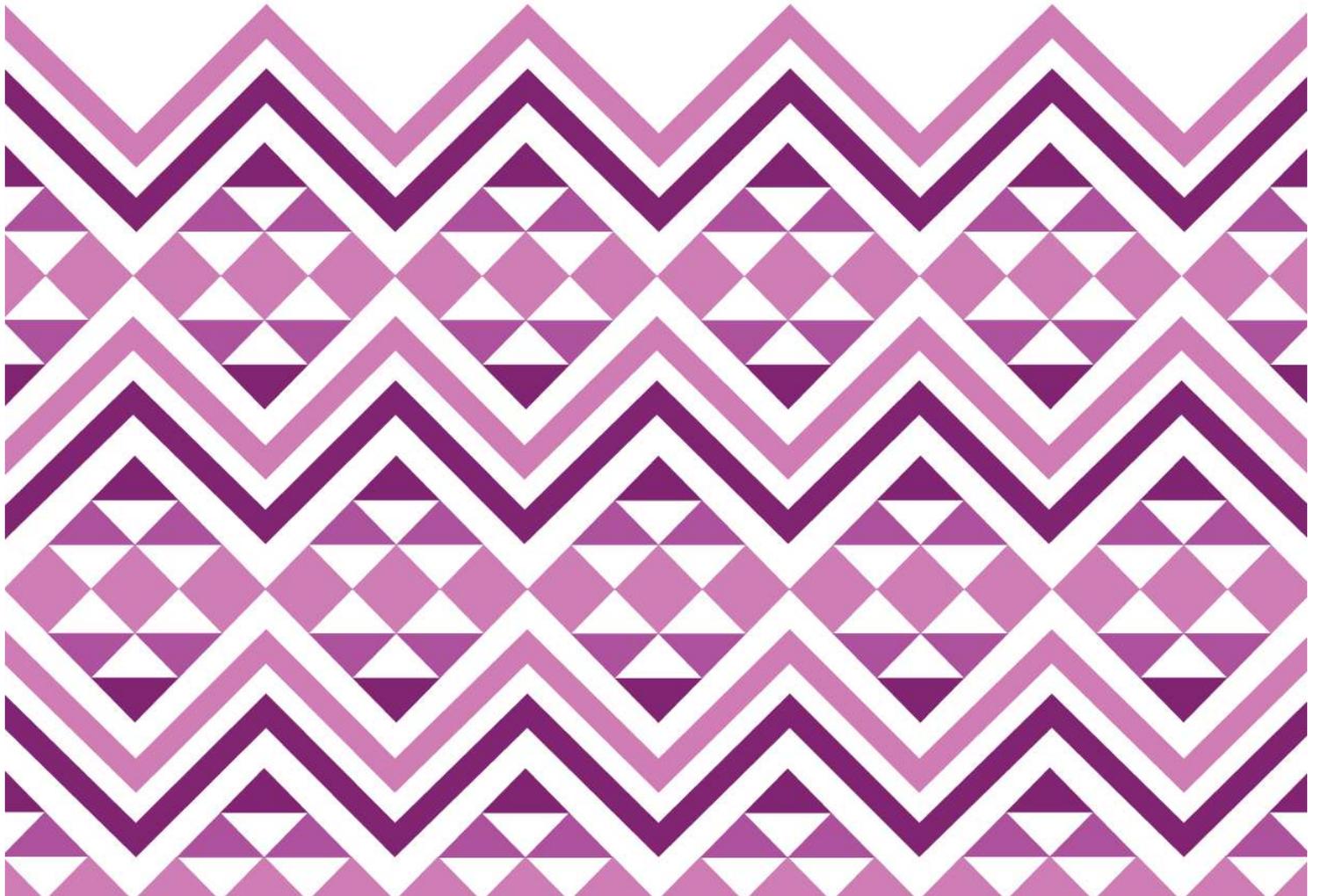


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Introduction

Te Au rere a te Tonga is an Oranga Tamariki—Ministry for Children (Oranga Tamariki) Youth Justice Residence located in Palmerston North.

