

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

Te Au rere a te Tonga Youth Justice Residence

Visit date – February 2023

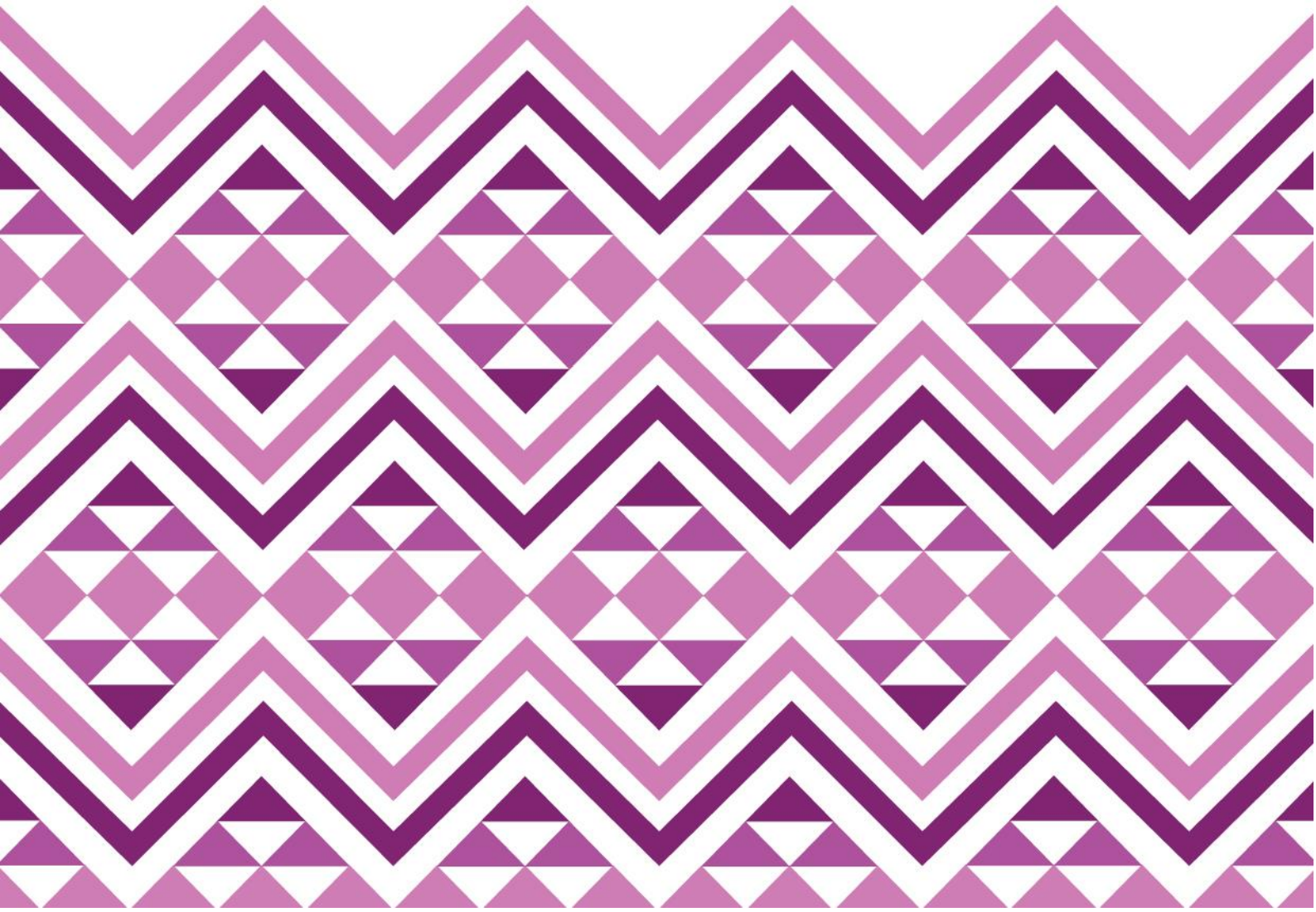


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Introduction

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

In February 2023, staff from the Office of the Children's Commissioner (OCC) completed an unannounced two-day follow-up monitoring visit to Te Au rere a te Tonga Youth Justice Residence. This was a follow-up visit to a three-day full monitoring visit in December 2021.

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

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

The purpose of the visit was to assess the quality of Oranga Tamariki services against the seven domains relevant to the OCC's role as a National Preventive Mechanism under the Optional Protocol to the Convention Against Torture and Cruelty (OPCAT). The seven domains are:

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

The draft OPCAT report for Te Au rere a te Tonga Youth Justice Residence was shared with Oranga Tamariki on 14 April 2023. A second draft report was shared with Oranga Tamariki on 10 May 2023.

