



# **Whakatakapokai Youth Justice Residence**

OPCAT Monitoring Report

March 2022



# **Kia kuru pounamu te rongō**

## All mokopuna\* live their best lives

\*Drawing from the wisdom of Te Ao Māori, we have adopted the term mokopuna to describe all children and young people we advocate for, aged under 18 years of age in Aotearoa New Zealand. This acknowledges the special status held by mokopuna in their families, whānau, hapū and iwi and reflects that in all we do. Referring to the people we advocate for as mokopuna draws them closer to us and reminds us that who they are, and where they come from matters for their identity, belonging and wellbeing, at every stage of their lives.

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# Introduction

## Who we are

**The Children's Commissioner is a National Preventive Mechanism (NPM) under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment (OPCAT).**

The New Zealand legislation relating to OPCAT and the role of the NPM is contained in the Crimes of Torture Act (1989). Our role as a NPM is to visit places of detention, including residences run by Oranga Tamariki, to:

- Examine the conditions and treatment of mokopuna
- Identify any improvements required or problems needing to be addressed
- Make recommendations aimed at strengthening protections, improving treatment and conditions, and preventing ill-treatment.

## About this report

This report shares the findings from our monitoring visit to the Whakatakopokai Youth Justice Residence (Whakatakopokai), Auckland that occurred in March 2022 and recommends actions to address the issues identified. We describe the quality of the experience of mokopuna at the facility and provide evidence of our findings based on information gathered before, during and after the visit. This includes assessing the progress in addressing previous recommendations.

## About this visit

OCC staff carried out an unannounced monitoring visit to Whakatakopokai.

The purpose of this visit was to fulfil our responsibilities under OPCAT to monitor the safety and wellbeing of mokopuna detained in places of detention.

## About this facility

**Facility Name:** Whakatakopokai

**Region:** Auckland

**Operating capacity:** 15

**Status under which mokopuna are detained:** s238(1)(d) and s311 of the Oranga Tamariki Act 1989, s175 of the Criminal Procedure Act and s34A of the Corrections Act.

**Other considerations:**

To repurpose Whakatakopokai to a youth justice facility, Oranga Tamariki worked through a designation change process with the Auckland

Council in 2019/2020. As part of the approval the Environment Court imposed a number of conditions that have an impact on day-to-day operational procedures, policies, and systems at Whakatakapokai. A key condition relates to the rangatahi who can be placed at the residence.

The main points of this condition are:

- The Whakatakapokai site is a shared site comprising of the Whakatakapokai Youth Justice Residence and the Kaahui Whetuu Care and Protection hub.
- Up to 15 rangatahi (Youth Justice orders) can be placed at Whakatakapokai.
- Five spaces are reserved (in the Wharenui) for Kaahui Whetuu tamariki. These two cohorts are always kept separate.
- No rangatahi (remanded into the custody of Oranga Tamariki) via the Criminal Procedure Act 2011, or sentenced under the Corrections Act 2004, or charged, or detained under, a sentence in respect of any Category 4 offence (Criminal Procedure Act 2011) can be placed at Whakatakapokai.
- However, there is an exemption to place up to five females who are in the custody of Oranga Tamariki (under the above legislative provisions).
- No rangatahi who are charged/detained with any sexual offending (defined between sections 127 and 144A of the Crimes Act 1961) can be placed at Whakatakapokai.

Prior to the placement of any rangatahi at Whakatakapokai, an off-site assessment confirming their suitability must be undertaken. The assessment must be administered by a registered psychologist. All admissions to Whakatakapokai will come through another youth justice residence - there are no direct admissions.

Once a year Whakatakapokai must provide information to the Auckland City Council that all admissions in the prior year have adhered to these placement conditions.

## Incident under investigation

One Serious Event Notification (SEN) involving what appeared to be an unapproved (as per STAR<sup>1</sup> training) restraint technique was under investigation at the time of our visit.

Documentation showed a staff member used excessive force on a mokopuna. This staff member subsequently only worked on the unit which did not house the mokopuna subject to the SEN while the internal investigation and the Police process took place.

It took considerable time for Oranga Tamariki to provide us with the safety plans for the affected mokopuna and the mokopuna in the other unit. We requested, but did not receive, any documentation relating to HR advice or a risk analysis pertaining to the decision for the staff member to remain working in the unit.

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<sup>1</sup> Safe, Tactical, Approach and Response (STAR) is the restraint training used in all Youth Justice residences in New Zealand.

The safety of all mokopuna in the residence is paramount. Therefore, it is our recommendation that staff members should be stood down, or placed on administrative duties, pending the outcome of investigations which are centered around treatment of mokopuna.

# OPCAT definitions

The main objective of OPCAT<sup>2</sup> is to prevent torture and ill-treatment and:

- Establish a system of regular visits to places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment
- Provide constructive recommendations aimed at improving the conditions and treatment of detained persons
- Mitigate risks of ill-treatment and build an environment where torture is unlikely to occur.

