

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

Whakatakapokai Youth Justice Residence

Visit date - March 2022

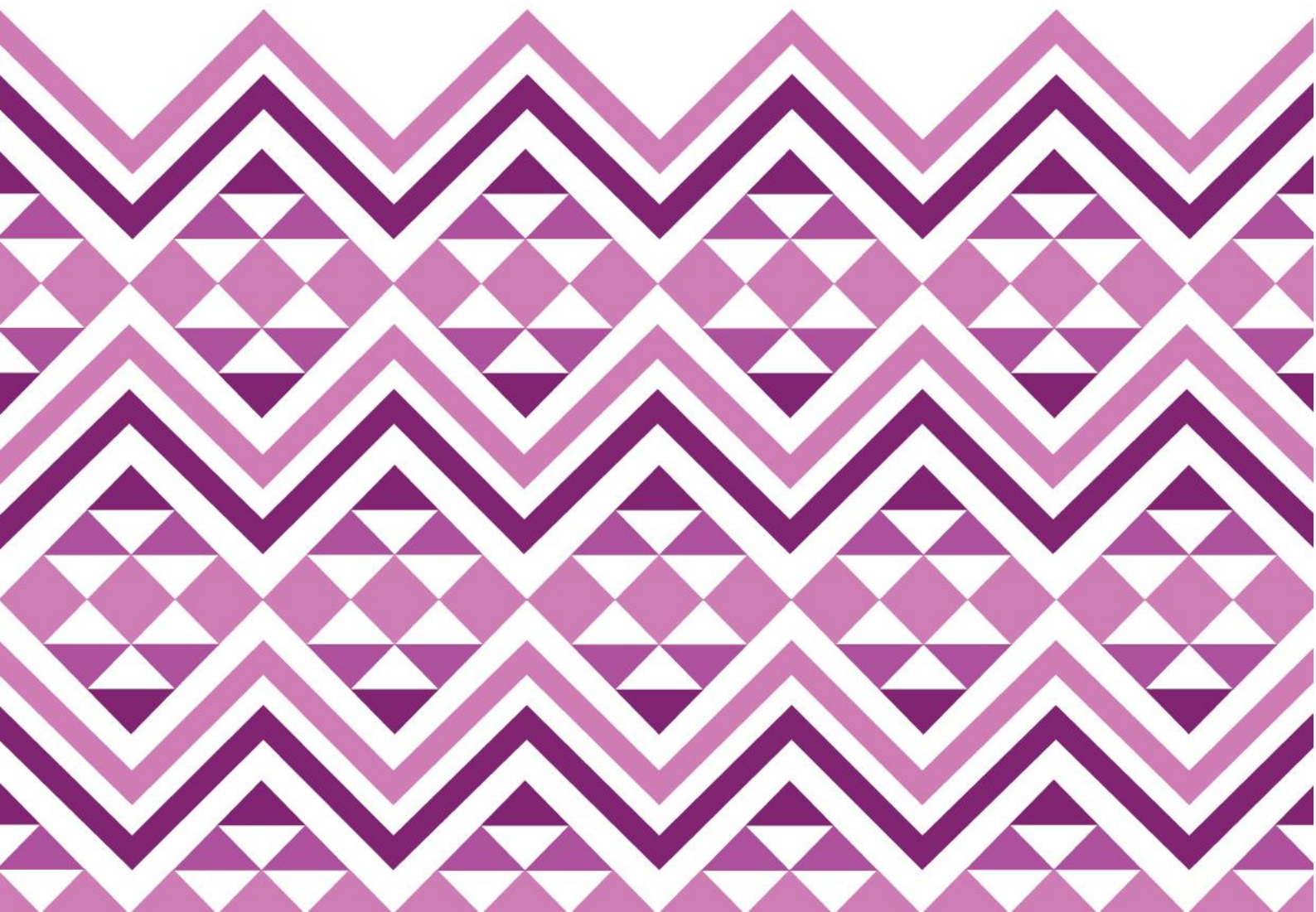


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Introduction

Whakatakapokai is an Oranga Tamariki—Ministry for Children (Oranga Tamariki) Youth Justice Residence located in Weymouth, Auckland.

