

ORANGA TAMARIKI

SECURE RESIDENCES

&

A SAMPLE OF COMMUNITY HOMES

INDEPENDENT, EXTERNAL RAPID REVIEW



Debbie Francis and Paul Vlaanderen

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Picture credits: Left, Te Punawai o Tuhiapo Youth Justice residence, Christchurch, Alden Williams, The Press. Middle, see <https://hannahdouglass.co.nz/separation-divorce/>

“Take care of our children. Take care of what they hear. Take care of what they see. For how the children grow, so will the shape of Aotearoa.”

Dame Whina Cooper

We must protect families, we must protect children, who have inalienable rights and should be loved, should be taken care of physically and mentally, and should not be brought into the world only to suffer.

Indira Gandhi

BACKGROUND AND LIMITATIONS

This review was announced by Chappie Te Kani, Chief Executive of Oranga Tamariki, in June 2023, following serious allegations involving staff acting inappropriately in Youth Justice and Care and Protection residences and across the front line of service delivery.

Additionally, he announced the appointment of Mike Bush, a former Commissioner of Police, as Deputy Chief Executive with operational responsibility for all Youth Justice residences and community homes for a period of six months. This had the effect of moving oversight of residences and homes out of the agency's Service Delivery branch while the core issues of residence and home performance were identified and addressed.

He also asked for an independent 'rapid review' across all secure residences, including a sample of Oranga Tamariki community homes. This review was to include a high-level current state assessment of their operations and performance, in addition to suggesting change and performance improvements over multiple time horizons.

This report reflects the findings of the rapid review, undertaken in a condensed timeframe between July and August 2023. To accommodate this timeframe, and in keeping with the Terms of Reference, the review is not a forensic investigation. Nor is it an academic exposition. It has been undertaken with limited stakeholder engagement.

Rather, the approach we took was exploratory and inquisitive, based on the materials available to us at the time, a survey of prior review findings and a series of site visits and interviews with staff, stakeholders and managers. We also offered front line staff in the residences and homes an optional online survey.

The review is thus a qualitative, point-in-time snapshot of the current state of residences and the sample of the portfolio of community homes. However, we are confident that we have been able to identify broad patterns and themes that address the questions posed in the Terms of Reference.

To the judgement and observations we have made in this report, we bring our collective experience as a review team in executive leadership, organisational performance, social work and corrections management.

We made undertakings to review respondents that their information would be confidential to the reviewers and would not be used for any other purpose. In that sense, there is no overlap between this review and any internal reviews or investigations Oranga Tamariki may also have undertaken in response to the Chief Executive's announcement.

REVIEW METHOD AND APPROACH

The approach we have taken to this rapid review and current state assessment is future focused rather than a deficit approach.

The core questions we asked, as external, independent reviewers were:

1. What are the future opportunities for Oranga Tamariki's Youth Justice and Care and Protection residences and, therefore, what is the performance challenge and the organisational culture that will be required?
2. If the residences are to be successful at meeting the future performance challenge, what will success, including a positive and safe organisational culture, look like in three years?
3. As the Youth Justice and Care and Protection residence model changes, what new capabilities and ways of working might be required?
4. In what sequence and over what time horizons might these changes be implemented, including opportunities for immediate improvements?
5. What is Oranga Tamariki's capacity for effective change implementation?

In addressing these questions, we built on the earlier work carried out by multiple prior reviews, both of Oranga Tamariki the agency, and specific to the residences and homes.

Specifically, we:

1. Conducted one on one interviews with a cross section of Oranga Tamariki, secure residence and community home staff, ex staff, managers and a sample of key external stakeholders
2. Held interviews with rangatahi at the residences and homes
3. Commissioned and incorporated an online pulse survey to all staff in the secure residences and community homes in scope¹; and
4. Conducted a high-level review of internal documentation, such as plans, policies, prior reviews, reports, HR and Health and Safety data, internal communications and other materials.

This report outlines a high level, three year 'excellence horizon' for what the future model could look like, based on the ideas and suggestions of review respondents.

The report that follows is heavily weighted to suggestions for performance improvement in secure residences, all of which we visited. Our sample of community homes was very small, but useful in that it provided insights into how these homes sit within the overall portfolio of Care and Protection.

Rather than add more review recommendations to the long list the agency is currently addressing, we instead offer practical suggestions, based on our own experience, throughout this report. These are intended to help the Te Riu executive team consider organisational readiness for future success.

These suggestions are accompanied by an indicative implementation map for the consideration of the Chief Executive and executive management team. They will want to reflect on how our suggestions mesh with their existing change programmes.

¹ See Appendix Three for summary survey results.

ACKNOWLEDGEMENTS

Thank you to the passionate and dedicated people who work for Oranga Tamariki.

All of you, the leadership team, managers, and the all-important staff on the front line of secure care, are committed to creating better lives for the children in your care and providing support and enablement to the whānau and communities in which they live.

We want to thank those current and former staff who have come forward with protected disclosures to this review. Their courage and commitment to positive change in the interests of improved outcomes for staff, young people and their families are commendable.

Our thanks also to the staff in the Oranga Tamariki review support team, who have juggled an array of impossible demands around the logistics of a review as rapid as this one has been. The in-house legal team has also worked hard to help us understand the intricacies of the policy, legal and regulatory regimes that apply to the provision of services in Youth Justice residences and community homes. Any technical errors below are ours.

We also thank those who have gone before us as reviewers and those who currently act in governance and oversight roles for Oranga Tamariki. The report of the Oranga Tamariki Ministerial Advisory Board in 2021 (and its subsequent review in 2022) has been a vital foundation for this work, as have the many operational reviews undertaken by the Children's Commissioner, Ombudsman and other agencies. The 2016 work for the former Child, Youth and Family agency undertaken by the expert panel led by Paula Rebstock has also been invaluable.

We could not have undertaken this review in the timeframe available without the support, insight and wisdom provided by Shannon Pakura, member of the Ministerial Advisory Board, veteran former social worker and Chief Social Worker and respected whaea to this review. She helped us contextualise our findings and to link our fast and imperfect work to the more fulsome review work which has gone before.

Special thanks, above all, to the busy staff on the front line of service delivery - youth workers, social workers, case leaders, team leaders, quality leaders, residence managers and many others, who have generously given their time to tell their stories, answer challenging questions, reflect on progress, and make creative suggestions about where to take this complicated change journey next. They have impressed us with their enduring passion and commitment to making things better for the tamariki and rangatahi in their care. We hope that the changes recommended here support, empower and enable you to secure the results you want and that the children in your care deserve.

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SUMMARY OF FINDINGS

Changes in Oranga Tamariki's external operating environment, such as current trends toward more serious youth offending and legislative changes that have resulted in older rangatahi entering its residences, are happening faster than the agency's regulatory, service delivery, workforce and care frameworks can respond and adapt.

These external pressures mean that performance improvement in the operations of Oranga Tamariki's Youth Justice and Care and Protection residences is now urgent. Rather than continuing to band aid these parts of the organisation, Oranga Tamariki needs to work with staff, partners and stakeholders to design and execute change as a coherent system that can be actively governed by the agency's executive leadership team.

The approach needs to be based on a stewardship mindset, and should be sustainable over the medium term, rather than subject, as now, to both big and small 'p' political vicissitudes.

The change programme for secure residences and homes must begin by refreshing the medium-term vision, strategy and outcomes the agency and system require from them. This must address the role these facilities play in the wider model of care and protection that Oranga Tamariki stewards across the children's and social systems.

Once strategy and outcomes for these facilities are clarified and reflected in a measurable performance scorecard, the agency must explicitly articulate the future operating model for the secure residences and community homes. Foundational to this will be improved data and intelligence to inform evidence-based changes and ensure that the system can continue to capture and codify good practice as well as proactively address areas of weak performance.

Total current theoretical capacity for youth justice placement, as of August 2023, is 171 places, although under with current resourcing residences can be staffed only to a total of 133 places. Forecast demand is expected to rise to 174 by the end of 2023 and to 225 in the 2024 year, given current justice sector pipeline trends.

Community homes are similarly operating at levels under theoretical capacity (38 notional beds to 23 operational beds) due to facility closures, the wait for new builds, refurbished or community-based homes to come online, and staffing pressures.

As one respondent put it: *"We just don't have enough beds, and we often can't staff the ones we do have. But the needs of the kids are so great, there's just no way we can ever shut the front door. This is the dilemma that drives all our problems."*

Oranga Tamariki's strategy places tamariki and whānau at the centre of the agency's work. However, external pressures to fill beds that arise from the lack of placements, when combined with the lack of experienced and skilled staff who apply a consistent model of service delivery, means that time in residence is now being driven by the needs of the system and staff first, with the needs and experience of young people coming second.

Specifically, current placement pressures make it almost impossible to:

- Develop and sustain a differentiated portfolio of homes and residences by specialisation, focus and type; and thus to

- Cohort children in groups with similar needs and pathways to ensure effective and efficient targeting of therapeutic interventions and treatments
- Locate children in their home region and close to their long-term carers, including whānau, schools, social workers and primary care medical professionals
- Deliver quality assured programmes and activities targeted to reducing reoffending
- Keep young people in homes and residences for as short a time as is possible, above all ensuring that time on remand does not extend beyond maximum sentence periods
- Ensure resources exist to support planned and timely transitions in and out of acute or secure care; and
- Systematically address undesirable attachments by separating children in residences from gang affiliates, more serious offenders and other adverse influences.

These fundamental issues are at the root of many of the challenges we describe in this report.

The future operating model for the residences must support evidence-based, consistent and sustainable operational service delivery. In this report we suggest that eight specific elements of the residential operating model require improvement over the near term. These are:

1. *Leadership and governance.* The level of management and leadership expertise in secure residences, especially in the first line leadership position of Team Leader Operations, needs to be significantly lifted, through increased investment in induction, professional development, coaching and leadership development.

Middle management needs to ensure improved cascading of vision, purpose and strategy, focus on required rehabilitative and therapeutic outcomes and better enablement of front line staff.

Heightened collective leadership and governance by the executive team should also drive greater accountability for performance and results.

2. *Culture, behaviours and values.* The desired culture in the residences must be explicitly designed and modelled by leaders at all levels, rather than left, as now, to accrete over time. Oranga Tamariki's values should be translated into specific behaviours, for which all staff and managers are held to account through more rigorous performance management and coaching systems. When poor behaviours occur they must be acted on promptly and decisively.

3. *Rangatahi and tamariki experience.* Placement pressures mean that mixing of cohorts is occurring. We have seen Youth Justice and Care and Protection children placed in community homes together and those with youth justice and criminal justice sentences are routinely placed together in secure facilities. This places successful outcomes for each group at risk and should be avoided at all costs.

There is a lack of therapeutic care and inconsistent participation in formal education and other programmes in residences. The boredom and disengagement that result increase the risks of violence and absconding. There should in future be a portfolio of specialist facilities and cohort-based placement options for both Care and Protection and Youth Justice. A kete of quality assured programmes must be developed and consistently delivered across all facilities.

4. *Workforce management and people development.* There is profound misalignment between the complex and high needs of the tamariki and rangatahi in care and the relatively unskilled – and largely unregulated - nature of parts of the workforce. Other themes relate to a national shortage of social workers and clinical professionals, high workforce churn and underdeveloped performance management and accountability mechanisms.

Staff are poorly enabled by core systems and often left to interpret policies or make up processes and standard operating procedures for themselves, in the absence of central guidance. There is low investment in training, professional development or career pathways.

Staff are also being placed in dangerous work environments – due both to the unmet needs of the young people in their care and the current health and safety stressors deriving from staffing shortages.

5. *Health, safety and wellbeing.* Oranga Tamariki needs to further strengthen health and safety culture, accountability and reporting in the secure residences and homes, for both staff and young people. We heard of allegations of bullying, harassment and other inappropriate behaviours by staff, little engagement in pastoral care or speaking out mechanisms and high rates of staff absenteeism and turnover. For rangatahi, slowness to improve speaking out and complaint mechanisms remains a concern.

6. *Systems and structure.* The organisation is starting to deploy standard operating procedures for staff, but it will be important these reflect the new operating model, and not the ways things have been done in the past. A number of core enabling processes, such as delegations, technology and the core CYRAS information system, also need urgent modernisation to support intelligence led service delivery.