Recommendations Summary

The February 2023 OPCAT report for Te Au rere a te Tonga Youth Justice Residence examines progress against the six facility recommendations made following the December 2021 visit. For this report, the OCC did not provide progress updates for the systemic recommendations, instead focusing on the six facility recommendations. We have provided responses to the issues and concerns raised in the report.

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
Systemic Recommendations	
1. Revise the Individual Care Plan templates to ensure they are functional, youth-friendly, and available in other accessible formats and languages.	N/A
2. Develop a nationwide package of training programmes that sits alongside the Te Waharoa Induction programme. Training programmes should include: <ul style="list-style-type: none"> • criminogenic risk factors • alcohol and drug support • mental health needs • intellectual disability • neuro-diversity • life skills • cultural development/capacity building 	N/A
3. The grievance process be reviewed to ensure independence and impartiality.	N/A
4. Liaise with the Ministry of Health regarding accelerated access to medical services for diagnoses when mokopuna are placed in residences.	N/A
Facility Recommendations	
1. Reduce the numbers of restraint and admissions to secure care.	No progress
2. Ensure all Individual Care Plans are signed by mokopuna, dated, and completed to a consistent standard, ensuring mokopuna and whānau involvement.	Limited progress
3. Develop a therapeutic model of care for Te Au rere, which aligns with the principles of Whakamana Tangata and Te Tiriti o Waitangi.	No progress
4. Renovate the admission area to be welcoming.	Good progress
5. Provide additional sensory training for staff, as well as equipment and a dedicated therapeutic space for sensory modulation.	No progress
6. Provide appropriate supervision including cultural supervision to all staff.	No progress

The Oranga Tamariki updated responses to the Te Au rere a te Tonga Youth Justice Residence OPCAT report recommendations are detailed in the remaining sections of this report.

Updated Response to Facility Recommendations

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

Recommendation 1

Reduce the numbers of restraint and admissions to secure care.

Updated response

Use of force

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.

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.

Te Au rere a te Tonga fully supports, where safely possible, using alternatives to the use of force. Use of force is closely scrutinised at the residence and must follow policy and legal requirements. When use of force occurs, a Team Leader will review the event with the kaimahi as soon as possible after this occurs. This is to ensure the action taken by staff is appropriate, determine whether there are any opportunities to strengthen practice and supports the learning and development of kaimahi.

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. STAR refresher training for all youth justice residences has recently been developed, and a rolling implementation is currently being planned.

In addition, each time force is used at Te Au rere a te Tonga and any other residence, it is reviewed by a STAR trainer and senior residence managers. Together they review the CCTV footage of the use of force incident to ensure it was lawful and that practice requirements were met. The outcome of this review is documented, and in any instances where further investigation is required, an electronic recording of the CCTV footage is saved.

In 2021, a use of force panel was established to review instances of use of force in youth justice residences where harm is alleged and/or an injury has occurred. 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. The panel meet as and when required, and to date this hui have occurred quarterly due to the low number of these events.

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 training on practice and recertification of all staff. This work is included under Action 4.4 in the Future Direction Plan.

The first stage of the Future Direction Plan work will include working with Social Service Workforce Development Council Toitū te Waiora to design and develop qualifications for the care sector in partnership with New Zealand Qualifications Authority (NZQA). The Safe Tactical Approach and

Response NZQA qualification has since been developed, and implementation will occur this year after this work is aligned to the broader Oranga Tamariki micro-credential strategy and process.

Secure care

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

The secure care unit at Te Au rere a te Tonga reflects the same physical structure as other units. Rangatahi have a bedroom and access to communal areas for education, recreation and socialisation with staff and other young people. They are not places of isolation, and the time limits for detention in secure care are set out in section 370 of the Act. A child or young person cannot remain in secure care longer than three consecutive days without prior approval being granted by the Youth Court.

In your report kaimahi reported secure care is used to manage rangatahi with mental health needs. Our records show these young people met the grounds for a secure care admission (behaving in a manner likely to cause harm to themselves and others). Following your visit, the leadership team has undertaken further coaching and mentoring with secure care kaimahi to better support their understanding of secure care.

We acknowledge that mental health concerns may be a contributing factor that impacts on the ability of rangatahi to self-regulate their emotions and behaviours and can assure you that the decision to place any rangatahi in secure care is never made lightly. This decision is only be made when the legal grounds for an admission to secure care is met. As indicated in your report, these secure care admissions were short in duration, which was the result of kaimahi providing these rangatahi with close support to help them quickly address the grounds for their admission.

A suite of Secure Care Standard Operating Procedures has been developed and it is intended that these will provide further clarification for kaimahi regarding the safe, legal and fair operation of secure care. The implementation of these standards at Te Au rere a te Tonga, and all residences, is planned for the second half of this year.

