

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

Te Oranga Care and Protection Residence

Visit date - October 2021

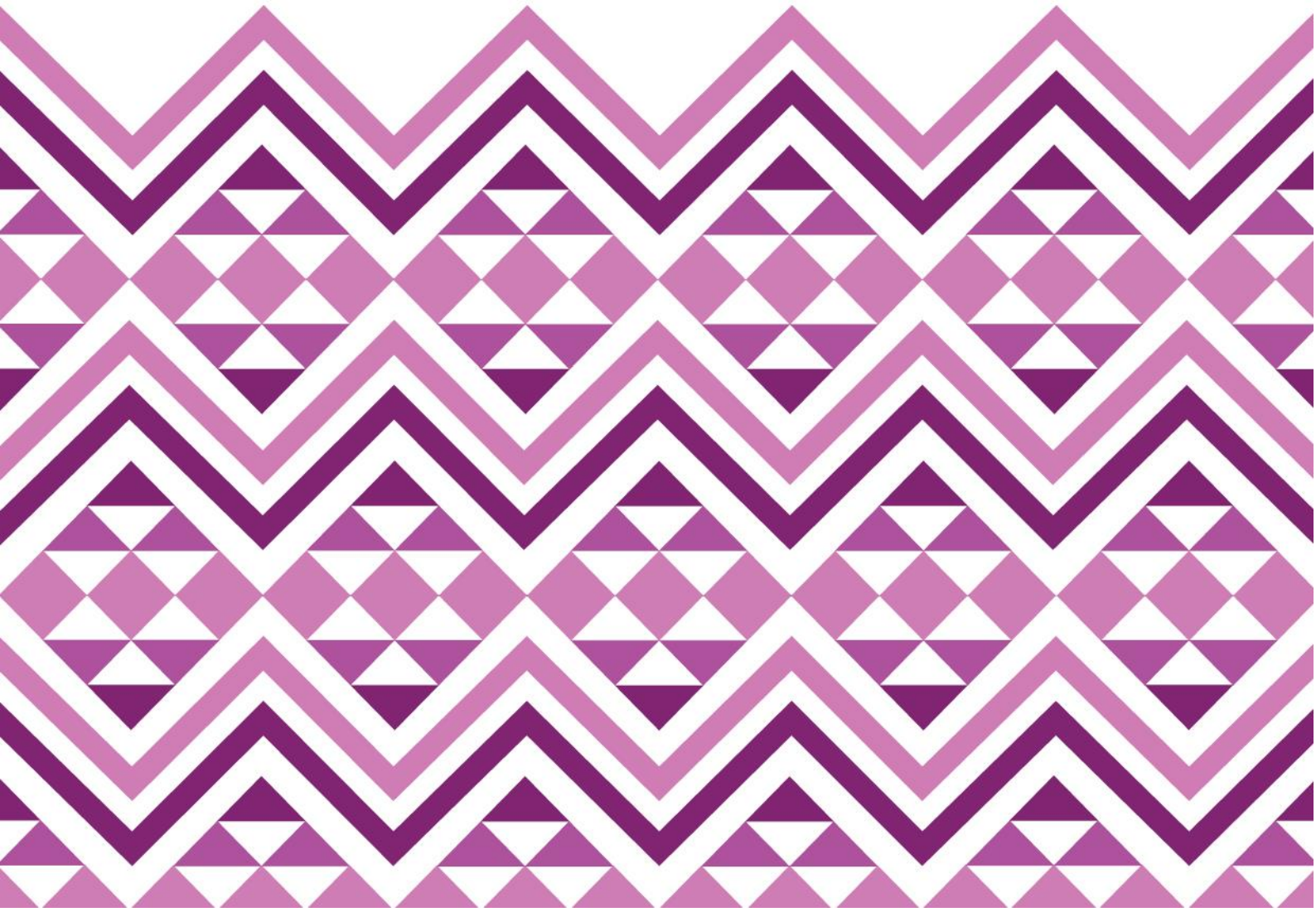


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Introduction

Te Oranga is an Oranga Tamariki—Ministry for Children (Oranga Tamariki) Care and Protection Residence located in Otautahi (Christchurch). In October 2021, staff from the Office of the Children's Commissioner (OCC) carried out an unannounced monitoring visit to Te Oranga Care and Protection Residence.