The agency should reflect on the optimal organisational design to flatten hierarchies, reduce silos, shift investment from the large middle management cohort into front line service delivery and tighten accountability and line of sight.

7. *Partnerships.* The future model for the provision of service by Oranga Tamariki is a devolved one, in which care is increasingly provided by Māori and community partners. The agency needs to clarify the timeframe for devolution, the outcomes it seeks from partners and third-party providers, and the services it will retain as the Crown and residual holder of risk. It must also better articulate the investment it will make in growing partner and system capability.

8. *Resources and assets.* The secure residences are tired assets that are not conducive to securing good therapeutic outcomes for young people. The current plan for new builds and its alignment to both strategy and the model of care is confused. The agency needs to rethink its asset portfolio, better align it to a differentiated service model and manage it more strategically.

Successfully executing these changes will create a significant leadership challenge for the Te Riu executive team at Oranga Tamariki. They should be supported to succeed, both from within the agency and wider system as well as from the political authorising environment. Improved outcomes for these most vulnerable of our nation's children should not be politicised.

ANOTHER REVIEW...

In this section we discuss review fatigue at Oranga Tamariki in the context of the residences and homes. One of the consequences of the multitude of reviews and imperfectly executed recommendations to date has been that Oranga Tamariki has lost trust and confidence: the trust of some in the community, of other agencies, of its tamariki and rangatahi, and in some cases, of its own staff.

The leadership of Oranga Tamariki is in the process of rebuilding trust and planning to improve change execution. They must be supported to succeed, from within the agency, from fellow agencies in the social services system and across the political authorising environment.

RECENT REVIEW ACTIVITY

We acknowledge here the many prior reviews into the matters covered in our Terms of Reference. In undertaking this rapid review, we are standing on the shoulders of giants.

The 2016 final report of the Expert Advisory Panel, undertaken for Oranga Tamariki's precursor agency, Child Youth and Family, outlined an aspirational future operating model for the Care and Protection of New Zealand's vulnerable children, based on an investment approach. The review process was centred on engagement with children, their caregivers and communities.

Following the establishment of Oranga Tamariki in 2017, there have been a number of internal and external reviews into aspects of how the agency operates. Many have been considerably more extensive than this rapid review. Most have also involved more detailed community engagement and stakeholder consultation than was possible in our timeframe.

These prior reviews have included reviews by the Waitangi Tribunal (WAI 2915), the Office of the Children's Commissioner, the Ombudsman, the Māori led inquiry by the Whānau Ora Commissioning Agency *Ko Te Wā Whakawhiti: It's Time for Change* (released in February 2020) and a Ministerial Advisory Board review in 2021.

These reviews have all recommended changes to aspects of Oranga Tamariki policy and practice, including those relating to the Youth Justice, Care and Protection residences and community care facilities in scope for the current review.

Reviews have identified the cumulative effects of harm, for various reasons, to tamariki in Care and Protection residences. These residences are under resourced, and the physical settings are not conducive to trauma-responsive, therapeutic practice. There is a lack of capacity and capability of the workforce including the specialist training, supervision and clinical expertise needed to respond to tamariki with a wide range of complex needs.

Additionally, prior reviews have exposed significant unmet demand for acute care options, and not enough options for tamariki to then transition from acute settings. This causes a bottleneck effect as there are often challenges transitioning tamariki out of residences due to a lack of suitable placements, meaning beds are not available to others who require acute care and who are at the highest levels of risk and complexity, often in a community setting which is not able to safely support or respond to their needs.

Taken together, the litany of reviews makes for confronting reading. They paint a picture of poor agency and system performance, sometimes at odds with Oranga Tamariki's core mission of being child centred in all it does.

The current Minister established an independent Ministerial Advisory Board (MAB) in February 2021, to provide specific advice and assurance across three key areas of Oranga Tamariki operations and performance:

- relationships with families, whānau and Māori
- professional social work practices; and
- organisational culture.

The Board's report, *Hipokingia ki te Kahu Aroha Hipokingia ki te Katoa* (Te Kahu Aroha), was released in September 2021. It recommended fundamental changes to how Oranga Tamariki functions and operates both as an agency and within the wider system of children's agencies and service providers.

While the report was largely focused on the Care and Protection system, it had implications for other functions of Oranga Tamariki, including its role in the Youth Justice system. The Minister for Children and Cabinet agreed to Oranga Tamariki's *Future Direction Plan* as a response to the independent Ministerial Advisory Board's (MAB) 2021 report.

Separately, there is the current Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions. The inquiry is investigating what happened to children, young people, and vulnerable adults in care between 1950 and 1999. It is due to report in early 2024. While the inquiry is historic in nature, the Commission's recommendations will also impact how Oranga Tamariki operates residences.

These reports and reviews, along with the many operational reviews regularly undertaken by the independent Children's Monitor and internal reviews and investigations within the agency, all suggested there needs to be a fundamental and significant shift in the strategy, operating model, and practice of Oranga Tamariki's residences if it is to secure its outcomes and protect those young people in its care.

In response, Oranga Tamariki has developed, and is working hard to implement, a *Future Direction Plan* that draws together recommendations from Te Kahu Aroha, as well as the Waitangi Tribunal and previous reviews. The Ministerial Advisory Board provides ongoing quality assurance reviews to monitor and report on the delivery of the Future Direction Plan.

Review activity has also contributed to amendments to the Oranga Tamariki Act 1989 that underpin the new direction for the agency; and to the new roles established in the Oversight of Oranga Tamariki System and Children and Young People's Commission Act 2022 (the Oversight Act) to provide greater independent oversight of Oranga Tamariki and the Oranga Tamariki system.

REVIEW FATIGUE

This constant review and oversight activity has created fatigue within Oranga Tamariki.

Middle managers in residences told us they had lost track of the multitude of recommendations generated and lost faith in the organisation's ability to achieve anything but incremental and tactical changes. "Oranga Tamariki only ever reacts", said one respondent, "and then generally in an ad hoc

and panicked fashion.” “There is no time to embed changes”, said another, “because there is never a considered implementation plan, showing how all the pieces fit together.”

The reviews have driven an internal culture within the agency that is heavily dominated by change projects. Some managers told us they estimated these projects, some of which relate to the secure residence and community homes portfolios, to number up to 200 at this time. *“They tend to be atomised”, said one, “and governance is quite weak, so almost no one has line of sight over all of them, let alone assurance that they form a coherent portfolio.”*² A number of respondents commented that the projectisation of change, while well intentioned, created considerable *“noise in the system”* and confusion about what decisions were being made and where.

Review fatigue was most marked amongst the first line managers and front-line staff in residences who we interviewed, many of whom felt overwhelmed by the constant parade of reviewers, confused about what actions had been taken in response to reviews and, in some cases, cynical about the lack of progress in response to prior review recommendations. *“All the reviews say the same stuff”, said one, “but it’s hard to see a clear plan for us to change from something to something else.”*

Others told us they felt that some of the reviews had become overly politicised. *“There’s more ideology than strategy about the residences”, said one. “We seem to bounce, as an agency, from one slogan to another, with little real action.”*

Another respondent told us the constant reviews *“...create chaos and confusion. There are a million recs, but I don’t think even managers know what they all amount to. I’ve just given up. All due respect, but all you guys will do is add to the pile.”*

A common theme amongst respondents was a sense that implementation of review recommendations was piecemeal, tactical and sometimes superficial. *“They tick the boxes and do one off projects, but it doesn’t add up to a clear picture of the future”, one interviewee told us. “And then another manager comes along, and suddenly we’re all going someplace else. It’s exhausting and, frankly, its cynicism inducing. And I don’t want to be cynical about this work.”*

We address these points in greater detail in the sections on strategy and operating model below.

Unfortunately, one of the consequences of the multitude of reviews and imperfectly executed recommendations to date has been that Oranga Tamariki has lost trust and confidence: the trust of many in the community, of other agencies, of its tamariki and rangatahi, and in some cases, of its own staff. Staff told us that they worried about the loss of mana on the part of the agency, not least as a result of the incidents that precipitated this review.

Going forward, trust and mana have to be rebuilt. They must be earned. Not by words, but by systematic and planned action.

The leadership of Oranga Tamariki now has a daunting task to reposition the secure residences and rethink the community homes, but we believe that they accept the scale of that challenge, in both their hearts and heads.

² This is in the process of changing, with a new organisational transformation portfolio intended to codify and coordinate priority projects.

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They deserve to be supported to succeed, both from within the agency and wider system as well as from the political authorising environment. Improved outcomes for these most vulnerable of our nation's children should not be politicised.

We hope this report helps provide Oranga Tamariki's leaders with both a diagnosis of what needs to change, and a blueprint for how to start and how to execute effectively over time.

THE THREE-YEAR EXCELLENCE HORIZON

OPERATING CONTEXT

In this initial section of the three-year horizon we outline the current context within which Oranga Tamariki operates its secure residences and community homes.

We explore the current legal and regulatory framework, high level trends in youth offending, and the agency's current state strategic settings for the residences and homes.

In all of these areas, the operating context is changing, and changing faster than Oranga Tamariki's service delivery and regulatory settings can currently accommodate.

OVERVIEW OF RESIDENTIAL CARE LEGAL AND REGULATORY FRAMEWORK

The Chief Executive of Oranga Tamariki can establish residences under section 364 of the Oranga Tamariki Act of such number and type as the Chief Executive believes are required for the purpose of providing for the *care and control* of children. The Oranga Tamariki Act 1989 (the Act) defines a residence as:

'any residential centre, family home, group home, foster home, family resource centre, or other premises or place, approved or recognised for the time being by the Chief Executive as a place of care or treatment for the purposes of this Act; and includes any place of care or treatment, so approved, whether administered by the Crown or not'.

Section 364 also provides that the Chief Executive shall endeavour to establish *a sufficient range of residences to cater effectively for the variety of special needs* of such children and young persons.

Currently Oranga Tamariki operates two Care and Protection residences (Epuni in Wellington and Puketai in Dunedin) and five Youth Justice residences (Whakatakapokai and Korowai Manaaki in Auckland, Te Maioha o Parekarangi n Rotorua, Te Au Rere a te Tonga in Palmerston North and Te Puna Wai o Tuhinapo in Christchurch). Within Oranga Tamariki, these are collectively referred to as 'secure residences' (in that there is a restriction on leaving) and they also have a 'secure unit' to which admission is met via legislative provisions. Most residences were purpose built in the 1990s and early 2000s.

There is no specific legislative provision requiring Oranga Tamariki to have secure care available. If, however, the agency wants to operate a residence with secure care to detain a child or young person, the right to detain them in a specific unit within a residence must be specifically approved by the Minister under section 364(2)(d) of the Act.

In addition to the above, one Care and Protection residence (Te Oranga) is currently non-operational and one residence (Te Poutama) is managed by Barnados. A Care and Protection 'hub' (Kahui Whetū) normally operates from the Whakatakapokai site but is also currently non-operational due to staffing constraints. Care and Protection residences have traditionally provided care to young people aged 12 to 16 years.

Residences established under section 364 of the Act are regulated under:

- The purposes, principles and duties in Part 1 of the Act
- The principles in section 13 (Care and Protection) and 208 (Youth Justice)

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- Requirements in any order or plan made or approved by the court under the Act in respect of a child or young person in a residence.
- Part 7 – sections 361, 364-386; and
- Oranga Tamariki (Residential Care) Regulations 1996.

In addition, parts of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (National Care Standards) apply to children and young persons placed in residences, as they do to children and young persons placed with caregivers. The parts that apply when children and young persons are in residences are:

- Parts 1 and 2 – requirements to assess needs of children and young person, plan to address identified needs, and provide support to address identified needs.
- Part 4 – requirements relating to supporting children and young persons to express their views and contribute to their care experience; and
- Part 5 – supporting children and young persons during care transitions.

The nine existing section 364 residences each have designations under the Resource Management Act 1991 that apply to their site. There are conditions that attach to each designation which Oranga Tamariki must also comply with. These vary between each site.

Over the last two years all Youth Justice residences have moved to adopt a Māori centred practice approach, Whakamana Tangata. This is intended to complement the National Care Standards. The name describes the intention to build and embed social processes and norms that facilitate the restoration of people's mana, promoting their wellbeing in holistic and culturally meaningful ways.