We are actively reviewing the legislation applicable to residential care to ensure it reflects best practice and supports the successful implementation of the new operating model for Oranga Tamariki, as set out in action 1.5 of the Future Direction Plan. The review includes identifying whether changes are required to provisions for the use of secure care, restraint, and searches to ensure they are used as a last resort and in a manner that is consistent with the rights, mana and dignity of children and young people.

Recommendation 2

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

Updated response

We are pleased that your report identifies that the recently updated Individual Care Plans (ICP) is mokopuna-friendly, written in plain language and uses colourful imagery. We note that your report found the use of the new ICP template was inconsistent, we are in the process of transitioning to the full use of this template.

We acknowledge the importance of ensuring ICP are maintained to a consistently high standard and that tamariki and rangatahi are involved in the development of these plans. This is a requirement

under regulation 3 of the Oranga Tamariki (Residential Care) Regulations 1996 (the Residential Care Regulations).

Regulation 3 specifies that each tamariki and rangatahi in an Oranga Tamariki residence who remains for longer than five days must have an ICP. The ICP sets out the objectives tamariki and rangatahi are required to complete while at the residence and their responsibilities when achieving these. The ICP also outlines the supports, programmes and services tamariki and 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 (the National Care Standards). The 'All About Me' plan is designed to enable kaimahi 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 Au rere a te Tonga, including their transition planning.

Kaimahi at Te Au rere a te Tonga, 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. Similarly, it is equally important to involve whānau at every step of the care planning process.

We acknowledge the findings in your report, and completely support the need to ensure rangatahi and whānau are involved in the development of ICPs, and that these have an appropriate level of detail about behavioural needs and related interventions.

Recruitment issues have impacted the Clinical Team, which has been a contributing factor to the quality of ICPs. A national marketing and recruitment campaign for Oranga Tamariki has been developed for relevant social media platforms and was launched earlier this year. 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.

We have recently recruited to three Case Leader vacancies in the Clinical Team and anticipate that this will support the prompt resolution of the issues you have identified.

As a result of your visit, the Team Leader of Clinical Practice (TLCP) is maintaining a closer focus on the quality of ICPs. This work is being supported by the Quality Lead, who reports directly to the Residence Manager regarding quality assurance across all operational processes at Te Au rere a te Tonga.

The Team Leader Clinical Practice and Quality Lead will together monitor progress against this recommendation, undertaking monthly quality assurance audits. If there are no further concerns identified over the next six months, we will consider this recommendation completed.

Recommendation 3

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

Updated response

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 Oranga Tamariki 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](#) and the [Minister's formal response](#) to the Residences Review were 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 next several 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. Assurance on the progress of this work is monitored by the Ministerial Advisory Board.

The new model of care is being 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 work is scheduled to be completed in 2023.

While the national-level work identified above continues, Te Au rere a te Tonga remains fully committed to providing care that supports a therapeutic approach. The residence does this in several ways by:

- Applying expert guidance and advice from the forensic mental health team, and onsite health and education providers in behavioural interventions for rangatahi
- Utilising the newly appointed residence senior psychologist to provide a consultation service to the wider residence to support care planning, effective interventions, and integrated services for our rangatahi in care with partner agencies; for example education and health and iwi organisations.
- Engaging rangatahi in therapeutic-based programmes and activities that:
 - increase cultural connectedness; for example, expanding their understanding of matauranga Māori and whakapapa through our relationship with local iwi
 - support strengthened whānau engagement by providing opportunities for family activities and supervised contact outside of the residence
 - provide pro-social and personal development through involvement in values-based sports engagements and positive community interaction with other sports teams, such as our Hidden Face of Sports Programme.
 - engage off-site outdoor education, such as horticulture, fishing, free-diving, mountain biking and adventure confidence courses, that provide a connection to our natural environment and are shown to help alleviate stress and support wellbeing.

Please also refer to our updated response for facility recommendation 5, which outlines other work occurring at the residence to support the provision of therapeutic response by kaimahi when working with rangatahi.

The Senior Psychologist, Team Leader of Clinical Practice, and Programme Coordinator will continue to monitor the residence's progress delivering therapeutic based-programmes and activities while overarching national work continues.

Recommendation 4

Renovate the admission area to be welcoming.

Updated response

We are pleased your report identified that the admissions area has been renovated, and you noted the area was bright and clean with appropriate amenities. The renovation work in the admissions area has been completed since your visit, and we look forward to showing you the improvements when you next visit.

Recommendation 5

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

Updated response

As noted in our updated response to facility recommendation 3, we recruited a Senior Psychologist earlier this year, this role provides a consultation service to the residence. This will help support care planning, effective interventions and integrated services for our rangatahi in care with partner agencies, for example education and health and iwi organisations.

