

# Hon Kelvin Davis

MP for Te Tai Tokerau

Minister for Māori Crown Relations: Te Arawhiti

Minister for Children

Minister of Corrections

Associate Minister of Education (Māori Education)



14 February 2022

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Tēnā koe Matthew

## **Review of provision of care in Oranga Tamariki residences: Report of the Ministerial Advisory Board**

Thank you for your letter of 11 October 2021 and report following the Ministerial Advisory Board's review of Oranga Tamariki Care and Protection and Youth Justice Residences.

This letter outlines the actions I have taken since receiving the Board's report, including the work I have asked Oranga Tamariki to progress in response to the findings outlined in the report.

I was encouraged to read that, while the Board's overall assessment of residences is mixed, with adequate resourcing and prioritisation, the gaps identified through the report can be remedied and improvements made. I look forward to working together with the Board to ensure this happens.

I was also heartened to see that both staff and young people in the residences felt comfortable to share their thoughts about the challenges and opportunities they see. It is essential that their voices are heard and responded to.

I agree with your overall assessment and the areas identified by the Board for immediate action, in particular the shortage and demand for treatment places and the urgent need for a social sector workforce plan.

Upon receipt of your report, I asked Oranga Tamariki for a response to the main observations and recommendations. I also met with my officials that are responsible for Care and Protection and Youth Justice to discuss how they intend to address these, particularly the areas the report has identified as requiring immediate attention.

I have accepted all the findings and recommendations set out in the report and asked Oranga Tamariki to provide me with a briefing of the activities underway to address these (attached at Appendix One). You will note that several of the recommendations align with the recommendations the Board made in *Hipokingia ki te Kahu Aroha Hipokingia ki te katoa (Te Kahu Aroha)*.

As you are aware, in August 2021 Cabinet agreed to a Future Direction Plan for Oranga Tamariki which draws together themes from across *Te Kahu Aroha*, and recommendations from previous reviews including the Waitangi Tribunal report. There are also areas where changes can be implemented sooner than the systemic recommendations made in *Te Kahu Aroha*, it is my expectation Oranga Tamariki will be progressing this work with urgency.

Oranga Tamariki agree with the findings of the report that there is a shortage of placement and treatment options for tamariki and rangatahi with high and complex needs. I have been advised that, as part of the work to support the Future Direction Plan, Oranga Tamariki is designing a new Model of Care that will inform the approach to providing acute and secure care for this cohort. This is expected to support how Oranga Tamariki addresses the demand issues highlighted in the report.

With regard to the workforce matters identified in the report and the need for a social sector workforce plan, a workforce strategy is being progressed as part of the actions underway in response to *Te Kahu Aroha* and the Future Direction Plan (Action 2.5). Oranga Tamariki has established specialist caregiver roles for tamariki and rangatahi with high and complex needs (Action 2.7) with further work in this area to be undertaken in early 2022, alongside the development of a three-month post-degree professional practice course (Action 4.8). The workforce strategy will clarify the role of Oranga Tamariki social workers and other professionals, such as Youth Workers, and the specialist/high and complex needs residence workforce. It will include training, career progression pathways, and professional development.

I note in your letter that there are a range of issues relating to the provision of care, both in residences and in the community that you propose would be included in the next phase of the Board's work programme.

Thank you again for all the work you have done, and for your commitment to identifying the changes to the system that are needed to deliver better outcomes for tamariki, rangatahi, and whānau.

Nāku iti noa, nā

A handwritten signature in blue ink, appearing to read 'Kelvin Davis', written in a cursive style.