Whakamana Tangata was specifically developed for Youth Justice residences based on and informed by Māori values (ara tikanga, mana, tapu, mauri ora, and piringa) and restorative principles (relationships, respect, responsibility, and repair). It was created in collaboration with Māori academics, Māori practitioners and restorative practice/justice professionals.³

External oversight of residences is led by Mana Mokopuna (the Children and Young People's Commission), Aroturuki Tamariki (the Independent Children's Monitor), and the Ombudsman:

Mana Mokopuna monitors residences as places of detention as a National Preventative Mechanism under the Optional Protocol on the United Nations Convention Against Torture, and acts as a system level advocate for the interests and wellbeing of tamariki and rangatahi

Aroturuki Tamariki monitor compliance against the National Care Standards, and assess the quality and impacts of Oranga Tamariki services and practices on the experiences and outcomes of children, young people, families, and whānau

The Ombudsman investigates complaints regarding Oranga Tamariki and its services, including in relation to residences.

As well as section 364 residences, a large number of community homes exist for Care and Protection or Youth Justice placements, including remand placements and as bail addresses. These are not subject to the same degree of regulation as set out above. Of the above regulations set out for section 364 residences, those that apply are:

- The purposes, principles and duties in Part 1 and the section 13 and 208 principles in the Oranga Tamariki Act

³ Whakamana Tangata was created and piloted at Te Maioha o Parekarangi and developed with Te Arawa kaumatua.

- The requirements in any order or plan made or approved by the court under the Act in respect of a child or young person in a residence; and
- The provisions of the National Care Standards identified above.

Of the current community homes, some are managed by Oranga Tamariki, and a number are delivered by local, third-party providers under contract.

The Youth Justice community remand homes are also monitored by the Office of the Children's Commissioner, and the Independent Children's Monitor. The Ombudsman again has a role in relation to complaints and investigations.

CHILDREN AND YOUNG PERSONS IN RESIDENCES AND COMMUNITY HOMES

Tamariki and rangatahi can enter care under legal orders grouped into three main pathways:

- care agreements,
- arranged entry; and
- urgent entry into care.

Most children and young persons being cared for in residences and community homes have a care or custody status under the Act (either a Care and Protection or Youth Justice legal care or custody status, and sometimes both).

Most children and young people in Youth Justice residences aged 14-17 have been placed there on remand or following a youth court sentence. The latter are usually for a term of three to six months. At the time of writing, more than 80% of those in Youth Justice residences were on remand.

Some children and young persons have been placed in the custody of Oranga Tamariki by the District Court or High Court on remand, or Oranga Tamariki has agreed with the Department of Corrections that a young person who has been sentenced to a term of imprisonment, should serve that sentence, or part of that sentence, with Oranga Tamariki.

In 2019 the legislation was amended to allow young adults, (up to their 20th birthday) in the criminal justice system to be placed in residences on remand or to serve custodial sentences. The default position is to place the young person in custody of the Chief Executive of Oranga Tamariki unless the chief executives of the Department of Corrections and Oranga Tamariki agree that, due to safety risks, the young person should be in a Corrections youth unit.⁴

At the time of agreement to these legislative changes, no adjustments were made to the regulatory framework to reflect the changed age and offending profiles. Nor were changes made to residence infrastructure, service delivery or workforce models to accommodate the higher risk profile of this older cohort, or to mitigate the impact of these more violent, higher tariff offenders on younger tamariki in residences.

⁴ See Criminal Procedure Act 2011 – s175(1A). The Corrections Act 2004 – s34A also applies – a consequence of the 'raising of the Youth Justice age' to include most 17-year-olds, means that a young person sentenced to imprisonment in the adult courts can now be detained in an Oranga Tamariki residence until they turn 18 (before 1 July 2019, they could only remain in a residence until they turned 17). 'Young person' for the purposes of section 34A has the same meaning as used in the Oranga Tamariki Act 1989.

IN-CONFIDENCE

Currently, around 45% of those in secure residences are aged between 16 and their 20th birthday. An increasing proportion of these rangatahi are repeat offenders and have committed multiple offences.

Three quarters of the current Youth Justice residence population identify as Māori. Pacific young people are also disproportionately represented.

Additionally, about two thirds of the Youth Justice residence population are either also currently part of the Care and Protection population or have been at some stage.

An internal file review of children and young people entering section 364 residences in September 2021 found that of the 21 individuals entering care or protection residences, all were disabled or had a significant mental health diagnosis, with many having more than one diagnosis. Almost 80% of those entering Youth Justice residences had a confirmed or suspected mental health or disability related diagnosis (79 of 101 young people).

When compared to the wider Oranga Tamariki population of children in care (around 4,500 in total), the Youth Justice population is:

- 25% more likely to have had treatment for mental health challenges.
- more than twice as likely to have had over 15 placements.
- two and a half times more likely to have been treated for drug use; and
- more than twice as likely to have been suspended from school at least once.

The other important difference is their (alleged) offending behaviour. The reason a Court has placed them in the custody of the Chief Executive is either because:

- they have been charged with an offence and the judge is concerned they could commit further offences, destroy evidence, or interfere with a witness; or
- they have been found guilty of an offence and the judge considers that a restrictive response is warranted, most likely as a result of serious offending.

Broadly speaking, the greater the complexity of need and behavioural challenges that the care population presents, the more likely they are to be placed in a section 364 residence or community home than with other types of Oranga Tamariki or community-based caregivers, because (theoretically) residential care can provide more intensive support, specialist programmes and secure environments that reduce the likelihood of absconding.

TAMARIKI AND RANGATAHI WHO OFFEND

In 2022 a research team led by Professor Ian Lambie released a report entitled: *How we fail children who offend and what to do about it: 'A breakdown across the whole system'*. Its preface says:

"This report is about children. More specifically, it is about children, aged 10 to 13 years, who have offended, as well as those at risk of offending. Often labelled 'child offenders', many of these children go on to become 'youth offenders' when they turn 14 (through to age 17), and some eventually enter the adult criminal justice system at aged 18 and beyond.

"As the research makes clear, they are children who have often endured physical, sexual, or emotional abuse, constant transience, or intergenerational disconnection from their whānau,

whenua, and culture. Often known to social service agencies, many children will have experienced some sort of state intervention – that, according to our research, often failed to adequately help. The consequences for tamariki Māori of generations of Te Tiriti breaches are evident in the overrepresentation of Māori in the justice system. Pasifika is also overrepresented.

“While the personal, social, and economic harm these children have caused by their offending should not be minimised, it is critical to remember that these children were victims first... Indeed, most would have never escalated to engage in offending behaviour if they and their families had not experienced significant harm themselves – all too often, intergenerationally – or had received timely, effective help that addressed their needs”.

The child centred view of youth offending reflected in the extract above tends to be lost amid the current political and media focus on punitive responses to youth offending, with much public rhetoric about a spike in youth crime that is reducing public safety, increasing victimisation and driving increased numbers in Oranga Tamariki residences and facilities.

Research shows that the current picture is a much more complex one.⁵ A lengthy period of decline in youth offending, consistent with international trends, conceals more nuanced patterns such as an increase in the seriousness of offences and a trend towards more charges per offender, both of which can lead to more significant sentences. There are also early signals of an uptick since 2022, which may or may not be sustained going forward.

A recently published article by Lambie and Polgase⁶ examined trends in youth crime in New Zealand in the period to 2019. Their research results indicated that the overall rate at which youth were *alleged to have offended* (based on police data of reported crimes) reduced by 58% between 2010 and 2018, which also coincided with *a significant reduction in the rates at which young adults were imprisoned, sentenced or remanded into custody*. The rate at which young people were *formally charged* in Youth Court also fell by 73% between 2008 and 2018.

The *reoffending rate* for youth remained steady during roughly the same period, decreasing by 3% from 2009/10 to 2016/17, However, the rate of decline was less for the overrepresented Māori and Pasifika young people.

Serious offending (including by minority groups) reduced at lesser rates than less serious offending, while reoffending rates remained static. Thus, while the overall youth offending rate has fallen since 2010, the proportion of youth crime considered to be of a serious nature has risen.

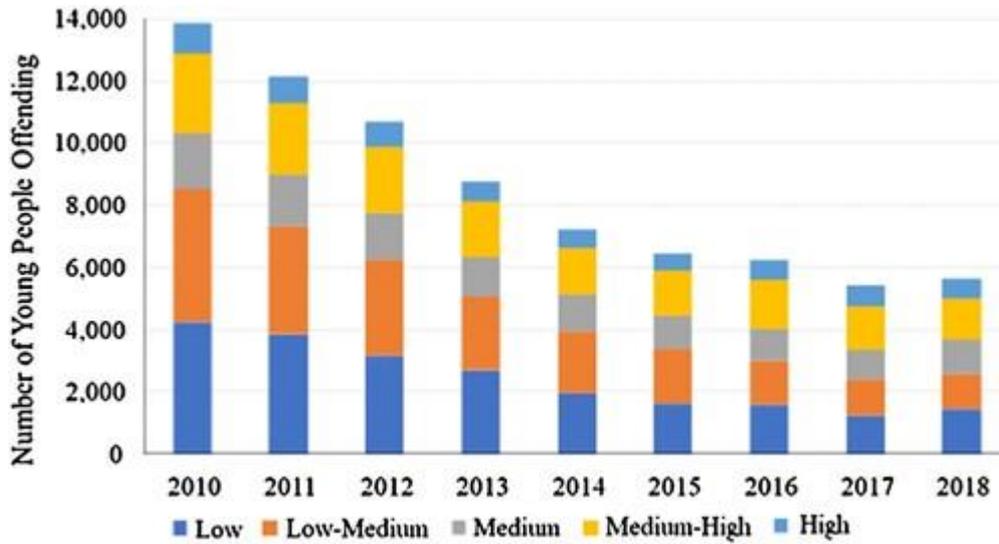
As shown in the chart below from the Polgase and Lambie study, the overall number of young people proceeded against for offences that were deemed to be of medium-high or high-level seriousness reduced by 44% from 2010 to 2018.

In 2018, however, 35% of the young people who had offended were proceeded against by the Police for offences that were of medium-high or high-level seriousness, compared to 25% in 2010.

⁵ For an accessible recent summary see: [nzherald.co.nz/nz/politics/election-2023-youth-crime-the-politics-numbers-and-what-would-make-a-difference/](https://www.nzherald.co.nz/nz/politics/election-2023-youth-crime-the-politics-numbers-and-what-would-make-a-difference/). We have utilised some of this analysis in this section.

⁶ Liam Polgase and Ian Lambie, *A sharp decline in youth crime: reviewing trends in New Zealand's youth offending rates between 1998 and 2019*. See: CURRENT ISSUES IN CRIMINAL JUSTICE <https://doi.org/10.1080/10345329.2023.2236730>

Proportion of Youth Offending by Seriousness.



All of these trends are broadly consistent with international trends showing that youth crime has declined significantly in recent decades, with slower rates of decline for more serious offending.

Polgase and Lambie point to a number of factors that could have contributed to the drop in youth offending. These include:

- fewer first-time offenders coming into formal contact with the justice system,
- policy changes based on greater use of police warnings and alternative resolutions,
- improved policing responses to prevention and the drivers of crime; and
- less severe judicial treatments when dealing with lower-level offending.

They suggest that these changed policy approaches may mean there are fewer offenders entering the system who typically start offending in their teens, engage in lower-level, peer-led offending, and who eventually go back on the right road when they exit adolescence.

Instead, there appears to be a greater proportion of youth crime committed by so-called ‘life-course-persistent’ criminals: chronic offenders whose anti-social behaviour is rooted in an early childhood of trauma and abuse, and who offend well into adulthood. This is a group whose offending is more entrenched and at the severe end of the spectrum. They have been entering Oranga Tamariki’s Youth Justice residences at a greater rate since the 2019 legislative changes. As Polgase and Lambie put it:

“These offenders generally exhibit higher rates of neurocognitive deficits, habitual violent behaviour, and volatile temperaments. Life-course-persistent offenders are also disproportionately ‘crossover kids’—victims of significant childhood maltreatment, which leads to their involvement with the Care and Protection system, including out-of-home care, disrupted attachments and education, early offending with antisocial peers and on to ‘crossing over’ from the child-welfare system into the youth-justice system.”