We have adopted the following definitions of torture and other, cruel, inhuman, or degrading treatment or punishment in accordance with international human rights practice relating to mokopuna in places of detention.

## Torture

Severe physical or mental pain or suffering, intentionally inflicted to obtain a confession, punish a child or young person for something they or someone else committed or is suspected of committing, or intimidating or coercing a child or young person for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

## Cruel, inhuman, or degrading treatment

Any treatment which offends a child or young person's dignity may be considered cruel, inhuman, or degrading treatment, regardless of whether it causes pain or suffering.

## Cruel, inhuman, or degrading punishment

Any punishment intended to cause pain or discomfort. This includes non-physical punishment that belittles, humiliates, denigrates, scapegoats, threatens, scares, or ridicules a child or young person.

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<sup>2</sup> OHCHR | [Optional Protocol to the Convention against Torture](#)

# Monitoring Framework

Our monitoring is conducted under seven domains, six of which are informed by the Association for the Prevention of Torture.<sup>3</sup> The seventh domain, 'Improving Outcomes for Mokopuna Māori' was developed for the Aotearoa New Zealand context by the Office of the Children's Commissioner (OCC) to assess how mokopuna Māori are supported to have a positive connection to their identity and whakapapa.

The domains are:

- Treatment
- Protection Systems
- Material Conditions
- Activities and access to others
- Medical services and care
- Personnel
- Improving outcomes for mokopuna Māori

## How OPCAT is reflected in the way we monitor

Using the seven domains as a framework we:

- Rigorously examine the treatment and conditions using a range of methods and information sources
- Describe these treatment and conditions in terms of their impact on mokopuna
- Clearly identify anything that constitutes torture or other cruel, inhuman, or degrading treatment or punishment
- Clearly identify any problems to be addressed and improvements required, along with our expectations for action
- Make recommendations aimed at improving treatment and conditions and preventing future ill-treatment

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<sup>3</sup> Our monitoring methodology is informed by, but not limited to, the Association for the Prevention of Torture's publication *Monitoring places of detention: A practical guide (2004)*, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules) and domestic legislation and regulations.



# How we work

## Methodology

We use several methods to engage with mokopuna, whānau and staff to hear about their experiences.<sup>4</sup> We also want to understand the group dynamics at the facility.

### Observing

We spend time in facilities seeing how mokopuna and staff interact and what their daily routines are.

### Joining In

We join in activities and mealtimes to experience what access mokopuna have to good food and meaningful activities.

### Informal Conversations

We have informal chats with mokopuna and staff who tell us about their thoughts and experiences.

### Interviews

We conduct formal interviews with mokopuna and staff who are happy to speak with us confidentially.

## Our analysis

We analyse information we have gathered by coding it according to each of the OPCAT domains. We identify themes within each domain in relation to the treatment and conditions experienced by mokopuna. We then identify any treatment or conditions that constitute ill-treatment as well as any areas where preventive measures could be strengthened.

Finally, we review the recommendations made in the previous OPCAT report and formulate new recommendations based on our findings in relation to current treatment and conditions.

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<sup>4</sup> See Appendix 1 for a list of our information sources.

## Our findings

Findings are categorised under each of the seven OPCAT domains. Some findings relate to two or more domains – for the purposes of reporting, they are placed in the most significant domain.

# Key Findings

Key findings are addressed in our recommendations along with other issues relating to the prevention of torture and other cruel, inhuman, or degrading treatment or punishment (ill-treatment), identified in our analysis.

We found no evidence that mokopuna had been subjected to torture or ill-treatment. Our findings from the visit are outlined below.

## Findings

Overall, this visit was positive and it was refreshing to hear how the approach to running Whakatakapokai was different to the other four Youth Justice residences in Aotearoa New Zealand. The emphasis on de-escalation techniques, minimal use of secure care and restraints points to a model that aligns with restorative practice. Examples of care based on Te ao Māori principles, that embody Whakamana Tangata and is delivered by a dedicated team, were highlights of the visit. We did note that the number of mokopuna in the residence at the time of our visit was low and it will be interesting to see how an increase in mokopuna might affect the mauri of the unit and the ability for staff to provide the same level of one to one care when mokopuna require it.

Whakatakapokai is a new Youth Justice residence and staff acknowledge that it is not perfect. While there are many positives within this report, there are also challenges. The main highlights we observed in our visit are:

- A significant emphasis on de-escalation techniques. This is exemplified in the minimal use of secure care and the few instances where force was used.
- The residence has a good relationship with mana whenua.
- We saw evidence of some excellent relationships and engagements between staff and mokopuna. All mokopuna outlined there was someone on the staff who they trusted and felt supported by.
- Staff we spoke to said they are aware that mokopuna admitted to Whakatakapokai have an array of challenges (neuro-diversities and/or mental health) but admit they do not have the skills to facilitate therapeutic interventions.
- Mokopuna we spoke to said they were frustrated with the pool and gym refurbishment being behind schedule.
- We found that mokopuna spend significant amounts of time in their unit and outside spaces are not utilised regularly.