Hon Kelvin Davis  
**Minister for Children**

Residences Review Recommendations Table

No.	Residences Review Recommendation	Activities underway	Action
1.	<p>There is a shortage of placement and treatment options for tamariki presenting with high and complex needs, and who are potentially at imminent risk of harm to themselves and/or to by others. This is a pressing and immediate issue. The first priority for these tamariki and rangatahi must be that there are appropriate options for them to have a safe place to go, where the risk of any harm to themselves or others can be appropriately managed. <b>This means plans for new residences should be accelerated so that the range of options for residential care is expanded and more placements are made available over the coming years. It also means that current residences must be adequately supported</b>, as they will be needed at existing capacity at least until a full suite of new residential care options are in place, if not in addition to the new builds for the long term.</p>	<p>Work is currently underway through Actions 1.7 and 4.7 of the Future Direction Plan.</p> <p><b>Action 1.7</b> - Through a fit-for-purpose transition plan, close our current care and protection residences and replace them with a model that enables tailored care for tamariki with high and complex needs.</p> <p><b>Action 4.7</b> - Through a fit-for-purpose transition plan, close our current residential and protection homes and replace them with smaller purpose-built homes to enable tailored care for the high complex needs tamariki in care</p> <p>Identifying the workforce needs of the current residences while we transition to a full suite of new residential care options, will be addressed in the new workforce strategy (Action 2.5).</p> <p><b>Action 2.5</b> - Develop a workforce strategy that will support high-quality social work, which will include;</p> <ul style="list-style-type: none"> <li>- clarifying the role of Oranga Tamariki social workers, and other professionals</li> <li>- working alongside the Social Worker Registration Board and the Aotearoa New Zealand Association of Social Workers to continue to build the social work workforce identifying the workforce needs of the community, regions and sites.</li> <li>- training, career progression pathways, leadership and professional development and workforce planning.</li> </ul>	
2.	<p>As recommended in Te Kahu Aroha, a social sector workforce plan is urgently needed. The workforce strategy that Oranga Tamariki is developing in response to this recommendation should explicitly include ensuring the residential workforce:</p> <ul style="list-style-type: none"> <li>• has the right mix of skills and specialisation</li> <li>• is appropriately valued at Oranga Tamariki</li> <li>• is recruited, inducted, trained and skilled for the levels of specialised care needed at the residences</li> <li>• has a culture of accountability, supervision and reflection led from the top and across the residences</li> </ul>	<p>This will be addressed through Actions 2.5, 2.7 and 4.8 of the Future Direction Plan.</p> <p><b>Action 2.5</b> - refer rec 1 above for detail</p> <p><b>Action 2.7</b> - Establish trained specialist caregiving roles for our high and complex needs tamariki that recognise the skills required to work with our most vulnerable tamariki and enable appropriate remuneration and ongoing development and support to be provided.</p> <p><b>Action 4.8</b> - Develop a three-month post-degree professional practice course, partnering with tertiary providers, to develop a statutory child protection component that would involve a paper and placement within Oranga Tamariki.</p>	
3.	<p>While the workforce strategy is being built, there are some actions that can be taken more immediately which we think will help. These are that Oranga Tamariki should:</p> <ul style="list-style-type: none"> <li>• standardise job titles and requirements for the current range of residential/care/night/youth worker roles, and specify what qualifications and training need to be met over the first year of employment so they can fulfil their role appropriately</li> <li>• work with relevant tertiary providers to develop a range of options to enhance specialist skills for staff.</li> </ul>	<p>Oranga Tamariki is standardising job titles and requirements for these roles across Care and Youth Justice residences. This work is due to be completed by 30 June 2022.</p> <p>The following actions are being progressed in relation to training and development opportunities for residence kaimahi:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Care and Protection residences are 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 are in the final stages of appointing a National Training Coordinator and a Training Leads in the Care and Protection Residences who will focus on the develop of a national training strategy and embedding training programmes for all residential kaimahi.</li> </ul> <p>The workforce strategy is being addressed through Action 2.5 (refer rec 1 above for detail) of the Future Direction Plan.</p>	
4.	<p>The work underway to develop national standard operating procedures should proceed at pace.</p>	<p>This item will be considered in the context of care and protection for Phase Two of the organisational reset by the new Leadership Team (April 2022 onwards) and as part of the Future Direction Plan (Action 4.5).</p> <p><b>Action 4.5</b> - Develop standard operating procedures that give staff clarity on areas of practice that require national consistency.</p>	
5.	<p>The review of the residences' legislative and regulatory framework should continue as a priority so that the framework is fit for purpose to support a shift to a broader range of residential care options and noting that changes to the legal framework would also require training to ensure a robust understanding of the legal framework amongst all staff.</p>	<p>A review of the legislation will include:</p> <ul style="list-style-type: none"> <li>• Reviewing the use of significant powers (such as the power to use force), including when and how these powers apply.</li> <li>• Clarifying statutory authority for detention of tamariki where necessary, together with the use of secure care in residences.</li> </ul> <p>We will review the Residential Care Regulations to align them with the National Care Standards.</p> <p>The current proposed timing for final policy approvals being sought is June 2022. The Bill is then due to go to Cabinet for approval for introduction in late November so that it can be introduced in December 2022.</p> <p>Relates to the work underway through Actions 1.7 and 4.7 of the Future Direction Plan (refer rec 1 above for detail).</p>	

Residences Review Recommendations Table (cont)