In March 2022, staff from the Office of the Children's Commissioner (OCC) carried out an unannounced monitoring visit to Whakatakapokai Youth Justice Residence.

Whakatakapokai has capacity for 15 rangatahi. Under the Oranga Tamariki Act (1989), the legal status which rangatahi are detained at the residence by include:

- section 235 Child or young person who is arrested may be placed in custody of chief executive
- section 238(1)(d) Custody of child or young person pending hearing
- section 311 Supervision with residence order.
- section 175 of the Criminal Procedure Act 2022 (up to five young people at a time).

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 Whakatakapokai Youth Justice Residence was shared with Oranga Tamariki on 7 June 2022.

Recommendations Summary

The OPCAT report for Whakatakapokai Youth Justice Residence makes 10 recommendations and we accept 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 Oranga Tamariki 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. Review the grievance process. It should be independent and impartial and provide a clear mechanism for keeping mokopuna informed of progress.	Accepted
4. 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.	Accepted
5. 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.	Accepted
Facility Recommendations	
1. Ensure all Individual Care Plans are maintained to a consistent standard and that mokopuna are involved in the development of those plans.	Accepted
2. 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.	Accepted
3. Provide a range of recreational resources for mokopuna with their unit as well as outside.	Accepted
4. Prioritise the refurbishment of the pool and gym and keep mokopuna informed of the building progress.	Accepted
5. Involve mokopuna in the development of their transitional plans and vocational courses.	Accepted

The Oranga Tamariki responses to the Whakatakapokai 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 Whakatakapokai 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

Regulation 3 of the Residential Care Regulations specifies that each tamariki and rangatahi in an Oranga Tamariki Residence who remains for longer than five days must have an Individual Care Plan (ICP). The ICP sets out the objectives rangatahi are required to complete while at Whakatakapokai and their responsibilities when achieving these. The ICP also outlines the supports, programmes and services rangatahi can access to help them do this.

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 as well as an explanation of any actions that significantly affect them. These include legal proceedings, family group conference proceedings and processes, options that are available and how these could affect them, and all plans.

Over the last several months we undertook a review of the various ICP templates at each youth justice residence, carefully considering how functional and youth-friendly these were. The development of a new ICP template is underway and this draws on the Te Whare Tapa Whā model by Dr Mason Durie as a framework, with the contents for this being aligned to meet best practice expectations for the language and communication needs of the cohort we work with. The new ICP template will be aligned with the new Oranga Tamariki practice framework, which includes an approach to framing oranga in the context of our work. Our work over the coming months will consider the provision of the new ICP template in other accessible formats and languages.

In parallel to the review of the ICP, the National Youth Justice Residences team is presently developing training for clinical teams at each residence. Part of the training focuses on quality planning and assessment, and it is anticipated that this will help strengthen the current approach to individual care planning and in future further support the new ICP template.

Recommendation 2

Develop a nationwide package of training programmes that sits alongside the Oranga Tamariki 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 the importance of a nationwide suite of programmes being available for rangatahi which 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. In October 2021, the Minister 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 our 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 that rangatahi enjoy the adventure-based learning provided, and vocational programmes when these are available. Rangatahi are also able to access to a range of external programmes based on their needs, such as drug and alcohol support and mental health services. We acknowledge the need to further develop access to programmes and therapeutic interventions and will prioritise this work.

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 and alcohol intervention. Oranga Tamariki has established Interagency Governance Groups (IGG) across our operational regions to increase partnership with the local District Health Board and regional Ministry of Education office. Each IGG is currently agreeing Terms of Reference for service obligations and expectations for the provision of services in Oranga Tamariki residences.

Recommendation 3

Review the grievance process. It should be independent and impartial and provide a clear mechanism for keeping mokopuna informed of progress.