Te Oranga has capacity for ten children and young people. Most of the tamariki staying at the Residence had transitioned from Te Oranga before the OCC's visit. This followed the Chief Executive of Oranga Tamariki announcing on 1 July 2021 that Te Oranga would be closing. This decision was based on a serious event that came to light in mainstream media on 28 July 2021.

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.

In addition, the timing of visit served to follow up on an escalated grievance made by a tamaiti at Te Oranga relating to the effect the Residence's closure had on their health and wellbeing.

The draft OPCAT report for Te Oranga Care and Protection Residence was shared with Oranga Tamariki on 18 February 2022.

Recommendations Summary

The OPCAT report for Te Oranga Care and Protection Residence makes eight recommendations and we have accepted all of these.

Strengthening practice is an organisational priority and we continue to work towards ensuring consistent, quality practice, that is collaborative culturally responsive and meets the needs of tamariki and rangatahi. We are committed to achieving better outcomes for tamariki and rangatahi.

Recommendations	Status
Systemic Recommendations	
1. Commission an independent review of Te Oranga to inform the future of this residence and others.	Accepted
2. Develop a change management process for future residence restructure or closure that has mokopuna at the core of planning.	Accepted
3. Develop and implement a workforce strategy to address appropriate staffing levels, recruitment and training in all residences.	Accepted
4. Develop a robust strategy to transition mokopuna from residence to include a range of suitable specialist placements – particularly for those with complex needs.	Accepted
5. Develop a process whereby kaimahi can safely raise concerns.	Accepted
6. Review the grievance process to ensure independence and impartiality.	Accepted
Facility Recommendations	
1. Strengthen the relationship with mana whenua to help build the cultural competency of staff and support mokopuna Māori to connect with their whakapapa.	Accepted
2. Consult with mokopuna on the renovation and rejuvenation of the residence.	Accepted

The Oranga Tamariki responses to the Te Oranga Care and Protection 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

Commission an independent review of Te Oranga to inform the future of this residence and others.

Response

Following serious issues being raised in late June 2021 at Te Oranga Care and Protection Residence, several internal and external reviews were commissioned.

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 immediately following the serious issues being raised. The Minister recently received that Review and provided the Board with a formal response. Both the report and the Minister's response will shortly be proactively released.

Two independent reviews were also commissioned, the first review was for Te Oranga staff where they could have an independent forum to raise all concerns and share their view of the challenges of working in Te Oranga. This review was completed on 16 August 2021.

The second independent review focused on the circumstances, events and allegations reported in the media in June 2021 and any subsequent concerns raised by tamariki. This review is ongoing due to the Police investigation underway into the allegations of excessive force.

A review of use of force across all residential settings, both Care and Protection and Youth Justice Residences (with exception to Te Oranga) was completed, which determined that the excessive use of force seen in the video was not a widespread systemic issue in residences.

In October 2021, we announced that Te Oranga would remain open but operate with a new model of care which is currently being developed. The new model will ensure the care that is provided to tamariki is at the highest standard which tamariki, rangatahi, their whānau and the wider community can trust.

The new model of care is being developed as part of the Future Direction Plan with oversight of progress monitored by the Oranga Tamariki Ministerial Advisory Board.

We acknowledge your recommendation is based on the information you had available at the time of your visit. During the past six months significant work has been done or is still underway to address any concerns at the facility. We do not support an additional review being commissioned at this time, and have confidence that the reviews above, and the development of a new model of care meets the intent of this recommendation.