- We agree with teaching staff that education needs to be conducted in the dedicated block and away from living spaces. Teachers need to have their own keys and radios to access the unit and keep themselves safe should they need to leave the unit quickly.

## Recommendations

Our recommendations are based on:

- Key findings from our monitoring and analysis
- Any issues relating to ill-treatment
- Progress against recommendations from the previous monitoring visit

We identify systemic issues that impact on the effective functioning of the facility and make recommendations to address these. Our recommendation is that action to address the facility recommendations occurs within 12 months after the date of our visit. We will monitor progress against those and the systemic recommendations at our next monitoring visit.

### Systemic Recommendations

<b>1</b>	Revise the Individual Care Plan templates to ensure they are functional, youth-friendly, and available in other accessible formats and languages.
<b>2</b>	Develop a nationwide package of training programmes that sits alongside the Oranga Tamariki Te Waharoa Induction programme. Training programmes should include: <ul style="list-style-type: none"> <li>• criminogenic risk factors</li> <li>• alcohol and drug support</li> <li>• mental health needs</li> <li>• intellectual disability</li> <li>• neuro-diversity</li> <li>• life skills</li> <li>• cultural development/ capacity building.</li> </ul>
<b>3</b>	Review the grievance process. It should be independent and impartial and provide a clear mechanism for keeping mokopuna informed of progress.
<b>4</b>	Review current HR policy and ensure it is fit for purpose especially pertaining to active staff internal investigations where allegations of harm have been made.
<b>5</b>	Document and record Safety Plans, HR advice and risk analyses when serious events involving mokopuna occur. This information should be held in a central location such as CYRAS.

## Facility Recommendations

<b>1</b>	Ensure all Individual Care Plans are maintained to a consistent standard and that mokopuna are involved in the development of those plans.
<b>2</b>	Ensure staff at all levels are aware Whakatakapokai has a therapeutic model of care and can demonstrate this in their every-day engagements with mokopuna.
<b>3</b>	Provide a range of recreational resources for mokopuna within their unit as well as outside.
<b>4</b>	Prioritise the refurbishment of the pool and gym and keep mokopuna informed of the building progress.
<b>5</b>	Involve mokopuna in the development of their transition plans and vocational courses.

## Treatment

This focuses on any allegations of torture or ill-treatment, use of seclusion, use of restraint, and use of force. We also examine models of therapeutic care provided to mokopuna to understand their experience.

### Mokopuna have positive relationships with staff

Throughout the visit we saw positive, supportive, and respectful relationships between mokopuna and staff. Many staff were attentive and responsive to mokopuna needs and we observed good-natured kōrero and engagement between them. Many staff and mokopuna attributed the 1:1 engagement between staff and mokopuna was due to small unit numbers.

Mokopuna can also request to see a particular mentor. We saw how staff would radio through for a particular person to come into the unit when mokopuna wanted to see them specifically.

Some mokopuna described staff as 'amazing' and are happy with the quality of care they were receiving.

*"This place makes you change, shows that there's a better way, better path".*

### Negative dynamics between mokopuna are well managed

Relationships between mokopuna were varied. We heard from staff and

mokopuna, of some instances of mokopuna inciting or bullying others.

This is managed by the small group of mokopuna being split between two units. With this split of mokopuna we saw empathy, respect and kindness towards each other and good rapport building between mokopuna.

### The use of restraint and admission to secure is low

The seclusion of mokopuna, by its very nature, runs contrary to international human rights law which prohibits its use on those under 18 years of age.<sup>5</sup>

Whakatakapokai pride themselves on using secure care or restraint holds only in exceptional circumstances.

Both staff and mokopuna commented that there is very little use of secure care at the residence.

### Multi-faceted de-escalation techniques ensure mokopuna safety

Management aim to eliminate the use of secure care and restraint practice within their residence. At the heart of this goal is relationship building with mokopuna. Staff get to know mokopuna, build trust and understand individual triggers. Staff appreciate that 'backing out' of a heated

<sup>5</sup> Report of the Special Rapporteur on torture and other cruel, inhuman, or degrading

treatment or punishment, U.N. Doc. A/63/175 Annex (28 July 2008) (Manfred Nowak).

situation with mokopuna is not 'losing' but is a valid de-escalation technique.

Staff also use 'a change of face' when situations are escalating. Bringing in a staff member who has a trusted relationship with mokopuna often de-escalates situations quickly.

