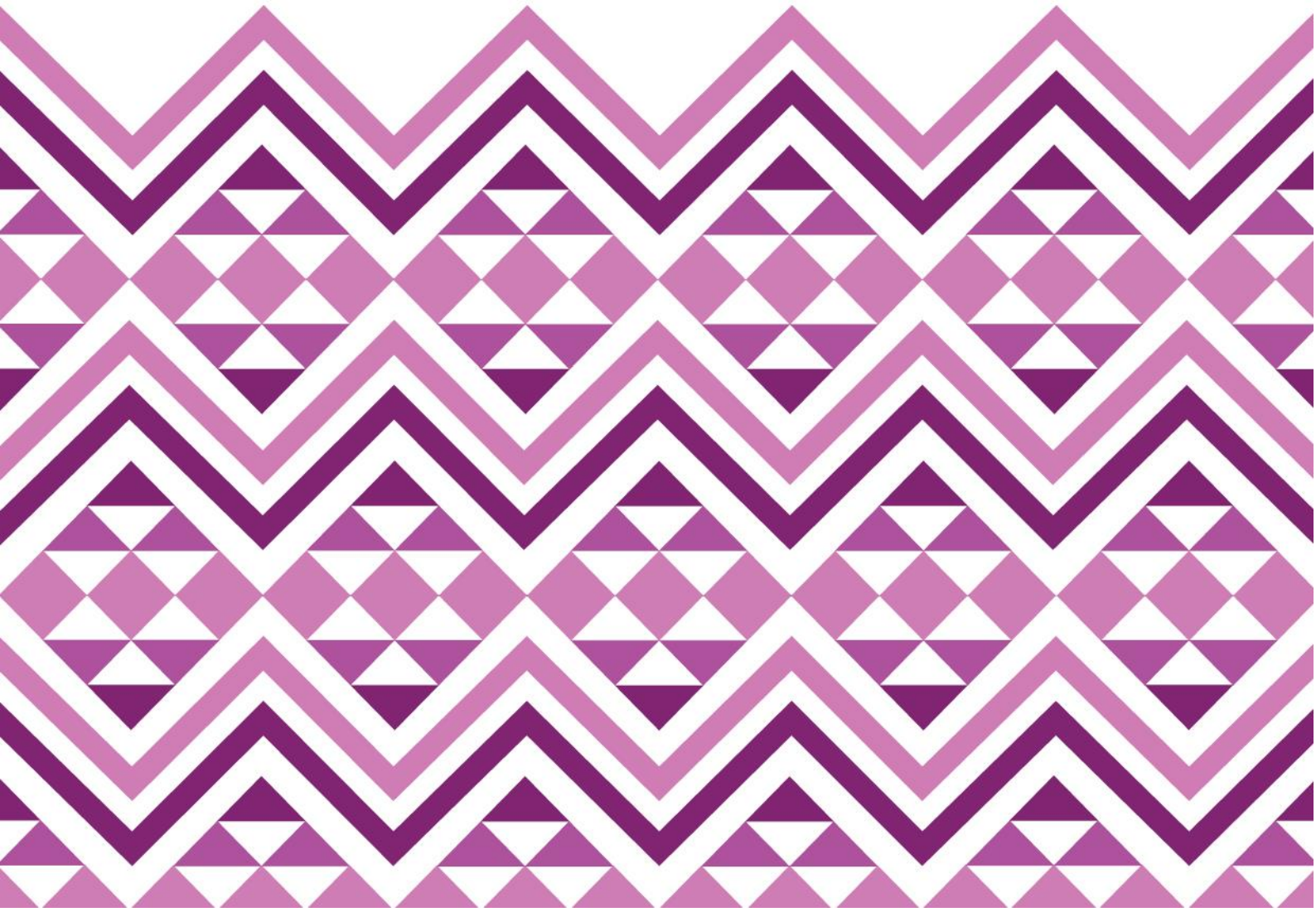


**Response to recommendations from the Office of  
the Children's Commissioner monitoring visit to:**

# **Te Puna Wai o Tuhinapo Youth Justice Residence**

**Visit date - November 2022**



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## Introduction

Te Puna Wai o Tuhinapo is an Oranga Tamariki—Ministry for Children (Oranga Tamariki) Youth Justice Residence located in Rolleston, Christchurch. In November 2022, staff from the Office of the Children’s Commissioner (OCC) completed an unannounced follow-up monitoring visit to Te Puna Wai O Tuhinapo Residence.