Despite these overall downwards trends in New Zealand, there was also an uptick in youth crime in 2022: a 6 per cent increase in the number of young people charged compared to 2021, and a 14 per cent rise in the number of charges – driven mainly by volume crime such as theft. However, sexual assault charges also jumped by more than 50 per cent. In part, this uptick can be attributed to higher Court traffic last year due to the clearance of a Covid backlog.

Theft was more than three times as prevalent as any other charge in 2022, but the number of young offenders charged with theft did not increase as sharply. This follows another general trend in the youth sector: individual offenders are on average facing more charges.

While Oranga Tamariki can and does work with justice and social sector partners and the academic community to analyse and forecast future trends in youth offending such as these, as steward of the children's system, it also needs to:

- As the stewardship agency for children, support justice agencies with the public facing narrative around children who offend and ensure that the narrative is grounded in a child centred view.
- With partner agencies, closely monitor early evidence in relation to the drivers of the recent apparent uptick in youth offending, and model possible impacts on the supply capability and capacity in the system.
- Proactively consider the implications of changing trends, particularly those indicating an increase in the seriousness and complexity of offending for some young people, on the legislative, regulatory, policy and operational delivery settings for its secure and Youth Justice residences. In particular, changes in the operating environment, such as the reweighting to more serious youth offending and older cohorts of rangatahi in residences, are happening faster than Oranga Tamariki's regulatory framework can respond and adapt; and
- Regulatory change should now be a key priority and will require both investment and leadership. This should include the need to more systematically cohort types of youth offenders in residences (a key issue discussed in more detail below). Other considerations include the knock-on impacts of higher numbers of Youth Justice offenders into its Care and Protection home network. If demographics and risk profiles are changing, Oranga Tamariki should not be passive about exploring new approaches.

CURRENT ORANGA TAMARIKI PLAN FOR THE RESIDENCES AND COMMUNITY HOMES

MINISTERIAL ADVISORY BOARD AND THE FUTURE DIRECTION PLAN

The Minister for Children and Cabinet agreed to Oranga Tamariki's Future Direction Plan (The Plan) as a response to the independent Ministerial Advisory Board's (MAB) 2021 report.

The Plan included a commitment to develop a *"fit-for-purpose transition plan, close our current Care and Protection residences and replace them with a model that enables tailored care for children with high and complex needs"*.

In parallel with finalising Te Kahu Aroha, the Minister wrote to the MAB on 5 July 2021 to request they: *‘visit all Oranga Tamariki Care and Protection and Youth Justice residences for the purposes of assessing and reporting back on the care, safety and treatment provided to the children and young people who are residents.’* The Minister specifically sought advice to strengthen the quality-of-service provision and to address any identified systemic concerns.

In November 2021, the MAB provided its report to the Minister with an overall assessment of care in institutional residences that was mixed, because of significant and persistent gaps in the provision of consistent and child-specific treatment options provided at some (but not all) of the residences.

Residences were found by the MAB not to be supported in a coordinated way by Oranga Tamariki, both in terms of the maintenance of their physical environment, and the right mix of specialisation and skills in the residential workforce.

The MAB noted Oranga Tamariki planned to undertake a programme of new builds to broaden the range of residential care options, move some options into the community and to refresh the residential offering. It highlighted that these plans were not yet adequately resourced, and that it was not clear that the programme for rebuilding the range and provision of residential care was a high-enough priority for Oranga Tamariki.

Assuming adequate resourcing and consents are secured, the MAB proposed that the best-case scenario would be the start of building from mid-2022 through to 2026 for completion of the full suite of new secure therapeutic care options. If adequate funding was not secured, timeframes and the range of new premises would be negatively impacted.

The MAB found that the lack of coordination and lack of capacity were amplified by an absence of the necessary recruitment, induction and training programmes required to support the residential workforce to be ready to meet the acute and complex needs of tamariki and rangatahi in the residences, regardless of the physical space the residences offered.

The Board concluded that problems in the residences were in part due to residences being side-lined from the mainstream Care and Protection focus of Oranga Tamariki. Attempts made to address issues such as resourcing tended to be deprioritised at the National Office level.

Two residences, Te Poutama Ārahi Rangatahi residence in Christchurch (operated by Barnados to provide a harmful sexual behaviour programme), and the Puketai Care and Protection residence in Dunedin showed what high performing residences could look like.

The MAB highlighted that both residences:

“... provided each tamaiti in their care with an individualised therapeutic care plan and associated behaviour management strategy that reduces the need for restraint and use of secure units, and with evidence of strong audit and compliance oversight coupled with robust documentation processes and strong cultures of accountability and supervision, these two residences appear to offer a model to build from.”

The MAB also highlighted that the absence of national standard operating procedures over the last decade represented a significant gap at the national level and showed that the residences have not been prioritised. This reinforced to the MAB there has been an absence of clear strategy as to how Oranga Tamariki will support core cohorts into the future.

The Board endorsed the review of the legislative framework for the residences but stressed that the legislation and supporting regulations needed to be fit for purpose for the future provision of a range of best practice secure residential care options.

Also, targeted training of staff would be required to ensure a robust understanding of the legal framework, knowledge of Secure Care Regulations and Care Standards Regulations, and training in the most advanced de-escalation techniques, with the use of restraints as a last resort.

The Minister wrote to the MAB in February 2022 to acknowledge the MAB review and findings. He said:

“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... “

CURRENT STRATEGY FOR THE RESIDENCES

Oranga Tamariki is currently working on a Transition Plan for the Care and Protection residences that aims to reimagine the future model of care with a range of options in the community for devolved provision by iwi and community providers.

This direction reflects the MAB’s guidance for more comprehensive partnering with iwi and local communities, in addition to a more holistic, hauora based model of care. It also reflects undertakings to the United Nations Committee Against Torture, which as recently as February 2023, called on Government to invest in the development of community-based residences and to strengthen the use of non-custodial measures for offending.

Oranga Tamariki’s Future Direction Plan signals its core strategy for the residences and homes. It includes Organisational Blueprint action 1.7 and Social Work Practice action 4.7 to *develop a fit-for-purpose transition plan, close the current Care and Protection residences and replace them with a model of smaller, purpose-built homes, that enables tailored care for children with high and complex needs*. The September 2022 quarterly Oranga Tamariki Action Plan (OTAP) report stated that progress on the Transition Plan at actions 1.7 and 4.7 would be delivered in June 2023.

The Transition Plan, which at the time of writing was still under work and has not yet been considered by the Oranga Tamariki executive leadership team, is intended to provide the operational framework and additional capacity that can support any decision by the Minister to approve the closure of Oranga Tamariki Care and Protection residences and a move to a more devolved model of iwi and community provision.

The operational framework is intended to put conditions in place to build care capacity and capability of iwi and Māori partners, reduce the cohort of tamariki and rangatahi who need section 364 residential care operated by Oranga Tamariki, meet all statutory requirements including s7AA and give the public confidence that Oranga Tamariki is meeting its purpose and can safely close the current section 364 Residences.

This current strategy is heavily dependent on a partnership model. Oranga Tamariki’s partnership plan says that:

“In the coming years, many of the services and supports for tamariki and their whānau currently delivered by and through Oranga Tamariki will change. Māori and communities will lead the development, design, and delivery of solutions to lead the prevention of harm for tamariki and whānau in their communities... The footprint of Oranga Tamariki will reduce allowing its social worker workforce to respond to tamariki and whānau who need critical and immediate help to secure their safety and protection.”

The Transition Plan also notes that partners will require resources to build their capacity and capability to lead care options, and they will connect directly to specialist services, imperative to locally led solutions. Working directly with these partners will help identify whether there is a continuing role for Oranga Tamariki, and under what circumstances.

THE THREE-YEAR EXCELLENCE HORIZON

PERFORMANCE CHALLENGE: VISION, PURPOSE AND STRATEGY

In this section of the three-year horizon, we suggest that Oranga Tamariki needs to reset the vision, purpose and strategy for secure residences and community homes, and the outcomes it seeks from them.

Oranga Tamariki must address this in the context of its wider strategy and model of care, as well as in partnership with its fellow social and children's agencies, Treaty partners, communities and families.

A RESET IS NEEDED

In the context of Youth Justice and Care and Protection residences, Oranga Tamariki has been a very reactive agency, with a tactical focus. It has often responded to crisis, political demands and short-term stakeholder imperatives. As noted, it has been and remains subject to constant and multiple reviews. Addressing the findings and recommendations of these reviews has in turn generated a huge volume of improvement activity, including dozens of change projects that impinge on the residences. Such reactivity has also resulted in a welter of plans, small 's' strategies and what one respondent called *"internal ideologies and slogans."*

There are so many of these strategies, plans, projects and working groups⁷, and they change so frequently, that few staff, even those in middle management positions, could clearly articulate the Oranga Tamariki vision, purpose and strategy for the homes and residences.

Almost all respondents we asked struggled to articulate what good performance for the agency would look like in regard to residences and how this could be measured. They could point to high level concepts, such as *'when our tamariki can be returned to the care of whānau, hapu and iwi'* or *'when these homes and residences can all be replaced with community provision and closed'*, but not to a clear and compelling strategy or operating model by which to get there.

This was not helped by the perception of many respondents that secure residences were *"...like a poor cousin of the main social work enterprise,"* that has sometimes been viewed as non-core activity.

In our view, *the most fundamental cause of the current dysfunction in the residence and homes space is that Oranga Tamariki does not currently have a simple, clear and cascaded medium-term vision, strategy and operating model for them.* Other improvements, or ad hoc fixes to specific aspects of the enterprise, will not gain traction unless this foundational matter is attended to.

Against the backdrop of a challenging operating environment, loss of trust in the agency, increasing government and public expectations for improved performance, and increased demand for placements, the current reactive approach is not sustainable. Ideologies, catch phrases and lists of projects are not a substitute for a properly considered strategy, operating model and outcomes

⁷ Our advisors estimate that the agency currently has at least 180 active projects on an enterprise-wide basis. Key strategic documents include the Oranga Tamariki Action Plan, which outlines engagement across children's and social agencies, the Future Action Plan, which was a response to the MAB, and most recently a one-page strategy.

framework for the secure residences and community home portfolio. These should be supported by a fit for purpose regulatory framework.

Ideas and approaches should not seem to staff to change with each new manager. Staff on the front line of the residences and homes should not feel, as many told us they currently do, that they are getting results for children and whānau *in spite* of the agency, rather than *because* of it.

Yet it also seems to us that the current position is not entirely the fault of Oranga Tamariki. The agency appears to stand alone as agency of last resort, for the children that fall through the gaps of other agencies. It is often forced to patch service shortfalls generated elsewhere in the children's and social service systems.

A comprehensive reset programme for the residences and homes is now needed. Oranga Tamariki must address this in partnership with its fellow government agencies, Treaty partners, communities and families.

Leaders will also need to think about Oranga Tamariki in the round first, before drilling down to the sub strategy and operating model for the residences and homes. The strategy and operating model for residences and homes should be viewed as an integrated element of the agency's overall strategy and outcomes framework.

A BIG ORGANISING IDEA

At the highest level, Oranga Tamariki lacks a simple big idea around which to organise and coalesce its vision, purpose and strategy for the homes and residences. There is nothing akin to Police's former 'Prevention First' or Correction's 'Reduce Reoffending' concepts. In the case of those agencies, the big idea unified the disparate parts of the enterprise, and was something everyone could tell you about, at any level. People could readily connect their own work to the organising idea. They knew the measures of success.

The most common big ideas Oranga Tamariki staff and managers could articulate to us in the context of the residences and homes were akin to a set of high-level slogans: 'be child centred', 'return tamariki to whānau and communities', 'close residences' or 'move to a community-based model of care'.

However, few of our front line of middle management respondents could tell us what this looked like in practice, what the timeframe was or outline what the specific steps were to get 'there'. They could not identify metrics or milestones on the journey to devolved, community-based care. They also could not describe how iwi and community partner capability was to be invested in to support the new model.

At present, in the residence space, the extreme pressure on placements is crowding out any more aspirational or strategic big idea that connects the work of the residences to Oranga Tamariki's larger *raison d'être*. This means that managers and staff have their eyes focussed in and down on the tactical 'chessboard' of placement moves, rather than up and out on the strategic north star for Oranga Tamariki.