## Mokopuna numbers are low at Whakatakapokai

Since July 2021, twenty mokopuna have been through the residence (as at the date of our visit). With low numbers on the unit, staff have the ability to dedicate more 1:1 time to mokopuna and employ the de-escalation techniques they have been trained in, without having to also manage the dynamics of a full unit. We saw multiple examples of staff being pulled away from the unit group to talk with mokopuna privately. This still left two staff to look after the other mokopuna on the unit. Staff acknowledge the ability to spend one to one time with mokopuna is much harder to achieve (and is a potential safety risk) when the units are full.

Staff we talked to say an ideal maximum for the unit is six mokopuna.

## Mokopuna involvement in care and transition planning is variable

Our review of hard copy Individual Care Plans shows that these were completed to a variable standard. Not all plans were signed by mokopuna or dated, and not all plans showed whether mokopuna were given a copy.

<sup>6</sup> [Children's Convention - the basics » Office of the Children's Commissioner \(occ.org.nz\)](#)

Mokopuna involvement in their care plans is a requirement under section 18(2) of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018.

Some mokopuna had little knowledge around their transition out of Whakatakapokai, while others could explain their transition plan well. One mokopuna had vocational courses starting such as barbering and welding.

Involving mokopuna in their transition plan is a fundamental right under Article 12 of the Children's Convention<sup>6</sup> and is vital in their successful progression and transition back into the community.

*"So, I got something going for me when I get out and I aint set to fail".*

## Whakatakapokai has an overarching therapeutic model of care<sup>7</sup>

Whakatakapokai has a model of care that is built around acknowledging trauma and enables healing by providing a positive environment that focuses on de-escalation, self-expression and safe relationships.

However, staff in the unit said that they did not have the necessary skills to facilitate therapeutic activity. We encourage Whakatakapokai to embed the model of care across all staffing areas and to work on staff professional development plans to ensure staff working in the unit

<sup>7</sup> The Whakatakapokai model of care is currently being evaluated by FEM 2006 LTD and is due for completion in late 2022.

understand the core principles of the model of care and can demonstrate therapeutic engagement with mokopuna.

## Protection Systems

This examines how well-informed mokopuna are upon entering a facility. We also assess measures that protect and uphold the rights and dignity of mokopuna, including complaints procedures and recording systems.

### Concern about a lack of safety planning and risk analysis

At the time of the visit there was an active Report of Concern and investigation process regarding an excessive use of force incident.

Oranga Tamariki was asked to provide the following:

- a separate Serious Event Notification form for this event (the excessive force was tacked on to another (medical) incident and somewhat buried in that detail),
- a safety plan for mokopuna
- relevant HR advice regarding risk analyses and rationales for allowing the staff involved to continue to be rostered for unit shifts, and
- incident debrief information and timeline.

Oranga Tamariki only provided a safety plan and an incident timeline. The staff involved in the incident were kept separated from the mokopuna who was subject to the use of force.

There is no documentation regarding HR advice received by Whakatakapokai and very little information regarding a safety plan for mokopuna living in the other unit where the staff are still rostered to work.

A separate SEN was not deemed necessary by Whakatakapokai and Oranga Tamariki National Office staff as the incident was in

the past (February). OCC do not agree with this rationale and continue to ask for a separate SEN.

OCC are concerned at the lack of safety planning, documented HR advice and incident debrief with staff. We were informed that the staff involved in the incident were too tired after their shift to participate in a debrief.

Our concerns have been raised with Whakatakapokai and Oranga Tamariki National Office.

### Mokopuna are admitted into Whakatakapokai from other residences

As part of the Resource Management Order for Whakatakapokai, mokopuna can only be admitted via another residence.

Mokopuna are visited by case leaders from Whakatakapokai to ensure they understand what coming to the residence involves and the approach the residence employs in terms of care and programmes.

While admission to Whakatakapokai is not as straight forward as other residences, mokopuna and whānau are informed throughout the admission process.



## Mokopuna admissions include their whānau where possible

All mokopuna, whānau and professionals are welcomed to the residence with a mihi whakatau.

Physical admission to Whakatakapokai is through the 'green room' and includes whānau wherever possible. The 'green room' is inviting and open with its own kitchen and plenty of natural light and furniture.

## Teachers are not part of multi-disciplinary meetings

Education and health assessments are completed in a timely manner. Teachers are not included in multi-disciplinary team meetings and do not receive information about mokopuna assessments – particularly pertaining to learning needs and developmental challenges.

This information would make tailoring education to individual need more accurate and eliminate the 'guesswork' when making educational plans.

## Mokopuna understand Whaia te Maramatanga (the grievance process)

Mokopuna we spoke to said they understand the grievance process and some had used it. Mokopuna felt supported by their mentors when they made grievances. Mokopuna said they would like regular updates on the progress of their grievance.

The OCC remain concerned the grievance process is not independent of staff and that grievances are reviewed internally by the residence leadership team.