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

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

The purpose of the visit was to assess progress against the recommendations made as part of the previous monitoring visit. The last full monitoring visit to Te Puna Wai was in November 2021. During the 2021 visit, the quality of Oranga Tamariki services were assessed against the seven domains relevant to the OCC’s role as a National Preventive Mechanism under the Optional Protocol to the Convention Against Torture and Cruelty (OPCAT). The seven domains are:

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

The draft OPCAT report for Te Puna Wai o Tuhinapo Youth Justice Residence follow-up monitoring was shared with Oranga Tamariki on 21 December 2022.

## Recommendations Summary

The OPCAT report for Te Puna Wai o Tuhinapo Youth Justice Residence examines progress against ten previous recommendations made during November 2021. We value the feedback we receive from the OCC and use recommendations to make improvements where possible.

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	Progress
<b>Systemic Recommendations</b>	
1. Develop a nationwide package of trauma informed programmes to address criminogenic behaviour, alcohol and drug use, life skills, and cultural development.	Limited progress
2. Develop practice tools to embed the use of Whakamana Tangata into every-day operations.	No progress
3. Review the grievance process to be independent and impartial.	No progress
4. Revise the Individual Care Plan and Admission Booklet templates to be functional, youth-friendly, and available in other accessible formats and languages.	No progress
<b>Facility Recommendations</b>	
5. Provide an open unit for females, with structured programmes and activities. The Secure Care Unit is not an appropriate alternative.	Complete
<b>Update</b> As at 25 November the Rakaia Unit was opened for female admissions.	
6. Provide a single unit for all new admissions that can house both males and females to mitigate the risk of Covid-19 transmission.	Complete
7. Reduce the number of use of force incidents and admissions to secure care.	No progress
8. Develop structured programmes and activities outside of school hours and particularly over the school holidays, that cater to different interests and abilities.	Limited progress
9. Develop cultural programmes for mokopuna Māori to support their learning about their whakapapa, matauranga Māori and Te ao Māori.	Limited progress
10. Provide portable electronic devices with secure video calling software to maintain regular contact with whānau and external providers who are unable to visit site.	Limited progress

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

## Response to Systemic Recommendations

Below are the Oranga Tamariki responses to the systemic recommendations made in the Te Oranga Care and Protection OPCAT report.

### Recommendation 1

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

#### Updated 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, mental health needs, intellectual disability, neurodiversity, 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<sup>1</sup> 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.

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 Residences Review<sup>2</sup> and the Minister's formal response to the Residences Review<sup>3</sup> were proactively published on our website on 18 August 2022.

The Future Direction Plan has set a clear direction for the actions required by Oranga Tamariki over the two to five years, and we are progressing this work. 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. The Oranga Tamariki Ministerial Advisory Board is providing independent assurance and advice on the progress of this work.

Oranga Tamariki is also working with our agency colleagues to achieve the mahi set out in our Future Direction Plan. The work is set out in the Oranga Tamariki Action Plan,<sup>4</sup> which will drive integration across the children's system, moving from transactional and siloed services to a joined up, needs-based, outcomes-focused children's system.

We support the development of a national curriculum of programmes for youth justice residences. Oranga Tamariki has talked 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 will continue to work on this in 2023 as a priority.

We are pleased your report identifies that rangatahi are enjoying barbering and painting and decorating modules facilitated by Kingslea School, and that you were made aware of other courses relating to budgeting and simple financial management, interview preparation and curricular vitae writing.

As work progresses on a national suite of training programmes, Te Puna Wai o Tuhinapo and all our youth justice residences will continue to focus on the development of meaningful and engaging programmes and activities for rangatahi.

<sup>1</sup> [OT-Future-Direction-Action-Plan.pdf \(orangatamariki.govt.nz\)](#).

<sup>2</sup> [Ministerial-Advisory-Boards-Residences-Review.pdf \(orangatamariki.govt.nz\)](#)

<sup>3</sup> [Formal-Response-to-the-Ministerial-Advisory-Boards-Residences-Review.pdf \(orangatamariki.govt.nz\)](#)

<sup>4</sup> <https://www.orangatamariki.govt.nz/about-us/how-we-work/oranga-tamariki-action-plan/about-the-action-plan/>



## Recommendation 2

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

### Updated response

Over the last two years, all youth justice residences have adopted a Māori centred practice approach, Whakamana Tāngata. The 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

Whakamana Tāngata aligns 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.

Each Youth Justice Residence has a Kaiwhakaue, a specialist role which focuses on embedding Whakamana Tangata. The role sits within the management team.