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 to 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. Manaaki Kōrero is a project that involves Oranga Tamariki partnering with VOYCE – Whakarongo Mai to enable tamariki, rangatahi and whānau to co-design feedback, complaints, information, advice, and assistance processes that are 'fit-for-whānau'. It also addresses Action 1.4 of our Future Direction Plan: [OT-Future-Direction-Action-Plan.pdf \(orangatamariki.govt.nz\)](#)

While this co-design work is underway, Oranga Tamariki is implementing a set of immediate improvements to the residential grievance process based on feedback from tamariki and rangatahi. Over the next few months identified improvements to be implemented include:

- Improving the language and accessibility of tools/resources.
- Developing multiple mechanisms to support tamariki and rangatahi to make a complaint.
- Improving investigation standards and training for kaimahi.
- Increasing the profile of advocacy in residences.

VOYCE - Whakarongo Mai has regularly visited Whakatakapokai while tamariki and rangatahi are 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 to their age, development, language, and considers any 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

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.

Response

Oranga Tamariki has established Human Resources (HR) policies and guidelines in place to manage situations where kaimahi are subject to active internal investigations. This includes:

- The Oranga Tamariki – Ministry for Children, Disciplinary Policy.
- The Oranga Tamariki – Ministry for Children, Disciplinary – Supporting Guidelines.

Oranga Tamariki is committed to ensuring that our work and work environment demonstrates a genuine commitment to our values and that all kaimahi are empowered to behave consistently with our policies and values. It is vital that disciplinary processes are fair, transparent and impartial.

In circumstances within Oranga Tamariki residences where harm is alleged against a tamaiti or rangatahi, residence managers are guided by our HR disciplinary and practice policies when managing kaimahi and any issues related to the safety and wellbeing of tamariki and rangatahi. This includes considering under what circumstances kaimahi should or should not remain working with a tamaiti or rangatahi during a period of investigation.

Oranga Tamariki acknowledges that formal employment processes are a complex aspect of policy. We will ensure that senior staff from HR, legal, practice, and our residences teams will have the opportunity to discuss this report finding and recommendation to review whether there is a need to strengthen existing policy and guidance in this area. This will include ensuring there is adequate support and guidance around decisions relating to the status of staff during an investigation period.

Recommendation 5

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.

Response

Ensuring the accurate and timely documentation of risk analysis, safety planning, and HR advice after serious events occur is important, and residence kaimahi have been reminded of these requirements. These records support the safety and wellbeing needs of the tamariki and rangatahi in our care, which is a priority.

After a serious event occurs involving tamariki and rangatahi, the key consideration is ensuring their immediate safety. A safety plan is developed, implemented, and regularly reviewed until the issue or concern is resolved. Any other tamariki or rangatahi that may be affected by the event are also considered as part of this process.

Case records that relate to tamariki rangatahi are stored in our centralised case management system CYRAS. In the event of an allegation of harm, records will include a Reports of Concern, arrangements to ensure the child's safety, any assessment or investigation undertaken resulting from a Report of Concern and the outcome of the assessment. This could include recording findings of abuse perpetrated by a staff member if that is the outcome of the investigation.

It is important to note that any HR advice or process arising from kaimahi having harmed, or alleged to have harmed, a tamaiti or rangatahi is a separate process to the investigation described above. Advice relating to formal employee processes is confidential and cannot be shared due to privacy and legal reasons. This information is not documented in CYRAS and is securely stored in staff personnel files.

Keeping accurate case records is an important practice requirement for all kaimahi at Oranga Tamariki. It is essential that key actions and decisions for the tamariki and rangatahi are accurately recorded to ensure significant decisions are clearly evidenced and transparent.

Recording of advice and safety planning will also be addressed in the discussions between HR, legal services, practice and service delivery noted in the response to recommendation 4.

Response to Facility Recommendations

Below are the Oranga Tamariki responses to the facility recommendations made in the Whakatakapokai Youth Justice Residence OPCAT report.

Recommendation 1

Ensure all Individual Care Plans are maintained to a consistent standard and that mokopuna are involved in the development of those plans.