## Whakatakapokai is trying new things to resolve minor issues

Whakatakapokai have developed a draft 'Grievance Swift Resolution' process they submitted to Oranga Tamariki National Office.

The idea of the Swift Resolution process is that if a shift leader can resolve the issue at the time mokopuna submit it, then this is encouraged. This process is used for 'lower level' issues that can be resolved quickly and in mokopuna sense of time.

There are issues that cannot go through the Swift Resolution process and these include:

- If mokopuna do not want it solved via this process.
- If VOYCE (or another independent advocacy service) do not think it appropriate.
- The grievance contains an allegation against staff.
- The grievance contains serious allegations regarding practice.
- The grievance contains allegations of harm.

An example of the Swift Resolution process being used would be around receiving cold food.

Another initiative they are scoping is developing an electronic form for the Whaia te Maramatanga process which streamlines the process and provides another medium for mokopuna to initiate their grievance.

The OCC support these initiatives and when we spoke to the grievance panel member, they also spoke highly of the proposed additions.

## Access to advocacy support is good

Mokopuna receive advocacy support services from VOYCE Whakarongo Mai (VOYCE).

Information about VOYCE is clearly displayed in all units and mokopuna knew who they were.

VOYCE give mokopuna information about their rights and mokopuna often make requests or raise concerns through the Kaiwhakamana<sup>8</sup>.

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<sup>8</sup> Advocate employed by VOYCE Whakarongo Mai.

## Material Conditions

This assesses the quality and quantity of food, access to outside spaces, hygiene facilities, clothing, bedding, lighting, and ventilation. It focuses on understanding how the living conditions in secure facilities contribute to the wellbeing and dignity of mokopuna.

### Whakatakapokai is clean and tidy throughout

Whakatakapokai is clean and tidy and there is good natural light in the units. There is little graffiti or tagging.

The main communal areas are large and spacious and there are separate spaces, including meeting rooms, breakout/TV room and each unit has its own outside courtyard.

### Furniture and resources are sparse

Each unit has tables and chairs. However, there was little artwork on the walls and no visible resources such as games or books. Mokopuna did have access to movies and a PS4.

Mokopuna said they often felt bored and all they did in their spare time was play cards. Mokopuna should have access to a variety of resources and down time could be better utilised, as one staff member said, to include 'teachable moments.'

### Large gym and pool cannot be used

Due to the COVID pandemic the refurbishment of the pool and gym is behind schedule. This is an excellent resource and something mokopuna mentioned as needed.

The courtyards get very hot in summer and mokopuna spend little time outside. The pool and gym will provide much-needed access to fresh air and exercise.

### A new garden for mokopuna

Mokopuna said the garden was 'dumb' and not what they wanted to do. They said the order of refurbishment was 'stink' and they would have rather the time be spent on the pool and gym.

The intention is that once the concrete for the garden is laid, mokopuna can do the planting as part of their activity programme. The garden will be a medicinal garden and used as a resource to connect mokopuna to their culture.

### Lack of outside activity

Mokopuna and staff said there is lack of outside activity. Some staff said the heat was a factor, others said it was because of the risk of absconding. There had been recent attempts, with one mokopuna boasting they could shimmy up the fence as it joins the external unit wall. One staff member said they didn't go outside because they had been 'burnt' by previous behaviours of mokopuna.

The risk of absconding also means that the large, inner courtyard area is not used. The courtyard has plenty of shade, trees to

climb and is a good size with a basketball hoop and space for running around.

*"I want to go outside on the real court instead of the little courts".*

*"there's really nothing we can do besides stay in our unit".*

Whakatakapokai has good, green space for mokopuna to use, but the risk of absconding means staff are risk averse.

The lack of opportunity for mokopuna to be outside is a concern and has been highlighted in the facility recommendations.

### **Mokopuna enjoy the kai**

Most mokopuna said they did not have an issue with the kai at Whakatakapokai. The meals are large in portion size.

*"You get way better food here than the outs man, I swear".*

Staff said they regularly bring in favourite takeaway's and mokopuna said they really enjoyed this. Mokopuna also have the opportunity to make themselves toast and cups of tea using the kitchen in the unit.

Mokopuna helped to prepare the food at mealtimes.

## Activities and access to others

This focuses on the opportunities available to mokopuna to engage in quality, youth friendly activities inside and outside secure facilities, including education and vocational activities. It is concerned with how the personal development of mokopuna is supported, including contact with friends and whānau.

### Mokopuna maintain regular contact with whānau with access to daily phone calls

Just prior to our visit, mokopuna had access to unlimited phone calls.

Mokopuna enjoyed unlimited contact with whānau and those approved on their contact list. However, this privilege was scaled back during our visit due to the sheer amount of phone calls some mokopuna were getting. It had created some dynamics on the units with some mokopuna getting more calls from whānau than others.