Considering the current recruitment and retention issues that are being experienced at Te Puna Wai O Tuhinapo and across youth justice residences nationally, the Whakamana Tangata programme of work has pivoted from developing practice tools. Our approach is now focused on ensuring new and less experienced kaimahi are supported to embed the fundamentals of Whakamana Tangata in their practice.

A national marketing and recruitment campaign for Oranga Tamariki is being developed for relevant social media platforms and is scheduled to launch by March 2023. This work follows nationwide workforce shortages across the organisation and the New Zealand labour market. Recruitment for Oranga Tamariki residences is a specific focus within the broader campaign. This also focuses on recruiting kaimahi experienced in matauranga Māori.

Once the current recruitment and retention issues are addressed, a key focus for the Kaiwhakaue at Te Puna Wai o Tuhinapo and all Youth Justice Residence will be to resume our focus on developing practice tools to embed in Whakamana Tangata every-day operations.

We are continuing on build on the existing training resources for Whakamana Tangata to support kaimahi. Whakamana Tangata training is a two-day learning module in the three-week residence induction programme within Te Waharoa, the Oranga Tamariki residences professional development pathway.

## Recommendation 3

*Review the grievance process to be independent and impartial.*

### Updated 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 a review of 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.

While this co-design work is underway, Oranga Tamariki began implementing a set of immediate improvements to the residential grievance process based on feedback from tamariki and rangatahi in September 2022. The improvements 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.
- Teaching self-advocacy as a social skill.

Current work underway in each of the five areas above includes, in consultation with VOYCE – Whakarongo Mai, working to update forms with simplified language and more visible advocacy options; scoping of a phone option for grievances; scoping of a programme of work to teach self-advocacy as a social skill; developing a new training package to strengthen investigations; holding training workshops with kaimahi to strengthen recording and reporting for all complaints processes; and working with VOYCE – Whakarongo Mai to strengthen the understanding of grievance advocacy through improved resources and communication.

VOYCE – Whakarongo Mai has regularly visited Te Puna Wai o Tuhinapo while tamariki and rangatahi are present at the facility. VOYCE – Whakarongo Mai has open access to our care and protection residences, and their presence is always welcomed.

When tamariki and rangatahi arrive at our 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. Residences also display information about the role of VOYCE – Whakarongo Mai around each residence.

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

## Recommendation 4

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

### Updated response

Regulation 3 of the Oranga Tamariki (Residential Care) Regulations 1996 specifies that each tamariki and rangatahi in an Oranga Tamariki Residence who remain 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 an Oranga Tamariki residence and their responsibilities when achieving these. The ICP also outlines the supports, programmes and services rangatahi can access to help them do this.

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 Te Puna Wai o Tuhinapo.

All Oranga Tamariki residences, provide tamariki and rangatahi with information in a way that is appropriate to their age, stage of development, culture, and any disability they may have. It is important that they 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.

In 2022 we completed 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 being finalised and this draws on the Te Whare Tapa Whā model by Dr Mason Durie as a framework. The contents of the template are aligned to meet best practice expectations for the language and communication needs of the cohort we work with. The new ICP template is aligned with the Oranga Tamariki practice framework, which includes an approach to framing oranga in the context of our work.

The new ICP template will be rolled out shortly and further work will be completed later this year which involves the provision of the new ICP template in other accessible formats and languages.

We have also recently developed 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 further support the new ICP template.



## Response to Facility Recommendations

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

### Recommendation 5

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

#### **Update**

As at 25 November the Rakaia Unit was opened for female admissions.

#### **Updated Response**

This recommendation has been completed.

### Recommendation 6

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

#### **Updated response**

This recommendation has been completed.

### Recommendation 7

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

#### **Updated response**

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

Te Puna Wai o Tuhinapo supports the reduction of use of force incidents, admissions to secure care and searches. These 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 force is used at Te Puna Wai o Tuhinapo or any other residence, it is reviewed by the staff involved, alongside senior managers who watch the 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 we are progressing work to ensure the appropriate application of STAR including revised restraint practices. This work will include frequent staff refresher training, making successful STAR training a requirement for employment, and certification a condition of continued employment. This work is included under Action 4.4 in the Future Direction Plan.

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

The secure care unit at Te Puna Wai o Tuhinapo has a similar physical structure to the 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.

All kaimahi who work in the secure care unit at Te Puna Wai o Tuhinapo, as a priority, are being trained by Kaiwhakaue to embed Ara Tikanga (The Pathway Forward) in their practice. This is based on Mason's Durie's Te Whare Tapa Whā Māori 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.