In December 2021, staff from the Office of the Children’s Commissioner (OCC) carried out an unannounced monitoring visit to Te Au rere a te Tonga Youth Justice Residence.

Te Au rere a te Tonga has capacity for 40 rangatahi. The legal status under which rangatahi are detained at the residence include:

- Oranga Tamariki Act 1989, 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 Au rere a te Tonga Youth Justice Residence was shared with Oranga Tamariki on 1 April 2022.

Recommendations Summary

The OPCAT report for Te Au rere a te Tonga 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. Revise the Individual Care Plan templates to ensure they are functional, youth-friendly, and available in other accessible formats and languages.	Accepted
2. Develop a nationwide package of training programmes that sits alongside the Te Waharoa Induction programme. Training programmes should include: <ul style="list-style-type: none"> • criminogenic risk factors • alcohol and drug support • mental health needs • intellectual disability • neuro-diversity • life skills • cultural development/ capacity building 	Accepted
3. The grievance process be reviewed to ensure independence and impartiality.	Accepted
4. Liaise with the Ministry of Health regarding accelerated access to medical services for diagnoses when mokopuna are placed in residences.	Accepted
Facility Recommendations	
1. Reduce the numbers of restraint and admissions to secure care.	Accepted
2. Ensure all Individual Care Plans are signed by mokopuna, dated, and completed to a consistent standard, ensuring mokopuna and whānau involvement.	Accepted
3. Develop a therapeutic model of care for Te Au rere, which aligns with the principles of Whakamana Tangata and Te Tiriti o Waitangi.	Accepted
4. Renovate the admission area to be welcoming.	Accepted
5. Provide additional sensory training for staff, as well as equipment and a dedicated therapeutic space for sensory modulation.	Accepted
6. Provide appropriate supervision including cultural supervision to all staff.	Accepted

The Oranga Tamariki responses to the Te Au rere a te Tonga 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 Au rere a te Tonga OPCAT report.

Recommendation 1

Revise the Individual Care Plan templates to ensure they are functional, youth-friendly, and available in other accessible formats and languages.

Response

It is important 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 important 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, and all plans.

We are reviewing and updating 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 be more functional, youth friendly and available in other accessible formats and languages. This will be progressed over the coming months and included as part of the work 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 Sir 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.

Recommendation 2

Develop a nationwide package of training programmes that sits alongside the Te Waharoa Induction programme. Training programmes should include:

- *criminogenic risk factors*
- *alcohol and drug support*
- *mental health needs*
- *intellectual disability*
- *neuro-diversity*
- *life skills*
- *cultural development/ capacity building*

Response

We acknowledge that it is important that a nationwide suite of programmes is available 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 \(orangatamariki.govt.nz\)](https://www.orangatamariki.govt.nz/OT-Future-Direction-Action-Plan.pdf).

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 your report identifies Te Au rere a te Tonga provides a range of activities that rangatahi thoroughly enjoy. We acknowledge the disruption of the COVID-19 pandemic on our ability to deliver externally provided programmes at Te Au rere a te Tonga and look forward to this improving as the pandemic subsides.

We 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 areas. Each IGG are currently agreeing Terms of Reference for service obligations and expectations for the provision of services in Oranga Tamariki residences.

Recommendation 3

The grievance process be reviewed to ensure independence and impartiality

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 Au rere a te Tonga 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

Liaise with the Ministry of Health regarding accelerated access to medical services for diagnoses when mokopuna are placed in residences.

Response

Ensuring the health and wellbeing of rangatahi in our care is important. For all rangatahi in Oranga Tamariki residences, we are required to have a written assessment describing their needs, strengths and risks, and a plan for how we'll address those needs, which includes prioritising access to medical services if required. This also gives effect to our obligations under the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018.

Each Youth Justice Residence has an on-site health service. The contract with Oranga Tamariki residences is managed by the Ministry of Health (MoH) and delivered by District Health Boards (DHB).