Phone calls are now restricted to before and after school. Whilst staff said calls are now limited to 10 minutes, twice a day, we witnessed calls that were longer than the 10 minutes.

Contact with whānau is an important aspect of the model employed at Whakatakapokai.

*"I've been more close to them [whānau] here than I was at the other residence".*

*"My family put in an effort to come through to, 'cos the place was putting in an effort to get them here".*

### Mentors work hard to facilitate whānau engagement and visits

Whakatakapokai staff were able to facilitate and repair a relationship one mokopuna had with their father. This has been strengthened to the point where the father has agreed to support his mokopuna on bail meaning his mokopuna can be released from the residence to live with him whilst matters progress through the Youth Court.

Mokopuna told us they regularly had visits with whānau and they are well supported by Whakatakapokai. Face to face visits now that COVID has lifted were a highlight for many mokopuna. We heard how staff arrange flights and support accommodation for whānau who live outside Tamaki Makaurau.

### Education is supported by teachers from other residences

The education programme is facilitated by Kingslea School and this started in Term 1 of 2022.

The teaching staff are supplemented by part-time teachers from Korowai Manaaki. This poses problems when lessons are built around these teachers who then cannot come to Whakatakapokai due to staff shortages at their 'home' residence.

## Before Kingslea, there was no 'school' for mokopuna

There was no 'School' engaged with Whakatakapokai when it opened to mokopuna in July 2021. Education was done via Te Kura but Wi-Fi was an issue and mokopuna could not engage virtually. Mokopuna were given printed sheets to complete with their mentors which they said was not ideal.

Wi-Fi continues to be an issue with teachers telling us that they need to 'hotspot' from their phones for internet access.

## Education should be done away from living areas

Teachers at Whakatakapokai said they were 'itching' to get into their new education block and stop having to teach mokopuna in their unit. Because everything is done in the unit (living, PE, down-time), the environment is not conducive to learning. Teachers noted the lack of engagement and believed this to be because students do not leave their unit.

*"It's just frustrating because I'm sitting here in a loop pattern and it's like, just the same thing every single day on repeat."*

One teacher said she wanted to get into the education block to set rules, expectations and structure and to get artwork on the walls. The teacher saw the

education block as a hapori space rather than a school block.

The teachers are passionate about learning and committed to providing mokopuna with the skills to break the cycle away from offending. The question from teachers was whether Oranga Tamariki had the same view or whether 'education' was simply a time-filler whilst serving a sentence.

The teachers we spoke to wanted to make a difference but the current set-up was frustrating.

## Adventure Based Learning was a favourite for mokopuna

On the first day of our visit mokopuna had returned from an Adventure Based Learning (ABL) exercise. This exercise included building a raft and paddling it upstream to a local waterfall. Mokopuna were 'buzzing' when they came back to the unit and absolutely loved the challenge. Mokopuna told us they worked as a team and did things 'out of their comfort zone' like jumping from the waterfall into the pool below.

Staff said they were happy to be back into doing ABL. Experienced staff run these programmes and it was evident that mokopuna relished the opportunity to be outside.

## Mokopuna want a vocational focus to their activity

Mokopuna said they like the more vocationally focused activities. Mokopuna said before Kingslea School came to the residence they worked on their CV and

programmes were more focused on their interests.

Mokopuna described going on fashion courses and attending fashion shows. While one mokopuna said he has been enrolled in barbering and welding as part of his care plan, the vocational programme had slowed down. Generally, what was on offer, wasn't aligned with mokopuna interests.

*"The programmes, they're like just useless. They [our suggestions] never get accepted".*

### **Access to programmes and therapeutic interventions is limited**

Although Whakatakapokai has an overarching therapeutic model of care, there are limited therapeutic interventions or programmes available for mokopuna. We did not see any programmes that focused on well-being, criminogenic risk factors, trauma informed neuro-diversity, alcohol and drugs, life skills, and cultural development needs.

## Medical services and care

This domain focuses on how the physical and mental health of mokopuna are met, in order to uphold their decency, privacy and dignity.

### Mokopuna have access to primary health care services

Mokopuna have access to primary health care services, with a nurse's clinic based onsite once a week on Tuesday. Other appointments are conducted virtually. The GP also visits once per week and on-call support was available after hours.

Medical staff provide initial health assessments for mokopuna on admission, as well as ongoing medical care and education.

Mokopuna said they would like to see nurses in person more often and that sometimes waiting until the next week for an appointment was too long for them.

### Support from external medical agencies is good

External support is timely and well received. Although Whakatakapokai did not have a clinical psychologist employed, there is ready and easy access to specialist services from the community.

### A new COVID medical block for Whakatakapokai

A new COVID medical block is under construction. It is located near the education block through the current inner courtyard. This will be used to keep COVID positive cases separate from the unit and

the general medical rooms located in the education block.