Response

We acknowledge the importance of ensuring ICPs are maintained to a consistent standard and that rangatahi are involved in the development of those plans. This is a requirement as per regulation 3, right to professional and planned standards of care, of the Oranga Tamariki (Residential Care) Regulations 1996 ('Residential Care Regulations') at every Oranga Tamariki Residence.

The requirements for needs assessments and related planning for tamariki and rangatahi are further set out in the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 ('National Care Standards'). The All About Me plan is designed to enable us to support and respond to the needs of tamariki and rangatahi in our care in line with the National Care Standards, and this helps to inform the ICPs for rangatahi at Whakatakapokai.

Kaimahi at Whakatakapokai, and across Oranga Tamariki, must ensure that tamariki and rangatahi have the information and support they need to freely express their views and actively participate in their care planning. This is a requirement of our 'Participation of tamariki — providing information, ensuring understanding and incorporating their views' policy.

The care planning process at Whakatakapokai operates differently to the other Youth Justice Residences, as their operating model means rangatahi cannot directly enter the residence without first being assessed at another residence. This allows the clinical mentors at Whakatakapokai to meet with rangatahi prior to arriving at the residence to begin planning their ICP, and collaboratively review their current All About Me Plan and ICP while sharing new planning opportunities unique to Whakatakapokai. This forms the basis of an initial ICP.

Once the rangatahi arrives at Whakatakapokai from a different residence, their clinical mentor meets with them and agrees the initial ICP. The clinical mentor meets with the rangatahi each week for the specific purpose of reviewing the ICP and determining whether this remains fit for purpose. The clinical mentor also undertakes their review in collaboration with the whānau of each rangatahi, other Whakatakapokai kaimahi, and other professionals who support this mahi.

Whakatakapokai clinical mentors have been advised by their management team to ensure ICPs are completed to a consistent standard. As per systemic recommendation 1, National Youth Justice Residences teams are strengthening the ICP tool and developing training for clinical teams at each residence, part of which focuses on quality planning and assessment. It is anticipated that this will help strengthen the current approach to individual care planning at Whakatakapokai.

Recommendation 2

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.

Response

A therapeutic model of care is currently being trialled at Whakatakapokai. The model provides a positive environment that supports self-expression, enables healing and restores mana through the development of helpful and respectful relationships. This way of being provides skills and social

connections to transform the way of life for rangatahi and reduce the likelihood of continuing on an offending pathway. The model is grounded in te ao Māori concepts of wellbeing and a Māori-centred approach and is currently being evaluated.

We acknowledge the importance of Whakatakapokai kaimahi at all levels being aware of our therapeutic model of care and demonstrating this in their everyday engagements with rangatahi. All kaimahi have undertaken training in relation to the model, and in light of your report finding and recommendation, we will undertake refresher training to ensure kaimahi are readily able to reflect on how they are integrating this in their practice.

The model at Whakatakapokai is supported by the practice approach Youth Justice Residences have adopted over the last two years, Whakamana Tāngata, which draws on Te Ao Māori principles. 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 Tāngata approach is based on, and informed by, five specific Māori values (ara tikanga, mana, tapu, mauri ora, and piringa) and four restorative principles (relationships, respect, responsibility, and 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 Kaiwhakare 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.

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 therapeutic model of care in operation at Whakatakapokai will align with this.

Recommendation 3

Provide a range of recreational resources for mokopuna with their unit as well as outside.

Response

Whakatakapokai kaimahi fully support providing rangatahi with recreational resources to use in their unit and while outside. Providing the appropriate support for play, recreation, and community activities for rangatahi at Whakatakapokai, and all tamariki and rangatahi in the care of Oranga Tamariki, is important. The National Care Standards Regulation 34 requires us to ensure that support is provided to address the play, recreational and community needs of te tamaiti or rangatahi in a way that meets their age, stage of development, culture, and any disability they may have.