When rangatahi arrive at the residence their health needs are assessed by an onsite practice nurse as soon as possible, and they are further reviewed by a medical doctor within the first week of their arrival. If rangatahi are assessed as requiring more specialist health services, a referral is made by the doctor. The onsite health service also provides rangatahi with weekly access to the onsite practice nurse and weekly doctor's clinics if required.

The onsite practice nurse, and doctor (if available), also attend Multi Agency Team (MAT) meetings held at each residence held for rangatahi. MAT meetings allow residence staff to seek the views of education, health and other professionals involved with the rangatahi and identify opportunities to work together, which includes accelerating service access if an acute health need is identified.

As mentioned in systemic recommendation 2, Oranga Tamariki continues to work closely with the Ministry of Health and other government ministries to strengthen service provision for tamariki and rangatahi in residences. 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 areas. Each IGG are currently agreeing Terms of Reference for service obligations and expectations for the provision of services in Oranga Tamariki residences.

An Oranga Tamariki Residences¹ Steering Group has been established which is facilitated by the MoH. This provides strategic advice, guidance, leadership, and support for primary health services in Oranga Tamariki residences. These meetings are held on a quarterly basis.

¹ This includes both Youth Justice Residences and Care and Protection Residences

Response to Facility Recommendations

Below are the Oranga Tamariki responses to the facility recommendations made in the Te Au rere a te Tonga Youth Justice Residence OPCAT report.

Recommendation 1

Reduce the numbers of restraint 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 Au rere a te Tonga 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 Au rere a te Tonga 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 Au rere a te Tonga 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 Au rere a te Tonga 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,² 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 2

Ensure all Individual Care Plans are signed by mokopuna, dated, and completed to a consistent standard, ensuring mokopuna and whānau involvement.

Response

We acknowledge the importance of ensuring Individual Care Plans (ICPs) are signed by rangatahi, dated, and completed to a consistent standard, ensuring mokopuna and whānau involvement.

It is essential that ICPs are completed to a high standard and document key actions and decisions for each rangatahi at Te Au rere a te Tonga to ensure our work is clearly evidenced and transparent. Rangatahi and whānau must be involved in care planning to ensure the needs of each rangatahi are understood, build their trust, and ensure they and their whānau have a say in key actions and decisions.

Following your monitoring visit to Te Au rere a te Tonga, a review was undertaken of recent ICPs which identified there are opportunities to strengthen the current care planning. We are now refining our planning processes and ICP template to ensure this is more fit for purpose for rangatahi and whānau, and more streamlined and functional for clinical kaimahi who write these.

In addition to each ICP being more closely reviewed by the Team Leader Clinical Practice, additional quality checks will now be completed by the Residence Quality Lead. Clinical kaimahi will be encouraged to regularly reflect on quality of their ICPs, and this will be discussed and reviewed as a regular component of supervision.

As per systemic recommendation 1, the National Youth Justice Residences Team 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. Key staff from Te Au rere a te Tonga are actively participating in the working group for this work.

² Taha tinana (physical health), taha wairua (spiritual health), taha whānau (family health) and taha hinengaro (mental health)

Recommendation 3

Develop a therapeutic model of care for Te Au rere, which aligns with the principles of Whakamana Tangata and Te Tiriti o Waitangi.

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.

We are currently progressing work that focuses on supporting managers, given the essential role they have embedding Whakamana Tangata in their teams. Throughout 2022, the Whakamana Tangata Kaiwhakatore 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.

The development of a therapeutic model of care at Te Au rere a te Tonga is included in broader work. The National Youth Justice Residences Team are developing a national model of therapeutic care that clearly articulated the purpose and therapeutic function of a youth justice residence, while also providing an over-arching framework for Whakamana Tangata, Te Tiriti o Waitangi and all our related practice obligations.