A key priority for the Senior Psychologist is to develop a suite of training resources for kaimahi that help support a therapeutic approach to their practice. This includes the development of sensory training, which is currently being planned in consultation with an Occupational Therapist with sensory expertise. The new training will be developed and implemented over the next six months.

We acknowledge the importance of providing a therapeutic space for rangatahi. The Senior Psychologist has commissioned an assessment of our physical environment by the Occupation Therapist to determine ways we can adapt the physical environment to support more dedicated therapeutic spaces. This work will be aligned with programme work set out and follow the same timeframe.

Following your visit to the residence, the management team have reviewed your findings regarding the use of sensory items. The leadership team has spoken with team leaders about the use of touch-related sensory items for rangatahi, and a reminder has been provided to kamahi on how to access these.

The management team are assessing the use of new items to expand the current range of touch-related or fidget toys, and other items like weighted blankets, bean bags and noise reducing headphones. The use of these items will be supported by the training package that is established as set above. These items will then be used according to the outcome of our environment assessment and the identified therapeutic spaces where it is appropriate and safe to use these.

To further support a therapeutic practice approach by staff, the Senior Psychologist is currently delivering training on psychological safety. The training examines what stress is and how this affects us; the stress response and how our brain reacts under stress; and psychological safety and how we can create calm. Kaimahi explore each of these programme components from the perspective of supporting rangatahi, and how rangatahi may perceive the behaviour of kaimahi through a trauma-informed, developmental, relational and cultural lens. It is intended that this will help provide increased psychological safety for rangatahi and kaimahi, supporting more therapeutic interactions.

Recommendation 6

Provide appropriate supervision including cultural supervision to all staff.

Updated response

Oranga Tamariki is committed to developing supervision and encourages kaimahi to make use of all forms of supervision (dyad or supervisor/supervisee supervision, group supervision, peer supervision, cultural supervision) to reflect, learn and stretch. Focusing on kaimahi ora is also an important part of the supervision process.

The development of supervision is an organisational priority and forms part of the [Future Direction Plan](#). We have committed to working with the Social Workers Registration Board to introduce micro-credentialing for supervision and other specialist areas, which recognises the skills and knowledge

that are required by supervisors and other specialist roles, as set out in Action 4.3 of the Future Direction Plan.

In line with our new practice shift and framework, Oranga Tamariki is also updating its supervision policy to reflect our commitment to the Treaty of Waitangi, mana-enhancing practice, and Te Ao Māori principles of oranga that support mana tamaiti, whakapapa and whanaungatanga. This is an important part of meeting our obligations under section 7AA of the Oranga Tamariki Act 1989. We are developing a permanent policy for cultural supervision in line with our section 7AA commitment, as increasing the cultural competence of our workforce is an organisational priority. Cultural supervision at Te Au rere a te Tonga can be accessed externally when requested.

We recognise the importance of regular professional supervision. As per our professional supervision policy, the Social Work Registration Board's policy requires that social workers **"...access regular and appropriate supervision at least monthly and in a manner that is consistent with reasonable expectations of the levels of skill and practice ability of the individual."** In this regard, registered social workers at Te Au rere a te Tonga undertake regular one-to-one supervision, which is facilitated externally. This can be weekly, fortnightly or monthly according to the development needs of each social worker. As per the same policy, youth workers are provided with group supervision every three weeks. In some instances, when youth workers have specific development needs, one-to-one supervision is provided.

Further work on supervision practice will be developed throughout 2023 to include a more specific focus on supervision practice for youth justice and care and protection residential facilities. Increasing the frequency and type of supervision for youth workers is being considered as part of this work.

Following your visit to Te Au rere a te Tonga, the leadership team reviewed your report findings. Our records show that individual and group supervision is occurring in line with our policy requirements, although we have found gaps in the understanding our kaimahi have around the function of supervision. The leadership team is working closely with kaimahi to increase their understanding of, and engagement in, supervision.

The 'Frontline Leaders Training Programme' is currently being rolled out nationally to all residence team leaders. The programme focuses on developing leadership and practice skills and is intended to help team leaders and our organisation to improve and sustain quality care and interventions for rangatahi and whānau. The second component of this programme focuses on leading kaimahi, which includes supervision and performance management training.

In addition, we are focused on ensuring Te Au rere a te Tonga kaimahi understand how to fully benefit from group supervision opportunities like daily briefings and debriefings before and after each shift to support their individual learning and reflection. Kaimahi are also encouraged to actively take part in training days every three weeks, further developing their practice. Other types of leaning and development like coaching and mentoring, and advice and guidance are also available.

The progress of the recommendation will be monitored by the leadership team.