A big idea that all in the residences and homes can get on board with should act as the 'golden thread' through strategy and operating model. It should bind together the work of the residences

and homes with the work of Oranga Tamariki more broadly. It should force both a focus on the future horizon and on the deepest meaning in the work.

Rather than continuing to band aid parts of the organisation, Oranga Tamariki's leaders need to work with their staff, partners and stakeholders to clarify this organising idea and promote shared understanding. The approach needs to be sustainable over the medium term, rather than subject, as now, to both big and small 'p' political vicissitudes.

Whatever this golden thread is identified to be, once arrived at, it will need to be maintained through the coming reset programme, which, in turn, should be designed and implemented as a coherent and integrated *system* of improvement, as opposed to a list of atomised initiatives and projects.

VISION AND PURPOSE

We believe that any reset programme must begin at the top, with Oranga Tamariki reflecting on and sharpening its vision and purpose for secure residences and community homes.

The current absence of an ambitious, yet concrete and measurable, 'light on the hill' to guide staff is making it difficult for managers and staff in this space to prioritise their work.

The vision is also insufficiently compelling to *unify* staff across deeply embedded organisational silos and complex and steep matrix management structures.

It is, therefore, understandable that staff in the residences and homes are more likely to default to individuals' personal interpretation of their missions for their 'why'. A refreshed vision and purpose will be vital to create the drive and shared focus for the next phase of performance improvement.

One of the respondents to our online survey described the need for a refreshed vision and strategy for the work of residences thus:

"...we definitely need a residential vision. I've been asking for this for so long. We have the OT vision but that is higher level, and we also need something specific to our part of it... Because if we don't know where we are going, then we don't know what we are doing..."

"Having no vision is like having no paddles for your waka and your (sic) expected to keep the waka heading straight."

"The key is for everyone to be a part of developing the vision - working together as one team for the betterment of all our rangatahi, whānau and community."

We suggest that, in reviewing its vision and purpose, for residences and homes, Oranga Tamariki should consider the following *three* elements.

Each will have to be considered within the wider context of Oranga Tamariki's agency vision and purpose.

1. CLARITY ABOUT THE ROLE AND PURPOSE OF HOMES AND RESIDENCES WITHIN THE WIDER SYSTEM OF ORANGA TAMARIKI AND CHILDREN'S SERVICES

Sometimes metaphors or word pictures can help clarify the ‘why’ – or role and purpose- of an agency or business unit. Police, for example, gained a lot of mileage from talking internally with their people about ‘preventing crime before it happens’. Everyone, from a front-line constable to an intelligence analyst or detective, could see their part in that.

As multiple reviews have noted, Oranga Tamariki is, at enterprise level, increasingly positioning itself more actively in a similar manner, with a focus on *preventing* harm to tamariki. This implies stronger preventive partnerships with mana whenua, community and national agencies, earlier interventions and a role in understanding, communicating and addressing the causes of harm to children and, in this context, youth offending.

Should harm occur, Oranga Tamariki might then see itself as something like a hospital emergency department. Its job under this model would be akin to a triage, stabilisation and referral centre, with tamariki being returned to whānau with support or referred to the appropriate specialists in just the way an ED patient would be.

Under this conceptual model, the portfolio of community homes and secure residences would be seen as part of a continuum of increasingly specialised care, therapeutic intervention and security options, matched to each child’s unique needs post triage and assessment. The focus on these facilities would shift to a more rehabilitative, prevention based model aimed at reducing reoffending and thus re-entry to the system.

This may not be the right framing, but, once the appropriate narrative is arrived at for the homes and residences, and gets into the DNA of the organisation, it will help staff, stakeholders and partners understand what Oranga Tamariki does and, importantly, does *not* do in this space. It will help guide every decision everyone in this part of the agency makes. It will clearly signal how this part of the enterprise fits with its wider model of care.

Without this big idea and vision for the homes and residences, Oranga Tamariki is doomed to try to do everything for everyone, and has no way of saying no. It will sometimes fill the gaps where other system players or locally based providers should be. Emergency departments don’t take all comers and then keep the patients indefinitely. They apply their expertise in a targeted way and then facilitate transition to other players in the wider health system to support diagnosis, treatment, recovery, rehabilitation and so on.

In this model Oranga Tamariki will need to reaffirm its relationships with other system players and partners. It must ensure that each operates in their correct lane in order that the children’s system as a whole performs optimally and is continuously learning and evolving.

Currently, other social agencies seem, in the view of many of our respondents, to leave Oranga Tamariki to deal with complex and high needs cases as agency of last resort.

2. SERVICE DELIVERY PHILOSOPHY

At the moment, Oranga Tamariki appears a rules based and hierarchical agency. The legislation, regulation and care standards under which it operates are complex. Approvals and sign offs are many and convoluted. This appears to have made many staff and managers in the secure residences and homes fearful of getting things wrong. It also slows decision making and erodes their professional confidence and empowerment.

At the same time, decisions were made by precursor agencies or early in Oranga Tamariki's history to:

- reduce the number of registered social workers in residences and homes in favour of a youth worker centred model of care and containment. Most youth workers do not have professional qualifications
- allow staff in homes and residences to apply a principles-based approach to care and containment
- operate the homes and residences as efficiently as possible in terms of staffing costs; and
- move as much provision as possible to community-based providers.

Unfortunately, this has created an operating model for the homes and residences which is based on the worst of a bureaucratic rules-based approach and a principles based view that is not supported by stringent professionalism and accountability.

Decisions around the care and management of vulnerable, high needs or violent tamariki and rangatahi are high stakes decisions. Overreliance on rules rather than enabling professional judgement is problematic. So is allowing unqualified or inexperienced staff and providers to make critical decisions.

The right approach would be a principles-based approach to executing on vision and purpose, delivered by professional staff with the right skills, experience and attributes, supported by evaluation and learning loops within a culture of high accountability for outcomes. For third party providers, Oranga Tamariki's investment in both building their capabilities and monitoring their contractual performance requirements should be clear and rigorous.

In the homes and residences space Oranga Tamariki is both choked by bureaucracy on the one hand and has extremely loose accountability and oversight on the other. This is unsustainable. It alienates professional staff and managers who do not feel trusted while also creating the risk of poorly informed practice at the front line.

3. APPROACH TO DEVOLUTION

As noted, another aspect of the approach to delivering on role and purpose is to reflect on how Oranga Tamariki can see itself more as a system agency with regard to its work in community homes and secure residences.

It needs to reflect on its role in the wider system of both government and non-government social services provision. What is the thing that *only* Oranga Tamariki can do for children with the need's profiles of those in community homes and secure residences? Where are the supply side service failures it must compensate for as a Crown agency? What are the parts of its service delivery continuum that it *must* deliver in partnership with others? Where are the areas Oranga Tamariki needs to get out of the way of other players?

Any future vision must reflect Oranga Tamariki's ultimate aim for a devolved network of provision, in partnership with iwi and community providers and delivered as locally as possible.

Even after this more devolved and partnered model is in place, as the Crown, Oranga Tamariki will inevitably retain a significant role across the sector in the event of supply side failure. This also reflects the reality that the state is not able to, and nor should it seek to, devolve all its functions away.

As Oranga Tamariki continues to gain greater clarity around the work that the organisation will retain, the work that will be shared, and the work that will be devolved to Māori and communities, these insights must also inform any refreshed vision and purpose.

REFRESHED STRATEGY FOR THE SECURE RESIDENCES AND COMMUNITY HOMES

Once the vision and purpose for residences are refreshed, Oranga Tamariki will then need to clarify its *strategy* for the secure residences and community homes.

A refreshed and simplified strategy should centre on the questions: *‘What is the unique role of secure residences and community homes in the social services system in regard to children? If Oranga Tamariki is to succeed in implementing its enterprise strategy and act as an effective steward of the child Care and Protection system, what are the priority investments required in organisational capability in this space? How should these be measured?’*

This is the single most critical priority to set the stage for the next stage of performance improvement within the residences and homes. It needs to be approached with urgency.

Resetting the strategy should be an inclusive but rapid exercise engaging both front-line staff and partners. It should be owned and led by the agency’s executive leadership team. It will be more a matter of filtering out the noise, streamlining existing materials and producing a simple and compelling story, than of starting on a blank sheet.

Strategic objectives must be clear, simple and measurable, with an equally simple balanced scorecard to monitor progress against outcomes.

The approach to developing and setting strategy and outcomes for the secure homes and residences should also be thought of as posing and answering the question ‘where do we want to be in five or ten years and how should we work back from that?’ It should *not* simply be about ‘where we are today and what shall we do tomorrow?’.

It should not be a *list* of things to do, but an opportunity to work through a set of *choices* about where the agency can have maximum impact in delivering its purpose and vision. It should clearly identify what Oranga Tamariki will *not* do.

While the strategy must remain dynamic, in view of the volatility in the operating environment, it must also have an eye to the stewardship functions of the wider agency. As a public service agency, Oranga Tamariki has an obligation to serve not only the current Government, but the needs of future governments of the day. If the strategy is to reflect this notion of kaitiakitanga, the core of it needs to be centred on the long-term future issues and trends that Oranga Tamariki must scan for and anticipate.

We suggest reviewing and refreshing *five* specific aspects of the strategy for secure residences and community homes, as outlined below.

1. A CLEAR OUTCOMES-BASED ACCOUNTABILITY FRAMEWORK

The Te Riu executive team needs to promote and communicate the refreshed strategy across the system and down the organisation. It should permeate their every communication. They also

need to tilt the internal discourse from the current focus on inputs to an almost fanatical focus on *outcomes and accountability for measurable results*.

Leaders need to be more visible in this focus on outcomes and performance to front line staff and partners in delivery. At present, as noted in the section on operating model below, the large middle manager cohort in the organisation can blunt executive leadership messages. Front line staff do not at present feel clear about the outcomes that senior leaders expect and will measure.

We discuss in detail below the lack of a mature performance management system that is based on outcome metrics that are cascaded from strategy into the work of every staff member.

The MAB has also expressed concerns about the lack of progress on a definitive outcomes and accountability framework for Oranga Tamariki, linked to strategy and operating model. In a recent report it said:

“A robust outcomes framework with a long-term outcomes’ horizon and clear weigh (sic) points for assessment along the way could also assist Oranga Tamariki to retain and build on institutional knowledge, beyond changes in personnel or fluctuating priorities and structural changes.”

2. A TIGHTER LINK BETWEEN STRATEGY, PLANNING AND WORK-FORCE PLANNING

The strategy needs to be the document which all leaders use to manage the secure residences and community homes, and which distils the priorities in a manner everyone can understand. It should capture the hearts and minds of all staff. It should be crystal clear to partner agencies and to stakeholders and partners.

It then needs to be cascaded into an aligned workforce capability plan.

The processes for doing this need to *balance* bottom-up input informed by front line insights with top-down imperatives and choices based on the wider Oranga Tamariki strategy. At the moment the organisational structure in Oranga Tamariki is so steep and siloed that it is challenging to cascade, align and connect plans. This is also addressed in the later section on organisation design.

3. ENGAGEMENT ON STRATEGY WITH KEY PARTNERS AND STAKEHOLDERS.

Oranga Tamariki should socialise and test the refreshed vision and strategy for secure residences and homes, as they are being developed, with key partners and stakeholders, including Treaty partners, partner agencies and community providers. This engagement will help ensure the strategy is well understood and does not conflate or confuse the work that only Oranga Tamariki can do with work that should be done by others.

Engagement will also ensure improved clarity and accountability in regard to Oranga Tamariki’s performance expectations and the outcomes it seeks from contracted third party provision by community, iwi and other providers.

4. CASCADING THE STRATEGY INTO THE WORK OF INDIVIDUAL STAFF

Greater attention is needed to how the strategy is cascaded and communicated into the agency so that people at all levels of the secure residence and community care portfolio understand how what they do supports delivering the vision and helps make the strategy happen.

Many of our respondents told us that they were unclear about what Oranga Tamariki's desired outcomes for residences and care homes were. When we asked how they would know they were successful in their work, a large number struggled to answer. Staff in the same role in different regions or residences often described their jobs and desired outcomes in quite different ways.

Respondents also told us that performance management discussions were immature or inconsistent in the organisation and that they were not contextualised against strategy.