The Oranga Tamariki Evidence Centre, who undertake research, evaluation and data analysis to help us understand wellbeing and improve outcomes for tamariki and their whānau, are completing an evidence brief to support the development of a therapeutic model of care. The brief is expected in the coming months and will help inform a more detailed timeline for the completion of this work.

A Therapeutic Care Framework is also being developed that will provide the principles and foundation for the approach to therapeutic care for tamariki with complex needs. A new therapeutic model for Youth Justice Residences will require alignment with this framework.

As mentioned in our response to systemic recommendation 2, 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 includes the development of a new model of care and operating model that drives locally led, centrally enabled ways of working, and the work described above by the National Youth Justice Residences Team will align with this.

Recommendation 4

Renovate the admission area to be welcoming.

Response

Te Au rere a te Tonga supports renovating the admissions area to make this more welcoming. A refurbishment of Te Au rere a te Tonga is currently underway. The first phase of this work involved renovating the administration area, which was completed last year. The second phase,

which is currently underway, involves refreshing the living units where rangatahi stay and is due to be completed by November 2022.

The refurbishment of the admissions area is scheduled for November onwards and will involve repainting this area and replacing the furniture. This work will result in a warmer, more welcoming space for rangatahi when they arrive at Te Au rere a te Tonga.

Recommendation 5

Provide additional sensory training for staff, as well as equipment and a dedicated therapeutic space for sensory modulation.

Response

We acknowledge that additional sensory training for staff is needed, in addition to equipment and a dedicated therapeutic space for sensory modulation to further support the suite of interventions and services already available for rangatahi at Te Au rere a te Tonga.

We are actively recruiting for a Senior Psychologist at the residence, and once appointed, they will prioritise the development of additional sensory training for our kaimahi. This will also involve an assessment our current physical environment and how this can be adapted to support dedicated therapeutic spaces.

Once appointed, the Senior Psychologist will be a member of the Leadership Team and provide expert advice and services for assessment and treatment across all wellbeing domains for rangatahi at the residence. The purpose of this role is to provide consultation services to the residence to support care planning, effective interventions, and integrated services for our rangatahi in care with partner agencies, for example education and health and iwi organisations, that result in a reduction of reoffending by the young people and promote desistance from crime.

Te Au rere a te Tonga recently purchased a range of sensory items which are now available for rangatahi to use, such as weighted blankets and touch-related sensory items. Staff have been provided with practice advice on the use of these items.

Recommendation 6

Provide appropriate supervision including cultural supervision to all staff.

Response

Te Au rere a te Tonga agree that the provision of appropriate supervision, including cultural supervision, is an important priority for kaimahi.

Regular professional supervision provides practitioners with guidance and support to develop and sustain quality child-centred practice. Professional supervision also assists the practitioner to critically reflect on their practice, enhance their professional judgement and self-efficacy within a safe and supportive supervisory relationship.

At Te Au rere a te Tonga, weekly group supervision is provided by team leaders for all care team kaimahi. Registered social workers can also access external supervision, which Te Au rere a te Tonga is supporting.

Team leaders are completing supervision agreements for staff where these are absent or require updating. Supervision training has been scheduled for team leaders and will occur over the coming months. This will ensure supervision is delivered in a consistent and effective manner at the residence.

Cultural supervision is being provided by the Oranga Tamariki Regional Māori Practice Coach for kaimahi who have requested this. In addition to cultural supervision, a similar function is performed

by the Whakamana Tangata Kaiwhakaue, who provides ongoing cultural support and advice for kaimahi.

Further work on supervision practice will be developed by Oranga Tamariki throughout 2022, to include a more specific focus on supervision practice for youth justice and care and protection residential facilities.

We are currently updating the supervision policy to reflect our commitment to the Treaty of Waitangi, mana-enhancing practice, and Te Ao Māori principles of oranga that support mana tamaiti, whakapapa and whanaungatanga. This is an important part of meeting our obligations under section 7AA of the Oranga Tamariki Act 1989. We are developing a permanent policy for cultural supervision in line with our 7AA commitments; increasing the cultural competence of our workforce is an organisational priority.