Recommendation 2

Develop a change management process for future residence restructure or closure that has mokopuna at the core of planning

Response

A new direction for Oranga Tamariki has been set. The changes to improve the Oranga Tamariki system are set out in our Future Direction Plan, which draws together the themes from the Ministerial Advisory Board's report, *Hipokingia ki te Kahu Aroha Hipokingia ki te Katoa*, as well as recommendations from previous reviews and the Waitangi Tribunal inquiry. An important part of the Future Direction Plan is the closure of Care and Protection Residences, which is detailed in Action 1.7, page 6 here: [OT-Future-Direction-Action-Plan.pdf \(orangatamariki.govt.nz\)](#)

Oranga Tamariki accepts that Care and Protection Residences are not the right environment for some of the most vulnerable tamariki and rangatahi in our community. That is why we are developing a model that puts the interests of tamariki and their whānau front and centre.

Our current model of care for tamariki with acute and complex needs does not reflect our aspirations to protect and support tamariki, rangatahi, and their whānau in their communities. While our kaimahi are very much focused on tamariki wellbeing, the system and environment of a Care and Protection Residence does not sufficiently support this.

Work is underway to develop new options to transition away from the current Care and Protection Residences. When this occurs, comprehensive change management planning will be progressed and we will ensure appropriate consultation occurs, and supports are made available, to tamariki and our care and protection kaimahi.

While the physical environment is an important component of any residential care option, this needs to be accompanied by a comprehensive new model of care for our tamariki and rangatahi with the highest needs. This model would sit within a broader continuum of care and support for high needs tamariki including Māori, Pasifika, and those with disabilities.

Recommendation 3

Develop and implement a workforce strategy to address appropriate staffing levels, recruitment and training in all residences.

Response

An important part of the Oranga Tamariki Future Direction Plan is the development of a workforce strategy that will support high quality social work, as detailed in Action 2.5. A key part of this work focuses on training, career progression pathways, leadership and professional development and workforce planning. Action 2.5 can be found on page 7 of the Future Direction Plan here: [OT-Future-Direction-Action-Plan.pdf \(orangatamariki.govt.nz\)](https://www.orangatamariki.govt.nz/assets/Uploads/OT-Future-Direction-Action-Plan.pdf). It is anticipated this will help to better support all existing kaimahi in their respective roles, and with future recruitment.

While the Oranga Tamariki workforce strategy is being developed, there are some immediate actions being undertaken across Oranga Tamariki residences to assist with this, including:

- Standardising job titles and requirements for these roles across Care and Protection and Youth Justice Residences. This work is due to be completed by 30 June 2022.
- Progressing workforce development strategy with new training and development opportunities for Oranga Tamariki residence kaimahi:
 - Youth Justice Residences have developed a residential workforce competency framework, which focuses on Collaboration, Leadership, Kaimahi Ora, Workforce Qualifications and Residential Curriculum. In partnership with the Workforce Council Toitū te Waiora, Oranga Tamariki has made an application to NZQA to micro-credentialise STAR (Safe Tactical Approach and Response) training, Te Waharoa (induction programme) and Leadership training for residence staff. This will ensure that these programmes meet tertiary and industry standards.
 - Care and Protection Residences are developing a workforce development strategy embedding the Te Waharoa induction programme into residences and supervised group homes and developing a workforce development programme with a future focus. This will take place throughout 2022. One part of this plan is to establish pathways for accredited training for Youth Workers in residences. Care and Protection residences have appointed a National Training Coordinator and are recruiting Training Leads in the Care and Protection Residences who will focus on the development of a workforce development strategy and further embedding training programmes already underway (such as Alert, Maori Practice Framework and Safety Intervention) for all residential kaimahi.

Recommendation 4

Develop a robust strategy to transition mokopuna from residence to include a range of suitable specialist placements – particularly for those with complex needs.

Response

After the serious event of 28 June 2021, the Oranga Tamariki Chief Executive announced on 1 July 2021 that Te Oranga would be closed. This decision was made in the context of the information available at that time, and the wellbeing and best interests of the tamariki and rangatahi who were staying at Te Oranga were at the heart of the decision.

We acknowledge that the decision to close Te Oranga did cause uncertainty. Providing rangatahi with certainty and support prior to their transition back into the community is an integral part of supporting successful transitions. Our kaimahi are in a unique position to develop quality relationships with rangatahi, and they made every effort to support these rangatahi as decisions about their future care were made.