The result is a low accountability culture and a weak focus on results and medium-term outcomes.

In this context, performance targets and measures – both progress based and summative – will need further refinement. Oranga Tamariki needs to develop a cascade of metrics, from those relating to the vision, purpose, and enterprise strategy, through to those related to specific organisational capability and job specific objectives and outcomes.

5. THE STRATEGY PROCESS SHOULD INCLUDE MECHANISMS WHICH ALLOW FOR REFLECTION ON LESSONS LEARNED I

We also suggest that senior leaders reflect on adopting rolling quarterly or 90-day plans to drive urgency, prioritisation and accountability for strategy execution in the residences and homes. These will help drive an internal culture of accountability and assist with both organisational learning and risk management.

They will build internal and external confidence that change *is* happening and that, as one respondent put it to us: *'this change elephant can be eaten one bite at a time.'*

Such plans are most effective when anchored to medium term strategy and supported by a strong implementation narrative, just as they are in agile methodologies. Each 'chapter' should have a theme and leaders should show how it fits into the bigger picture of the change journey.

By this we do not mean corporately driven quality assurance reviews, though these too have their place. Nor do we refer to quarterly reports to the Minister.

We refer to managers at all levels working to a common lessons learned template with their staff to drive dynamic, real time organisational learning. This will further enhance accountability by teams and individual staff, while also signalling that it is acceptable to fail, provided that failures are addressed quickly and not repeated.

The bottom-up material generated in this way needs to be analysed in the corporate centre for themes and patterns, in order that good practices can be disseminated, and enterprise risks identified and mitigated. At the front line, however, teams and managers should be encouraged to discuss risks, identify learnings and find their own solutions.

We formed the impression that current evaluative activity tends to be reactive, following a crisis or serious event, rather than ongoing evaluation and review being systematically embedded into business as usual for the residences and homes.

A 90-day monitoring framework would require a significant commitment of manager time and some process intensity in an agency the size of Oranga Tamariki. Senior leaders should reflect carefully before taking such a step. Poor implementation of such a regime would be worse than not having it.

THE THREE-YEAR EXCELLENCE HORIZON

PERFORMANCE CHALLENGE: OPERATING MODEL

In this section of the three-year horizon, we outline the current state of the operating model for secure residences and community homes. By the term 'operating model' we mean the way that Oranga Tamariki makes its strategy happen and delivers its desired outcomes.

We describe opportunities for performance improvement in regard to eight specific elements of the operating model for secure residences and community homes. These will improve its fitness for future and enhance both outcomes for young people and the safety and enablement of staff.

Refreshed strategy alone will not secure improved results for residences and homes. There is also a need to design a new *operating model for them*, as the critical bridge between refreshed strategy and successful execution of outcomes.

At the moment, the lack of a clear operating model and siloed, one-off efforts are creating complexity and hampering the organisation's ability deliver a coherent programme of performance improvement for the secure residences and community homes.

The operating model should be seen as *the blueprint for how the agency's resources are organised and operated to deliver on its strategy. It should provide a single view of the business around which all functions can coalesce*. It should address issues including the shape and size of the residences and homes portfolio, where the boundaries for each line of service are to be drawn and how people are to work together in and across functions to drive performance and outcomes.

The operating model must be grounded in data, intelligence and evidence, both about the external operating context and about the performance of the agency to its agreed strategic outcomes. This will allow the executive leadership of Oranga Tamariki to have a clear view of the entire secure residence and community homes portfolio, so that all activities, outputs and outcomes can be coordinated, monitored and governed.

Once again, transforming the operating model should be treated as a single, integrated project and not as a series of one-off, sequential changes. Nor should it be seen as an elaborate exercise undertaken by dozens of consultants. It will ideally be a simple construct that is easily understood and which all staff understand and can apply to their work.

Below, we outline the specific elements of the Oranga Tamariki operating model, as it pertains to residences and homes, that present opportunities for improvement. These are:

1. Leadership and governance
2. Culture, behaviours and values
3. Rangatahi and tamariki experience
4. Workforce management and people development
5. Health, safety and wellbeing
6. Systems and structure
7. Partnerships; and
8. Resources and assets.

LEADERSHIP AND GOVERNANCE

LEADERSHIP

Once strategy is set, the most significant driver of improved performance for secure residences and community homes will be effective leadership.

We observed the following challenges for leaders at the lower levels of management:

- The all-important first line leaders - in secure residences these tend to be team leaders – who have critical impact on modelling and shaping culture, performance and accountability, are almost always promoted from the floor and have low levels of people management training, qualifications and experience. Most in ‘Team Leader Operations’ roles are former youth workers. Due to current levels of churn, many have been in their positions for a very short time.
- Most of these leaders are committed and hardworking people with considerable talent, but too often they lack management experience from outside Oranga Tamariki, time in role and formal qualifications. Few are provided with a well-planned induction into their positions. They have little professional development available to them and little in the way of a career pathway. Their performance management and coaching by more senior managers is low to non-existent.
- Many first line leaders thus have few reference points for what good management and leadership should look like. As a result, most manage by instinct. This can sometimes result in excellent management but can too often lead to the reverse. It also creates considerable inconsistency of practice, both within and across residences.
- Further to this lack of induction and the bias toward internal promotions from front line operations, some first line managers appear to have little awareness of the legislative, regulatory or policy frameworks that govern their work. Some lack understanding of management basics such as risk management and their health and safety obligations. Perhaps partly as a result, some in house ‘rules’ and practices appear to be misinterpretations of current regulation and policy. Residence and community home leaders have to distribute their efforts over a wide range of community-based facilities, sometimes across large geographic regions and over a staffing resource with very high turnover. These factors can make it difficult to provide close oversight and build strong coaching relationships with staff.
- Leaders often have to lead through influence rather than positional power, in that they must corral and coordinate multi-disciplinary and often multi agency teams around particular cases. This is a nuanced ask in the absence of investment in manager development.
- Not only do few leaders receive robust induction into their positions, but Oranga Tamariki does not consistently provide leadership development experiences, appropriately targeted to each level of leadership, to all managers.
- Few of the managers with whom we spoke could see career pathways and professional development opportunities at Oranga Tamariki. They generally did not know how the organisation viewed their performance or potential.

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- Staffing shortages at all levels also mean that many managers are in acting positions, which exacerbates confusion.
- Performance management regimes are weak within Oranga Tamariki, which reduces oversight, coaching and professional development interventions for managers. In some cases, this has allowed bullying or otherwise poorly performing leaders to be retained or even promoted within the organisation; and
- As noted below in the section of organisational design, Oranga Tamariki is hierarchical and confusingly structured. There are eight to ten layers of leadership between a front-line youth worker and the Chief Executive. Leadership roles are also matrixed between vertical general manager functions and horizontal roles such as regional managers. This creates a large bulge at middle management level.

There were very few managers in the residences and homes who could tell us exactly how the various matrix (regional/functional) management positions intersected and were supposed to work together. This confusion further clouds accountability and allows less well performing people to duck scrutiny or play managers off against each other. It has also created a view amongst residence managers that the layers above them constitute a weight of bureaucracy from which they need to protect their staff.

Some staff also felt that management actions appeared tactical rather than focused on overall performance, accountability and results. Others felt unheard by their managers. One said *“managers come around and throw money at stuff around the place that needs fixing, but there is no way for us to have input into root causes or more systemic issues. Outside my one up manager, I have no voice into the big machine.”*

Oranga Tamariki is now starting to more systematically utilise cohort meetings to build connections across delivery units. For example, residence managers are now meeting regularly as a team. This has improved sharing of practice, increased visibility of risks and performance issues, helped with consistency and, enhanced accountability. It has also meant that residence managers feel better supported and enabled by both corporate functions and more senior leaders.

More concerningly, a recurring theme from respondents has been that while most leaders and managers in the residence and community home space are very good, there are also some known poor performers or ‘bad apples’ with regard to whom more senior managers have not acted. We received numerous allegations about managers at a range of levels who were alleged bullies, engaged in harmful behaviours, or who were seen to otherwise be failing in their professional responsibilities. As this review was not an investigation, we have not addressed specific allegations but have instead tried to distil their broad themes. (A separate, internal incident management team at Oranga Tamariki is currently investigating a range of specific matters such as those that triggered this review.)

Perhaps as a result of the above issues, many of the leaders with whom we engaged, whatever their level or skillset, told us they felt disempowered and exposed when they made operational decisions. *“It’s so slow, confusing and bureaucratic”,* said one, *“that it’s sometimes best to make the best call you can and apologise later. That said, there is seldom any mercy from the managers above me if I’m seen to make a mistake.”*

We suggest that the following actions could be considered by the agency's executive team to lift future performance in the area of leadership and management:

- Develop a clear profile of the desired skills, experience, attributes and behaviours of line managers at each level and use this for selection and recruitment purposes
- Develop induction and onboarding experiences for all first line leaders in homes and residences. These must include induction to the position, as well as to Oranga Tamariki's overall strategy and operating model for the residences/homes
- Cascade strategy into simple individual performance plans for all managers that reflect key outcomes and help enhance accountability
- Working with them, talent map existing first line leaders against performance and potential dimensions and align professional development investments to their distinctive needs and aspirations
- Apply the existing Oranga Tamariki leadership framework to first line and other managers with a view to improving intrapersonal awareness and people leadership skills
- Develop more cohort events and experiences for leaders in like roles in different regions and care settings. Work on building a shared picture of what effective strategy execution looks like, the importance of their behaviours in shaping culture and so on
- Train all first line leaders and other residence and home managers in coaching skills to a consistent model
- Explore options for peer-to-peer buddying of managers new in role; and
- Ensure that new managers have formal opportunities for voice and consistent access to appropriate pastoral care and support.

We address a number of related suggestions in the sections on people management and organisational design below.

GOVERNANCE

There are also opportunities to improve the quality of *governance* at Oranga Tamariki as it relates to the residences and homes. This is particularly the case with regard to the collective leadership provided by the executive leadership team (Te Riu) and change and project governance.

Respondents consistently told us that, in the context of the residences and homes, Te Riu currently appears to them to be more a group of deputy chief executive (DCE) silo heads than a collective and unified decision-making body. This might reflect the fact that many in the team are currently new in role.

To make progress on the suggestions we make in this report as well as build a stronger model of *collective leadership* and governance, we think there are opportunities to consider the following:

- Focus and incentivise the team less on individual portfolios (most DCEs have direct reports who can take lead responsibility here) and focus the combined energies of DCEs on *enterprise* vision, strategy and outcomes.

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- Build mutual trust and the ability to be comfortable with difficult truths and positive conflict. This will ensure that key choices and trade-offs are surfaced in discussions, and that optimism bias or conflict avoidance do not cloud risk identification and management.
- Ensure that critical decisions are clearly documented and communicated to the organisation, and particularly to the middle managers who can frustrate or accelerate their execution.
- With specific regard to the Youth Justice residences, ensure that focus on this high-risk part of the enterprise is not crowded out by the dominant social work ethos in the Care and Protection space
- Simplify the project and transformation portfolio and enrol all DCEs in the leadership of change workstreams to ensure collective accountability and mutual responsibility. Stop some projects to reduce governance noise. Ensure that priority projects are each subject to quality governance in addition to being monitored as a *single strategic change portfolio*.
- Focus on discipline and tenacity in achieving medium term strategic goals, as opposed to short term and reactive fixes to operational issues; and
- Take collective responsibility for evidence-based narrative and thought leadership with regard to Oranga Tamariki's role in the Care and Protection of children, to support public discourse and a more stewardship focussed approach to issues and challenges.

This last point is an important one. Public agencies often have to deal with complex policy problems and market failures that simply don't lend themselves to quick and easy fixes. Those who can position the narrative around these in the public domain with objective and well evidenced information have a much greater chance of securing the social and political license to make difficult choices and trade-offs.

At present, respondents told us that they saw Oranga Tamariki's leadership fronting public discourse most frequently while in reactive or defensive mode in response to a crisis. They suggested that leaders can feel hampered by privacy or other legal risks to speak openly about the more intractable system issues. This tendency to shy away from the public eye tends to shrink its license to operate.