No.	Residences Review Recommendation	Activities underway	Action
6.	A strong assurance function that monitors delivery and consistency in care provision across Oranga Tamariki should be established.	<p>Through Actions 2.3, 5.1, 5.4, and 5.6 of the Future Direction Plan, the Ministry will be developing a suite of performance monitoring tools under Whiti (the Performance Monitoring Framework). The national rollout of the Whiti application project is anticipated to start in April 2022.</p> <p><b>Action 2.3</b> - Develop a model to inform allocation and resourcing decisions at regional and national level.</p> <p><b>Action 5.1</b> - Continue to roll out new performance reporting tools which make data and information available to operational staff from social workers and site managers all the way to the leadership team to inform their decision-making.</p> <p><b>Action 5.4</b> - Review performance management framework to align with revised organisational strategy and vision.</p> <p><b>Action 5.6</b> - Embed evidence-based decision making from sites to national office, that encompass several actions including implementing new performance reporting tools to make data and information available to all staff to inform decision-making.</p>	
7.	<p>With regard to the grievance process, there is a need for significantly strengthened coordination and clarity of accountability, and:</p> <ul style="list-style-type: none"> <li>nation-wide consistency in implementing the grievance process needs to be applied across the residences, with serious complaints being investigated independent of the residence it was made against</li> <li>immediate steps should be taken to improve the accessibility of the grievance process for young people (for example, not requiring complaints to be handwritten)</li> <li>a review of the structure of the Grievance Panels is needed to ensure the roles remain fit for purpose and are being utilised to the best of their ability.</li> </ul>	<p>Legislation that governs the grievance process is within the scope of work amending the Act and Residential Care Regulations (refer to rec 5 above).</p> <p>The recommendation to improve the accessibility of the grievance process for young people is within the scope of the Manaaki Kōrero project. There are two phases to this project:</p> <ul style="list-style-type: none"> <li>Phase One is immediate improvements to the grievance process with VOYCE–Whakarongo Mai and Oranga Tamariki staff.</li> <li>Phase Two is a wider co-design to design a future service with insights from VOYCE–Whakarongo Mai, tamariki and whānau.</li> </ul> <p>The current timeframe for Phase One is to have implemented immediate improvements by late April 2022. However, this is dependent on staff availability and funding resources.</p> <p>Other improvements will also be made within the context of Action 1.4 of the Future Direction Plan.</p> <p><b>Action 1.4</b> – Strengthen the feedback and complaints system so it is ‘fit-for-whānau’, and ensures that tamariki, rangatahi and their whānau have their voices heard and have confidence in the process.</p>	
8.	Holistic and integrated therapeutic care matched to the needs of each tamaiti should be consistently provided across the system, from within Oranga Tamariki and from all agencies with shared responsibilities. A committed multi-disciplinary approach is required at the very least. The development of the Oranga Tamariki Action Plan is an important opportunity to drive a shared systems approach to care.	<p>Oranga Tamariki has implemented the Alert Program® (Sensory Regulation skills) in all Care and Protection residences. The training will continue to be embedded and woven through our practice in the residences throughout 2022.</p> <p>A Therapeutic Care Framework is being developed that will provide the principles and foundation for the approach to therapeutic care for tamariki with complex needs. This includes the design of an assessment to define tamariki with high care support needs and the creation of a decision matrix tool to standardise the assessment process. A first draft is due to be completed by the end of March 2022.</p> <p>The new Model of Care will involve the practice, operational and workforce requirements needed to operationalize the Therapeutic Care Framework. Oranga Tamariki is commencing engagement with mana whenua around supporting the design of the new Model of Care.</p> <p>Oranga Tamariki is establishing an Interagency Governance Group (IGG) in each of the four regions of care and protection residences to increase partnership across agencies of District Health Boards and Regional Ministry of Education.</p>	
9.	<p>Meanwhile, in order to support a more coordinated systems approach and provide specialist care matched to the needs of each tamaiti, and in alignment with development of a workforce strategy, Oranga Tamariki should, as soon as possible:</p> <ul style="list-style-type: none"> <li>ensure every residence has a current agreement with DHB Mental Health Services and with the Ministry of Education Regional Manager that sets out agreed service obligations and expectations for accountability for and provision of services to young people living in residences</li> <li>ensure a service provision outcome framework is in place outlining the skills and support every tamaiti (and their whānau) can expect to have on transitioning out of a residence.</li> </ul>	<p>All residences have some form of service agreement with their DHB and the Ministry of Education.</p> <p>A nationally led Steering Group has been established with the Ministry of Health, District Health Boards (DHBs) and Oranga Tamariki to oversee Health Services in Care and Protection and Youth Justice residences.</p> <p>The establishment of an Interagency Governance Group (see point in response to Rec 8 above). Each IGG will have an agreed Terms of Reference that will set out the agreed service obligations and expectations for the provision of services in residences.</p> <p>We agree that a service provision outcome framework is required, however, there is currently no work underway to address this as it has not been identified as a priority.</p>	