For Care and Protection Residences, transition planning begins with social workers and the need to show where the tamariki and rangatahi will transition to and the planning for this. This is crucial, as it helps to alleviate any anxiety or uncertainty tamariki and rangatahi may have regarding their ongoing care.

Throughout the journey of te tamaiti or rangatahi through a residence, the Multi Agency Team (MAT) oversee transition planning through regular hui. MAT meetings include representation from Oranga Tamariki residences and sites, health and education services, and any other provider who may be involved with or planning care for te tamaiti or rangatahi. Whānau are also encouraged to attend MAT hui.

Tamariki and rangatahi are invited to attend MAT hui or their views are sought and represented if they prefer not to attend. Tamariki can also provide input into their transition planning by speaking to their whānau, residence staff, and social worker.

Tamariki and rangatahi also have an 'All About Me' plan which is completed by their social worker and residence kaimahi in collaboration with them and their whānau. This plan identifies the care requirements of te tamaiti including any relevant case history, and how their current strengths, hopes and dreams can support any overarching court plan, future objectives, and transition planning.

VOYCE - Whakarongo Mai visit Oranga Tamariki residences on a regular basis and provide independent advocacy services for tamariki and rangatahi, which also helps to elevate their voice in transition planning. Further work is underway to strengthen the understanding of tamariki and rangatahi about accessing VOYCE - Whakarongo Mai for this purpose.

National oversight of transitions occurs across a range of business units, including bi-weekly national residential services transition meetings, and regular meetings with the region and site kaimahi. Meetings with the National High Needs Hub also occur, as they manage specialist care placements and are often instrumental in establishing these. Updates and areas of concern are communicated monthly to the Care Services Deputy Chief Executive and Regional Managers of Services for Children and Families.

Throughout the transition planning mechanisms identified above, tamariki and their whānau are continually provided with regular updates and encouraged to have their say in the setting of goals together.

Finally, as outlined in our responses to recommendation 1 and 2, we are developing a new model of care and options to transition away from care and protection residences. As this work progresses, careful consideration will be given to transitions, and how related policies and practices can be strengthened to reflect the new changes that we make. A key part of this work is ensuring that these changes align with our aspirations to protect and support tamariki, rangatahi, and their whānau in their communities.

Recommendation 5

Develop a process whereby kaimahi can safely raise concerns.

Response

Oranga Tamariki strives to provide a safe and inclusive workplace free from any form of wrongdoing or inappropriate conduct or behaviour and supports a culture where kaimahi are encouraged to speak up in any circumstance and through any channel without fearing harm as result. This includes providing information, support and guidance for staff and managers to raise awareness and understanding of how to speak up and respond to concerns.

We recognise that the serious event of 28 June 2021 at Te Oranga Care and Protection Residence showed that residence kaimahi did not use established channels for raising their concerns. In response to this, early in July 2021 national communications were sent to all Oranga Tamariki kaimahi reminding them of how they can safely raise their concerns. As part of raising the awareness of all kaimahi of the importance of these processes, managers were encouraged to check in with their staff, and continue to check in, to ensure staff understood how to raise concerns and felt comfortable to do so.

If any Oranga Tamariki kaimahi have a concern, we want to know. We want all kaimahi to feel safe to immediately raise their concern in any circumstance and through any channel they feel most comfortable with. The following channels are available to raise a concern:

- Your manager or another manager
- Benestar (an employee assistance programme)
- HR Operations and HR helpline via email
- Risk and Assurance team via email
- Safety and Wellbeing team for safety and wellbeing concerns via email
- Through SOSHI incident reporting system for bullying and harassment concerns
- External person such as a union representative, lawyer, Social Workers Registration Board (SWRB) or Aotearoa New Zealand Association of Social Workers (ANZASW)
- For Protected Disclosures, Chief Executive Chappie Te Kani via email.