For example, at present the judiciary is sometimes directing that young people in care have a Youth Justice bed. Given the current capacity and capability issues, this can in practice mean that children are being held in cells until such a bed becomes available. On most days at present, that number will be 6-8 children. This situation is not conducive to the wellbeing of the child. Nor is it consistent with the required standards of care or our undertakings to the United Nations Convention on the rights of the child or with the United Nations Committee against Torture. Somewhat battle fatigued Oranga Tamariki staff and leaders appear reluctant to push back on the issue or engage with social and justice sector partners on strategies to mitigate these risks. They feel pushed into a place of reactivity.

The executive leadership team needs to articulate a more proactive narrative 'in peacetime', ensuring that New Zealanders and their elected representatives are aware of the core risks, challenges and opportunities that face the agency and its social sector partner agencies, both now and in the future. Calm, informed narrative that regularly engages New Zealanders' hearts and minds with the stories of these children will assist when the inevitable crises do occur.

CULTURE, VALUES AND BEHAVIOURS

CULTURE

It is common to view organisational culture as akin to an iceberg, with multiple layers, some more explicit than others.

The prevailing culture that sits above the waterline in the secure residences and community homes has many positive characteristics. People are passionate about the work and have a strong sense of mission. They work long hours and with intensity. They take pride in each child's progress and successes. Social workers carry huge workloads but also take pains about their professionalism. The agency has made great strides in its approach to matauranga Māori. The workforce is diverse. Everyone is committed to improving the model of care.

However, if Oranga Tamariki is to markedly improve the culture in its homes and residences, it must take care to address *every* level of the iceberg, including the deeply held and often implicit beliefs that sit below the waterline.

Any perceived disconnect between the new vision and strategy and other, more implicit ways of behaving will devalue strategy. For example, if the strategy calls for devolved provision to Māori and communities for Care and Protection, but no one knows what the plan or timeline is for devolution and people see little sign of iwi engagement, leaders risk suggesting that their words are not meaningful.

Similarly, if therapeutic models of care are spoken about as key to reducing reoffending and improving outcomes from Youth Justice residences, but few such programmes are actually being delivered, people will see another disconnect.

Another live example at present relates to the proposed introduction of a new uniform for staff in residences. We have no objection to a uniform; indeed, we recommended this in our 2022 review of Korowai Manaaki as a measure to enhance staff professionalism and pride. However, the recent proposal has struck a discordant note with staff because:

- An initial in concept proposal met with significant pushback but was proceeded with anyway (this appears to some staff to be incongruent with leadership language about meaningful consultation)
- The proposed uniform includes cargo pants, caps and tops which many staff feel are militaristic in appearance, (a disconnect with Oranga Tamariki's model of care and rehabilitative outcomes)
- The uniform athletic shoes have hidden steel caps, (creating fear amongst staff that even an inadvertent contact might harm a child and result in an HR investigation); and
- There are no female or maternity versions of the uniform, (an apparent disconnect with messages about inclusivity).

Absolutely none of this was Oranga Tamariki's intent, but this example illustrates the importance of signs and symbols in creating culture.

As a result of a lack of explicit investment in developing the culture Oranga Tamariki wants and which reflects its vision, purpose and strategy, culture in the residences seems to have developed more by default than design.

The result is that some of the below the waterline aspects of residence culture are troubling.

For example, as the age limits in the Youth Justice residence have been raised, the challenge of providing care to the older criminal justice detainees has increased, and shortages of trained staff have impacted rosters, the default culture around these older rangatahi in some residences is now *containment* rather than care and rehabilitation. In places it has just become too hard for some staff, without strategic clarity around outcomes and given the lack of experienced staff and managers, to do much other than survive a shift safely.

There can be a slippery slope for the culture of a residence when a primary focus on containment becomes ‘keep them quiet at all costs so I can get through the shift safely’, which can then morph into the more sinister ‘whatever keeps them quiet, I will do.’

If the focus is primarily containment and survival, it can become much easier to give into to pressures from rangatahi and to shade ethical lines to ‘just get through it’. In the cases we heard of harmful behaviour, such as allegations about staff providing young people with vapes or other contraband, allowing inappropriate movies or standing by during fights, the prevailing driver was surviving the shift safely.

In this environment of ‘just get through it’ it also becomes too hard to differentiate the service model to the different cohorts of rangatahi, with those serving criminal justice sentences, those on remand and those subject to supervision and residence orders treated largely as one.

Another default setting in the current culture of the homes and residences is fear. Fear from managers that they will be punished for doing the wrong thing. Fear from staff that they will get hurt because they are tired, because their colleagues are inexperienced or because the ratios on their shifts are too light given current levels of absenteeism.

An even more disturbing manifestation of fear in some residences is fear of being bullied, including by a minority of line managers. *“I love the work, but I feel I’m on my own”* said one staff member, *“my manager is hardly ever seen on the floor.”* One respondent told us that their manager *“would be more likely to get the kids to have a go at me”* than they would to provide support if they were struggling. *“I will be HR’ed if I even touch the kids”*, (that is, formally investigated for any use of restraint), said another.

This view that while most managers walked the talk on culture and values, a known minority were *“absolute shits that everyone knows about but no one ever gets rid of”* was a frequent theme raised by respondents. It has a profound chilling effect on speaking up about inappropriate behaviours for fear of being threatened or ostracised. The current investigations being conducted within the agency should help improve these perceptions.

We discuss bullying and harassment more fully in the section on health, safety and wellbeing below.

Addressing these below the waterline assumptions and norms requires skilled observation and interrogation. We suggest that practical appreciative enquiry sessions led by trained managers would be a good tool here. Leaders should ask such questions as:

- Tell me about a time when we were, as an organisation/team at our absolute best? (Elicit specific examples such as: ‘when we transitioned x child to whānau’ or ‘when we partnered to solve child y’s problem’.)
- How did that make us feel? What were we most proud of?

- What behaviours did we exhibit on that occasion?
- How could we embed and normalise those behaviours?
- What about the reverse? When have we been at our worst? And so on.

Another useful technique is to work with staff to develop anonymised behavioural scenarios from their work and then hold a workshop to place these on a physical poster showing a spectrum from green to red, for acceptable and unacceptable behaviours. For example, *“Team leader A is tolerant of tamariki wanting time out from formal education and watching movies instead.”* This example might be deemed pragmatic and responsive (green) by some staff or contrary to good practice (amber) or dangerous (red) by others.

Safe and open discussion on such matters will show a diversity of views and help people engage their active ethical and professional judgement. These discussions also promote safe ways to speak out and defuse possible conflicts.

VALUES AND BEHAVIOURS

Most of our respondents in the secure residences and community homes knew Oranga Tamariki’s core values and had some sense of what they meant.

However, many struggled to articulate what poor, good or great behaviours would look like under each value in practical, day to day terms. They mostly could not recall what the Code of Conduct for Oranga Tamariki entailed. Few could recall being asked to demonstrate how they modelled the values at performance review time.

We saw little evidence that the professional pillars of organisational values, code of conduct, national care standards and performance management were consistently being used to scaffold accountability for behaviour and performance across all residences and homes.

Going forward, we suggest that:

- Oranga Tamariki should work inclusively with residence staff at all levels to develop clear examples of good (and not so good) behaviours. These examples should be used in coaching and professional development conversations between managers and staff. Residences and homes might also provide a useful setting in which to pilot this work for the wider organisation.

Performance management systems are currently focussed on technical skills rather than on behaviours and attributes. Some managers appear uncomfortable engaging with their people on the latter. Bringing the values to life and talking about them in tangible terms will encourage these conversations to happen naturally.

- Senior leaders and middle managers should also play an important role in embedding the revised values. They should ensure they are setting the right tone at the top and leading by example in living the values. They must not just talk about them but be seen to consistently act on them.
- Oranga Tamariki senior leaders must act, and be seen to act, swiftly and decisively, within the bounds of proper process and natural justice, to address poor behaviours by managers at every level should they occur. Given the vulnerability of the children in their care, they can be no excuse for tolerating sub optimal or non-values aligned conduct.

We heard of several managers who had been repeatedly investigated or shuffled to other positions, with little apparent action taken as a result. This sends poor signals to staff, who feel that such misalignment with values debases professional standards and devalues their own principles; and

- Steps should also be taken to ensure the values are reflected in each element of the employee lifecycle; from hiring and induction, through development and promotion. They should play a central and transparent role in performance assessments and decisions about progression.

In sum, unless culture and behaviours are regularly brought to life by leaders, acted on in the breach and the subject of explicit and active discourse, the organisation will default into the deepest layers of implicit shared assumptions and rules.

Culture in an organisation is never static and must be actively managed and led. Open and regular conversation about culture at all levels acts as a preventive safety valve that can surface implicit problems and mitigate risky behaviours in the secure residences and homes.

RANGATAHI AND TAMARIKI EXPERIENCE

The confusion noted above about the core purpose of secure residences and community homes contributes, with a range of other factors, to a sub optimal experience for the young people who are placed in these facilities.

In the Youth Justice residences, the external pressures to fill beds that arises from the lack of placements along the care continuum, when combined with the lack of experienced and skilled staff who apply a consistent model of service delivery and outcomes, means that the time in residence is *being driven by the needs of the system and staff first, with the needs and experience of young people coming second*. This results in a lack of targeted therapeutic care and a lack of engagement in formal schooling and other rehabilitative programmes.

This is exacerbated by the inconsistency of social worker contact, the high proportion of remand placements, challenges in discussing offending with those on remand, few tailored programmes to target behaviours and inconsistent interagency support, particularly from education and mental health. The latter agencies, of course, are struggling with their own workforce pressures.

In the community homes, while the bed and staff scarcity pressures are similar, the balance between security and care is viewed very differently, with the emphasis, rightly, on care. However, there is the same lack of therapeutic interventions and tailored programming that we see in the residences. Youth workers often lack sufficient support from social workers and other experts to devise appropriate regimes or have insufficient staffing to deliver them. Many of them appear, with the best of intentions, to be making things up as they go along.

In this section we explore several aspects of current rangatahi and tamariki experience and make suggestions for improvement, based on the need to consider the young person at the centre of service delivery, balanced by the needs of staff and the public interest.

COHORTING

Total current theoretical capacity for Youth Justice placement, as of August 2023, is 171 places, although under current staffing residences can be staffed only to a total of 133 places. Forecast demand is expected to rise to 174 by the end of 2023 and to 225 in the 2024 year, given current justice sector pipeline trends.

Community homes are similarly operating at levels under theoretical capacity due to facility closures, the wait for new builds, refurbished or community-based homes to come online, and staffing pressures.

As one respondent put it to us: *“We just don’t have enough beds, and we often can’t staff the ones we do have. But the needs of the kids are so great, there’s just no way we can ever shut the front door. This is the dilemma that drives all our problems.”*

At present, these pressures on the overall system of care and Youth Justice placements, when combined with current staff vacancy rates, and offline facilities, make it impossible to:

- Develop and sustain a differentiated portfolio of homes and residences by specialisation, focus and type; and thus to
- Cohort children in groups with similar needs and pathways to ensure effective and efficient targeting of therapeutic interventions and treatments
- Locate children in their home region and close to their long-term carers, including whānau, schools, social workers and primary care medical professionals
- Deliver quality assured programmes and activities targeted to reducing reoffending
- Keep young people in homes and residences for as short a time as is possible, above all ensuring that time on remand does not extend beyond maximum sentence periods
- Ensure resources exist to support planned and timely transitions in and out of acute or secure care; and
- Systematically address undesirable attachments by separating children in residences from gang affiliates, more serious offenders and other adverse influences.

To give a specific example, at one residence we visited, there were young people aged between ten and 17. While all were there on the basis of Care and Protection orders, they included rangatahi who had committed offences (such as ram raids) and rangatahi with serious, (though sometimes undiagnosed), mental health concerns. This mixing is not a recipe for safety, therapeutic success or wellbeing.

In addition, the current pressure on Youth Justice placements means that children who need to be in secure residences for complex disability and mental health needs are being pushed into community home settings that are, at best, inadequate to their needs and at worst, mean their safety is at risk.

There should in future be a portfolio of specialist facilities and placement options for both Care and Protection and Youth Justice. Oranga Tamariki is currently trying to address this in its model of care work, and this should be completed with urgency. Any future portfolio must reflect a suite of placement options across the continuum of care. They should include:

- Specialist emergency and acute care homes for triage and short stays, well supported by local mental health teams and medical professionals.