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 8

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

### Response

We acknowledge the importance of having programmes and activities outside of school hours and particularly over the school holidays, that cater to different interests and abilities.

Predictable daily routines are important. They provide a structure to the day and support tamariki get into a regular pattern of waking/sleeping, eating, learning and recreation/relaxation. It is important that residence establish and maintain a daily routine. During the weekends and public holidays, a more relaxed approach may be appropriate, although for some young people, continuing the same level of daily structure will be important.

We recognise that recruitment and retention issues across our operational staffing group at Te Puna Wai o Tuhinapo is impacting on our ability to develop and deliver programmes that meet the needs of rangatahi. Addressing these issues is a key priority for Te Puna Wai o Tuhinapo.

As mentioned in recommendation 2, a national marketing and recruitment campaign for Oranga Tamariki is being developed for relevant social media platforms and is scheduled to launch by March 2023. This work follows nationwide workforce shortages across the organisation and the New Zealand

labour market. Recruitment for Oranga Tamariki residences is a specific focus within the broader campaign.

Since your monitoring visit, work has been underway to recruit to the vacant Programme Coordinator role. This role was advertised, and we are currently interviewing prospective applicants. We intend to appoint to this role shortly and are hopeful of an immediate start date by the successful applicant.

A key priority for the new Programme Coordinator will be to re-establish structured day planning at the residence. This will involve coordinating a suite of programmes and activities to meet the needs and interests of rangatahi that will be sourced from external providers, and through development of new initiatives.

As recruitment issues are addressed, the Programme Coordinator will support residence kaimahi to develop and plan programmes and activities for rangatahi to participate in on weeknights and during weekends. This is an important part of ensuring a predictable daily routine.

## Recommendation 9

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

### Response

We acknowledge the importance of having cultural programmes available at Te Puna Wai o Tuhinapo to support rangatahi to learn about their whakapapa, matauranga Māori and Te ao Māori. This is an important part of meeting our responsibility to ensure our practice gives regard to mana tamaiti, whakapapa and the whanaungatanga responsibilities of their whānau, hapū and iwi.

As noted in recommendation 5, Te Puna Wai o Tuhinapo is currently focused on addressing recruitment and retention issues. Once a new Programme Coordinator is appointed, an important component of this work will involve sourcing of cultural programmes for rangatahi Māori. The residence's Kaiwhakaue will also support this process.

The Te Puna Wai o Tuhinapo Leadership team intend to rejuvenate Te Roopu at Te Puna Wai o Tuhinapo once staffing levels increase. This is a forum for kaimahi Māori at the residence to meet and consider new ways of integrating matauranga Māori in their mahi with rangatahi Māori. Te Roopu is active in all Youth Justice Residences, enabling collective learning from these forums. We anticipate that once Te Roopu embeds, they will have a strong influence over the development of cultural programmes at Te Puna Wai o Tuhinapo.

Oranga Tamariki maintains a strategic partnership agreement with Te Rūnanga o Ngāi Tahu. Over the coming year, the newly appointed Te Puna Wai o Tuhinapo Acting Residence Manager will further develop the residence's relationship with mana whenua. The guidance and expertise of mana whenua will help shape the development and delivery of cultural programmes to rangatahi Māori.

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

The second intake into the Tū Māia programme is scheduled for this year. Launched in 2022, Tū Māia is a 21-week learning programme delivered across three papers. It is designed and delivered by Te Hāpai Ō partners, and New Zealand's leading Māori Tertiary providers, Te Wānanga o Aotearoa, Te Whare Wānanga o Awanuiārangi and Te Wānanga o Raukawa. Tū Māia incorporates online learning (weekly online classes and self-directed activities), online support, and face-to-face learning (involving three noho wānanga). As staffing increases at Te Puna o Wai o Tuhinapo, kaimahi will be encouraged to attend this valuable learning opportunity to increase their knowledge and skills in relation to matauranga Māori and Te ao Māori when working with rangatahi.

## Recommendation 10

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

### Response

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

Te Puna Wai o Tuhinapo has recently strengthened communication access with video and audio-conferencing facilities and acknowledge that to date this has primarily been used for remote Court appearances. Given these facilities are located away from the units where rangatahi are accommodated, as we continue to prioritise addressing recruitment and retention issues, increased staffing level will enable greater use of these facilities for whānau contact.

We acknowledge your concern with the quality of calls in the phone booths at Te Puna Wai o Tuhinapo not being of an acceptable quality. Technical solutions for this issue are presently being scoped, once an appropriate solution is identified a timeframe for the work will be agreed and the work completed.