COVID planning is a strong feature at Whakatakapokai and the separate block means COVID positive and negative mokopuna can still access medical care without the risk of transmission.

### Whakatakapokai managed their COVID-19 outbreak

Whakatakapokai had an outbreak of COVID-19 in February 2022. The residence used the secure care area as an isolation wing. Staff said they opened up the doors to the outside court and mokopuna could come in and out as they pleased. Contact with whānau was maintained throughout the isolation periods.

The only negative, but unavoidable, aspect of the COVID-19 outbreak was that the casual staff who were needed to backfill staff shortages were unsettling for mokopuna. Staff said this was particularly difficult in the female unit. Whilst there were no females in Whakatakapokai when we visited, staff said the females were highly triggered by the new staff and behaviours were very difficult to manage.



## Personnel

This focuses on the relationships between staff and mokopuna, and the recruitment, training, support and supervision offered to the staff team. In order for facilities to provide therapeutic care and a safe environment for mokopuna, staff must be highly skilled, trained and supported.

### Recruitment and induction

Staff said that while the induction time was good, nothing really prepares you for the reality of working with mokopuna who are detained.

All staff participate in the Te Waharoa programme, a three-month induction. Many of the recruited staff at Whakatakopokai have little to no experience of working in a youth justice residential environment. Most came from community youth worker roles.

One staff member said that they were like 'possums in headlights' especially when needing to do their first restraints or when de-escalating situations.

Of the approximately fifty initial recruits, only around twenty were still there at the time of our visit.

Whakatakopokai will need a robust system in place to retain staff. We have already noted elsewhere in the report how staff changes trigger some mokopuna. Given Whakatakopokai admits mokopuna with very high and complex needs, staff retention needs careful management.

### Staff more willing to try things in the 'new way'

It has been easier for these staff to 'get on board' with new ways of working – especially with the focus on de-escalation and using secure care as a last resort. New

staff are not entrenched in how they approached working with mokopuna as most of them did not have previous residence working experience.

### Residence operations at Whakatakopokai are moving in the right direction

Staff with past residence working experience said it has been hard to not revert back to old practice 'habits'.

The leadership team acknowledge residence operations are not perfect, but they are proud of the direction the residence is going in terms of building a more therapeutic focused environment, changing staff attitudes and reducing the need for use of force restraints and secure care.

Recent changes from two twelve hour shifts to three eight hour shifts daily, will allow space for regular practice sessions on Tuesday.

### Education staff do not feel safe at Whakatakopokai

Education staff said they did not feel safe when delivering programmes in the units. They do not have their own keys or radios. While this is an inconvenience when entering units and needing to wait to be let in, the safety issue raised was around having no safe exit if issues arose with mokopuna.

Most of the education staff at Whakatakapokai have worked in other youth justice residences. They explained that when conflict escalated in the units the guidance was to retreat to the staff hub. However, they cannot do this or let themselves out of the unit without their own key.

Education staff need their own key and radio for their own safety.

### **Staff supervision was insufficient**

All staff working with mokopuna are required to undergo formal, ongoing professional supervision, which is vital to child-centered practice, relationship enhancement, and professional development and wellbeing.

Staff we spoke with said that supervision was insufficient or non-existent. Some staff working in the units are not sure what supervision is.

Staff also said there is no cultural supervision, and it is not actively promoted at Whakatakapokai.

### **There is a lack of ongoing training and development for mental health needs**

The lack of training for staff who work with mokopuna with high and complex needs in a therapeutic and trauma-informed way is a nationwide issue.

Staff repeatedly told us they need more tailored training, and the current training is ad-hoc and insufficient.

We suggest Oranga Tamariki create formalised, ongoing training and development for all staff.

### **Youth worker pay rates are problematic for residences**

A significant number of female staff left Whakatakapokai after the female mokopuna were discharged. Staff found behaviours hard to deal with and as one staff member said, you can get paid double the money with half the abuse when working in the community.

We are advocating for a skilled workforce to provide therapeutic care for mokopuna. Competitive remuneration along with clear development opportunities and training are required for appropriately skilled staff to stay in their roles.

### **Tension between the aspirational and the operational**

Leadership staff said that while they have the mandate to do things differently at Whakatakapokai, they must do that within a national residential framework and national operating guidelines.

Staff said they must always problem solve. This meant putting mokopuna at the centre of operations and bending the framework around what needs to be done. Examples of this are paying for flights and accommodation for whānau visits and suggesting updates to Standard Operating Policy and Procedures (SOPP). Staff note that changes to the SOPP can be slow and suggestions made by Whakatakapokai are in draft.

The Leadership team felt constricted by the level of change they can make to the system.

## Improving outcomes for Mokopuna Māori

This focuses on identity and belonging, which are fundamental for all mokopuna to thrive. We assess commitment to Mātauranga Māori and the extent to which Māori values are upheld, cultural capacity is expanded and mokopuna are supported to explore their whakapapa.