In addition to these channels, external support is also available for kaimahi who do not feel comfortable raising concerns internally or who wish to talk to someone outside of Oranga Tamariki:

- KIAMAIA Integrity Phone Line: KIAMAIA is an independent reporting service that provides an anonymous and simple way for you to raise concerns about the integrity of our people or mahi.
- Bullying, Harassment and Discrimination Phone Line: Kōrero Ake is a non-judgmental, independent service for any questions about bullying harassment or discrimination or complaints about this which includes explaining the options, processes and support available.
- Benestar (Employee Assistance Programme): Our EAP service provides all staff free professional counselling to discuss any issues including relationship and family difficulties, mental or emotional wellbeing, money worries, abuse, addiction, or bereavement.

We acknowledge that this recommendation was based on the serious event at Te Oranga and related factors that resulted in your monitoring visit and assessment of the systemic conditions evident at that time. As outlined above, we are confident that the response immediately after the event and the existing channels that are available respond to the intent of your recommendation.

Recommendation 6

Review the grievance process to ensure independence and impartiality.

Response

As part of the National Care Standards Regulations 2018, every tamaiti and rangatahi is entitled to receive information about what they can expect in our care or custody and be supported to raise any

concerns they have. This includes ensuring information about making complaints, accessing support services and independent advocacy is available to all tamariki and rangatahi.

In August 2021, a project, Manaaki Kōrero, commenced to review the Oranga Tamariki feedback and complaints systems. Specifically, this work focuses on:

- Delivering immediate improvements to the residential grievance process, including informing our review of the Oranga Tamariki (Residential Care) Regulations 1996.
- Designing and delivering fit for tamariki, rangatahi and whānau non-residential feedback and complaint processes, including enhancements to existing processes.
- Develop mechanisms to enable tamariki, rangatahi and whānau to get information, advice and assistance when needed.

Feedback from key kaimahi is being sought to support this work. Oranga Tamariki have partnered with VOYCE - Whakarongo Mai to support tamariki, rangatahi and whānau to co-design Manaaki Kōrero.

Manaaki Kōrero will inform the future operating approach for all feedback and complaints processes across Oranga Tamariki residences.

VOYCE - Whakarongo Mai regularly visited Te Oranga while tamariki and rangatahi were present at the facility. VOYCE - Whakarongo Mai have open access to our Care and Protection Residences, and their presence is always welcomed.

When tamariki and rangatahi arrive at the Care and Protection Residences, they receive introductory packs which includes information about how to make complaints and access independent advocacy. This information is explained in a way that is appropriate for their age, development, language, and disability. Care and Protection Residences also display information about the role of VOYCE - Whakarongo Mai around each residence.

Tamariki and 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.

Response to Facility Recommendations

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

Recommendation 1

Strengthen the relationship with mana whenua to help build the cultural competency of staff and support mokopuna Māori to connect with their whakapapa.

Response

The relationship between Te Oranga and mana whenua is long-standing.

Mana whenua have supported the Residence Manager to identify tikanga that forms the basis for how kaimahi work in Te Oranga. Additionally, advice is sought from mana whenua on the way kaimahi can move towards a Te Ao Māori approach to care in the Residence. A cultural analysis has recently been completed by mana whenua which will highlight key areas of focus for the Residence in the future.

The majority of staff at Te Oranga have now completed the Māori Practice Framework workshops. Oranga Tamariki has enhanced its 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 Oranga Tamariki staff and provides support and development to elevate the practice competency of practitioners. The Practice Framework will support staff 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. This training will be further embedded across 2022 as a focus of the Workforce Development Strategy.

Mana whenua have held workshops, taking inspiration from the local landscape, which have provided Te Oranga with a cultural narrative to engage tamariki in connecting with their whakapapa. An important part of this narrative involves recognising that whakapapa is a gift from tupuna that helps to empower tamariki at the Residence. This also provides residence kaimahi with matauranga Māori specific to the whenua that supports a more holistic, therapeutic, loving and friendly environment.

Recommendation 2

Consult with mokopuna on the renovation and rejuvenation of the residence.

Response

Consultation with tamariki and rangatahi about the renovation of Te Oranga Care and Protection Residence was completed in late 2021 prior to the transition of all tamariki and rangatahi from the Residence. Kaimahi met with architects and tamariki to seek their views on the design and feedback was incorporated into the final work.

We now consider this recommendation completed.