Rangatahi at Whakatakapokai, and across all Oranga Tamariki Residences, have the same needs as all other tamariki and rangatahi in New Zealand to participate in activities that build their confidence. An ability to access and participate in such activities contributes to the holistic wellbeing of tamariki and rangatahi.

In a residential setting, site social workers need to work together with residential staff to manage any support required for rangatahi to engage in recreational activities. Residences offer many

opportunities for tamariki and rangatahi to experience and try different activities, which can be continued in the community after they transition from residence.

We acknowledge the disruption of the COVID-19 pandemic on our ability to deliver programmes at Whakatakapokai and look forward to this resolving as we learn how to live with COVID-19 in our communities. Similarly, at the time of the OCC's monitoring visit, the main courtyard was not used by rangatahi for recreational purposes due to significant work undertaken by contractors, which included installing a Portacom unit, concreting, and landscaping. This is now completed, and normal use has resumed.

We note the report found that resources were sparse, and that games and books were not visible. These are packed away when not in use, and rangatahi access these through kaimahi. Rangatahi can access a range of indoor activities including playing cards, board games, books, music production, art-based activities, table tennis, cooking and baking, Pacifica and Māori cultural activities, a dance studio, documentary videos and a PlayStation 4.

Whakatakapokai offers a range of sporting and outdoor recreational activities for rangatahi staying at the residence. Sporting activities include cricket, basketball, volleyball, rugby with many other ball sports available. There is also a strong focus on fitness activities which include boxing, free weights, medicine balls and yoga.

As noted in our response to Facility Recommendation 4, completing the refurbishment of the pool and the gym will allow more recreational activities to be available for rangatahi at Whakatakapokai.

Recommendation 4

Prioritise the refurbishment of the pool and gym and keep mokopuna informed of the building progress.

Response

The refurbishment of the pool and gym is a priority. Unfortunately, the impact of the COVID-19 pandemic has delayed progress, with contractors undertaking this work at times having to isolate. These delays have been further compounded by supply issues for building materials across the industry nationally.

We appreciate the refurbishment of the pool and gym is really important to the rangatahi at Whakatakapokai, and we acknowledge that they are disappointed by the delays. We look forward to the completion of these facilities, as we anticipate these will be an excellent way of motivating rangatahi to exercise while also expanding the activities available to them.

We will continue to keep rangatahi at Whakatakapokai updated on the progress of the pool and the gym refurbishment. The expected timeframe for the completion of this work is December 2022.

Recommendation 5

Involve mokopuna in the development of their transitional plans and vocational courses.

Response

As detailed in our response to Facility Recommendation 1, each rangatahi at Whakatakapokai has an Individual Care Plan. The ICP sets out the objectives rangatahi are required to complete while at Whakatakapokai and their responsibilities when achieving these. The ICP also outlines the supports, programmes and services rangatahi can access to help them do this, which includes arrangements for their transition and any vocational courses that align with their employment or training objectives.

Rangatahi are involved in planning their ICP throughout their stay at Whakatakapokai. As previously detailed, kaimahi at Whakatakapokai, and across Oranga Tamariki, must ensure that tamariki and rangatahi have the information and support they need to freely express their views and actively participate in their care planning. This is a requirement of our 'Participation of tamariki — providing information, ensuring understanding and incorporating their views' policy.

Transition planning begins from the time the rangatahi enters Whakatakapokai. Transition planning will identify the needs of the rangatahi, including their care arrangements, whānau support, education and/or vocational options, and linking into appropriate health services and other identified specialist support services (such as alcohol and drug counselling or anger management support). It is essential that we make every effort to support each rangatahi to ensure they have a positive and successful transition, and site social workers and other professionals who work with the rangatahi have an important role in this.

As previously detailed, vocational courses can form part of an ICP for rangatahi, and Regulation 13 of the Residential Care Regulations outlines the right for rangatahi to have education and vocational training while at an Oranga Tamariki Residence. Vocational training, for rangatahi aged 16 years and older who are considering pursuing employment, is an important part of their transition planning. We must make every effort to support the future aspirations of rangatahi and their future vocational or employment pathway.