### Cultural connections are important for mokopuna Māori

It is important for mokopuna Māori to have the opportunity to learn about their whakapapa and build or restore cultural connections.

Mokopuna should not be deprived of their cultural rights because they are detained.<sup>9</sup> They should be free to practice and enjoy their culture and language.<sup>10</sup>

### Cultural development is needed to build confidence and competence

Whakatakopokai has a Kaiwhakaaue. The current focus for this role is to increase the use of te reo. The Kaiwhakaaue said he not only wants to increase the words spoken in te reo but also help mokopuna understand the essence behind the words.

Staff at Whakatakopokai are committed to learning te reo and this includes Pasifika staff. Pasifika staff members led the mihi whakatau to welcome us into the residence. Staff acknowledge their journey in te reo is part of their own development.

The leadership team outlined the difficulties they had with recruiting kaimahi Māori to the residence.

Kaimahi Māori are vital to help mokopuna Māori thrive. Other than karakia in the morning and at mealtimes, we saw little tikanga in the day-to-day operations of the units. We expect to see te reo being normalised and kaimahi sharing their knowledge of Mātauranga Māori and empowering mokopuna Māori to be confident in Te ao Māori.

### Relationships with mana whenua are good

Partnerships with mana whenua existed before Whakatakopokai became a Youth Justice residence and have been enhanced by utilising personal relationships. The residence manager is known to the three local marae (Papakura, Manurewa and Orakei) that surround Whakatakopokai.

A representative of the three marae surrounding Whakatakopokai told us their goal is for no mokopuna Māori in care. Whakapono te tangata, whakapono te mahi whakatika te korero! (If we believe in the people, believe in the work at hand, our words will be true!).

Kaumatua from the three marae are involved in monitoring the tikanga of the residence and are on various panels within

<sup>9</sup> United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) 1990, Article 13.

<sup>10</sup> United Nations Convention on the Rights of the Child, Article 30.

Whakatakapokai including staff recruitment panels.

## Implementation of Whakamana Tangata and s7AA

Whakamana Tangata continues to be something that is described as being 'done' in the residence rather than a 'lived' approach.

We did however see many positive everyday interactions between staff and mokopuna, with staff using restorative, rather than punitive, approaches to working with and alongside mokopuna.

The focus on de-escalation techniques that include hui whakapiri<sup>11</sup> as well as continuing to reduce the use of secure care, all feed into the Whakamana Tangata tikanga.

It is worth noting that during our interview with mana whenua, Whakamana Tangata and the concept of mana *enhancing* was not thought of positively. The idea of enhancing 'mana' is contentious as mana is inherited by Ngā Atua Māori and the ability to enhance this is not a Te ao Māori concept.

## Te Toka, Tūmoana<sup>12</sup>

The practice framework Te Toka Tūmoana was highlighted by the leadership team at Whakatakapokai. However, staff did not mention it when speaking with us.

We would like to see this framework shine through in practice at the residence at our next visit as well as the Whakamana te Tamaiti<sup>13</sup> practice standard.

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<sup>11</sup> Restorative dialogue practice as outlined in the Whakamana Tangata practice framework. Emphasis is on Preparation, Participation and Follow-up

<sup>12</sup> [Working with Māori: Te Toka Tūmoana | Practice Centre | Oranga Tamariki](#)

<sup>13</sup> [Whakamana te tamaiti: Practice empowering tamariki Māori | Practice Centre | Oranga Tamariki](#)

# Appendix 1

## Gathering information

We gather a range of information and evidence to support our analysis and develop our findings in our report. These collectively form the basis of our recommendations.

Method	Role
Interviews and informal discussions with mokopuna (including informal focus groups) with mokopuna	
Interviews and informal discussions with staff	<ul style="list-style-type: none"> <li>• Residence Manager</li> <li>• Manager Residence Operations</li> <li>• Quality Lead</li> <li>• Team Leader Operations</li> <li>• Team Leader Education</li> <li>• Case Leaders</li> <li>• Youth Workers</li> <li>• Programmes Coordinator</li> <li>• Kaiwhakaaue</li> </ul>
Interviews with external stakeholders	<ul style="list-style-type: none"> <li>• Mana whenua</li> <li>• Whaia te Maramatanga - Panellist</li> </ul>
Documentation	<ul style="list-style-type: none"> <li>• Grievance quarterly reports</li> <li>• Secure care register</li> <li>• Secure care logbook</li> <li>• Daily logbook</li> <li>• Mokopuna Care Plans and All About Me plans</li> <li>• Serious Incident Notifications</li> <li>• SOSHI reports</li> </ul>
Observations	<ul style="list-style-type: none"> <li>• Morning, afternoon, and evening observation of unit routines (including breakfast, morning karakia, PE time, dinner, shift handover)</li> </ul>