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- Bail and remand homes with a particular kete of short-term programmes and treatments appropriate to rangatahi in this category, many of whom are frequent re entrants to the system. Remand homes need good and timely support from the experts – in Oranga Tamariki and elsewhere - who are producing reports for the courts.
- Community homes designed to support defined needs profiles, ages and disabilities.
- Secure residences targeted at the younger cohort of first time and impulsive offenders sentenced by the youth court (those who are at lesser risk of reoffending), and which are linked to schools
- Residences targeted to complex mental health needs; and
- One or more higher security residences designed specifically for the older cohort of rangatahi serving criminal justice sentences. These will have a stronger custodial focus, balanced by targeted rehabilitation programmes focussed on ‘life course persistent’ offending.

Within homes and residences there also needs to be sufficient staffing to cohort those on similar programmes and therapeutic courses.

Such a portfolio would need to be supported by clear transitioning protocols, so that the forward pathway for a child is clear to all, including the child.

This conceptual model of differentiated service, care and detention should be seen as foundational to many of the other suggestions made throughout this report. In addition to the obvious efficiencies attendant on reduced duplication, it has multiple advantages, including:

- Improved safety of both children and staff
- Enhanced career pathways and opportunities for staff development
- More ability to study and track the impacts of programmes and other interventions on cohorts.
- Breaking the current risks of ‘crime school’ contamination of low-level offenders by those detained for serious offences and with entrenched gang affiliations
- Better potential for continuity of connection to whānau, care professionals and support services in the local community; and
- Social workers and other professional staff who are less stretched across a diverse array of needs and multiple regions.

One respondent to our online survey did not mince words about the need for cohorting:

“Stop putting them all together in large groups. Most of these offending rangatahi need 1:1 or small group support in pairs, 3's or 4's. They need intensive wrap around support rather than direct constant supervision. Not 8, 10, 12. It's not manageable and safe to have them living in close quarters together for extended periods of time. Group homes are unsafe, group units in the YJ residences are unsafe.”

Implementing such an approach would require a rebalancing of the property and programme portfolio and entail staffing changes. The additional investment entailed in this seems a more strategic and sustainable one than the current high levels of reactive expenditure in response to crisis.

ALL ABOUT ME PLANS

The plan for each child should be held in the All About Me plans which have replaced the previous Individual Care Plans. These are intended to follow the young person through their time at Oranga Tamariki and related agencies and should provide the full picture on all reports of concern, interventions, treatments and forward plans. They should include objectives agreed in Family Group Conferences or Court plans. They should hold all relevant information about each child and anchor all therapy and care.

In many cases, the young people in residences and homes have been known to Oranga Tamariki or its precursor agencies for most of their lives.

Respondents told us that these plans were currently inconsistent in terms of accuracy, completeness and currency. This seems to be driven by suboptimal implementation of the Care Standards and issues with the core CYRAS operating system.

There are also differences in how these plans, and the related risk assessments undertaken in Youth Justice residences, are shared with staff. Some residences share this information widely with staff, not all of whom are trained to interpret it. Some leave it to staff individual initiative to look at the data. Some social workers screen the plans from workers in residences and homes. In some places the plans are regularly reviewed. In others they are not.

The upshot is wide variation in record keeping and evidence-based practice. We visited community homes in which staff had made up their own spreadsheets and folders for children because they felt they could not rely on 'the system' to provide it for them.

This inconsistency of both plan quality and plan communication does a disservice to both the child and carer. These problems are not helped by the rapid churn of staff. Plans must be current, complete and authoritative. Information sharing protocols should be strict and consistent. All treatments and interventions must be founded on and recorded within these plans.

We suggest that the development of exemplar plans, delivery of the relevant training and establishment of quality and completeness metrics are all short-term priorities for the reset programme in homes and residences.

INTEGRATED CASE MANAGEMENT

In residences and homes, the Case Leader for a residence or region, usually but not always a registered social worker, will manage the interface between the multiple people, agencies and providers who provide care, support and education to the child and their caregiver or whānau. The high churn of both staff and young people in the system at present makes this interface role extremely challenging.⁸

Integrated case management is the responsibility of the interdisciplinary care team, which is usually chaired by the Clinical Practice Lead in a region or residence. We heard about settings where these teams worked very well, with good engagement with whānau, community and partner agencies. We

⁸ As an indicator, a 2022 review of the currency of All about Me Plans found that 53% had been updated over the preceding six month period. See Response to ICM request for information 2021/22 (ot.govt.nz)

also heard about others in which meetings were held infrequently, or in which the holistic model of care suffered because of the lack of contribution by some partner agencies.

Some young people told us that the inability to know what would happen next, and in what timeframe, was the most distressing aspect of living in a residence or home. *“At first I thought I would be here for three months”,* said one, *“then it was six and now it’s been over a year. I want to know when I can be back with my Mum.”*

Case leaders also worried about this: *“...it’s such a loss of trust when we promise them one thing and then do another”,* one said. *“They’ve always been let down, and here we are doing it to them as well, all because the system for placement is just crashing.”*

Once again, respondents also told us that rapid churn and the overwhelming pressure on beds tended to crowd out optimal therapeutic planning in favour of short term placement considerations.

In some homes we spoke with Family Engagement Coordinators, who seem to play a role similar to that of a Case Leader. These staff were often not social workers and appeared to operate in some isolation to promote reengagement with whānau. This lack of role clarity, when combined with the inconsistency of both information and practice outlined above, may mean that some case management decisions are being made without proper context or professional supervision.

BEHAVIOUR MANAGEMENT SYSTEM

In some residences and homes, a points-based behaviour management system (BMS) is used. If a young person has accumulated sufficient points for acceptable behaviours, for example, they might be rewarded with an offsite activity, a swim or time in the gym. *“It’s good because it gets across the concept of consequences”,* said one youth worker.

In other residences, such practices are frowned upon as overly simplistic approaches to the management of complex behaviours or as inappropriate. *“It’s not toilet training”,* said one respondent. *“These are teenagers with complex needs, but they are also still kids. If a swim or trip is on offer, they should have it and we’ll manage them accordingly.”*

Certainly, the practice around BMS is both inconsistent and open to abuse. In one residence, staff told us they used the pool nearly every day to help with physical fitness and burn off surplus energies. In another, the pool was used only after rewards had been accumulated. We also heard of very different interpretations being applied by different youth workers or team leaders.

We suggest that the system needs a reset based on evidence about best practice in this and other jurisdictions. Agreed approaches should be included in induction and training for staff in a manner that is consistent across residences and carefully monitored in terms of their impacts on behaviours.

PROGRAMMES IN RESIDENCES

We have profound concerns about the lack of access to structured programmes in some residences and homes. Indeed, we suggest that the lack of structured programming, along with the attendant boredom - is a major factor driving poor behaviour and outbreaks of violence on some sites. There seems to be us to be a positive correlation between structured programming and lack of security breaches.

On our visits, it was common for us to encounter locked classrooms, cupboards full of unused equipment and empty exercise spaces. This was attributed by respondents to both lack of staffing

and to the increased levels of risk related to older and more violent young people. *“Since we’ve had more older kids, and more remands, it’s got too hard to do much with them. They don’t do school and we can’t do much while they’re on remand.”*

We saw signs in some residences and homes that young people were spending a great deal of time watching screens and that their days were relatively unstructured. *“It started with Covid,”* said one staff member, *“...we wound back all the activities and we’ve never had the staffing since to ramp them back up.”*

Rangatahi themselves often raised this with us. *“I do well in this place,”* said one young man who had been in several Youth Justice facilities, *“because the day has a shape to it here and I know what to expect.”* In another residence one young person said, *“it’s so boring and the staff just want to get through their shift. The only interesting stuff is when shit goes down.”* It is telling that those residences with the most highly structured programmes also have the least graffiti, asset damage and escapes.

We find it extraordinary that there is so much variation in practice across the Youth Justice residences. In some, the approach is experientially structured, with an array of programmes reflecting the personal interests of the staff. *“We hire people who can do things”,* said one manager, *“maybe it’s music, maybe it’s fishing. Then we can create activities around their skills.”* In others, ‘programmes’ are whatever the team leader operations decide to deliver for an individual shift. One team leader might be very active and have a structured approach; the next might not be.

These inconsistent and reactive approaches appear to reflect a fundamental confusion between formal programmes - compulsory school curriculum for those under 16, plus therapeutic or targeted interventions - and informal activities, such as trips, events, visits, exercise and so on.

These disorganised programming practices are once again premised on a mindset that places the needs of the system – for beds – and the exigencies of staffing – before the rights and needs of rangatahi and the quality of their experience.

No one at Oranga Tamariki wants to do this. But this is where the extreme pressures of the demand for placements and the supply side failures impacting the workforce and partner agencies have led the agency. Nowhere does the system feel more like a chess board with children as pawns than it does when we consider their day-to-day experiences (or lack of them) in terms of education, activity and therapeutic programming.

FORMAL EDUCATION

Part of the inconsistency here derives from different approaches to compulsory schooling and arrangements with local education providers. In some Youth Justice residences lengthy time outs from compulsory schooling are tolerated, in part because of a lack of teachers and in part to keep the peace in class. At one residence, given its high proportion of remand placements and the mixed gender of the young people, schooling occurs only in 90-minute blocks. In other residences, school comprises the bulk of the day for almost all rangatahi.

While schooling is always going to be challenging for these young people, almost all of whom have been truant or had their schooling disrupted in earlier life, the inconsistency of approach suggests that the entitlement of every child under 16 years of age to compulsory schooling is not consistently being placed front and centre in the model of care and service delivery.

A 2021 Education Review Office (ERO) Report⁹ into learning within residences addressed three questions:

- What are the education outcomes for these students?
- How good is education provision for these students?
- How strong are the supports for these students?

ERO's evaluation found seven key findings:

- Students in residential care are positive about their learning. Their pass rate of NZQA assessments attempted is high when in residence but they are often studying credits with limited pathways.
- Students' learning is disrupted and disconnected as they transition between provision.
- There is no agreed education model or a clear picture of what high quality education looks like for these students.
- The model of education provision in residences makes it harder to grow expertise and is contributing to high levels of variability of provision.
- There is a commitment to improving outcomes for Māori and culturally responsive practice, but practice is variable.
- There is some good practice and some workforce capability to support positive educational outcomes.
- There is a lack of opportunities for whānau and caregivers to connect to their children's learning.

If these matters are to be successfully addressed, Oranga Tamariki will need support from and ongoing partnership with the Ministry of Education.

With regard to young people in community homes, case leaders and others told us they often struggled to find a school prepared to take the child. *"Once they know they're Oranga Tamariki, they don't want anything to do with them"*, said one worker. Another said, *"in this region there's just so few alternative education providers that could accommodate these children. We need a better selection of offerings from MoE."*

There is an obvious opportunity here to partner with a wide range of agencies and providers to develop a suite of programmes that combine elements of formal educational curriculum with tailored programmes that address problem behaviours and have proven therapeutic benefits. No team leader should be thinking up programmes or activities on the fly. Nor does hiring youth workers for their niche skills seem like the optimal approach either to recruiting or to the delivery of structured programmes we know work.

Every parent knows that children need structure and predictability. Boredom is the enemy of good conduct even in the best conditions. These children are no exception. Every young person in Oranga Tamariki care must receive not only access to the schooling that is their right and also a well-designed programme aligned to their unique needs and profiles, whether on remand or not.

⁹ See <https://ero.govt.nz/our-research/learning-in-residential-care-they-knew-i-wanted-to-learn>

These programme components must be based on evidence-based practice and quality assured with regard to their impacts and outcomes. We cannot understand for example, why short block courses in areas of common need cannot be developed or procured for application across the system. Given that rangatahi often move from residence to residence, this would also provide greater consistency in their experience.

For youth in secure residences, these might include anger management, substance abuse, sexual violence prevention and so on. For children in care, specialist therapeutic programmes should be provided from a consistent portfolio of quality assured learning objects, rather than needing to be created one by one by busy and stressed psychologists and social workers, procured from providers that are not quality assured or invented by unqualified staff. The All About Me Plan should record the rationale for and mix of programming for each young person, based on the recommendations of the multi-disciplinary care team, and with clear lines of accountability.

HEALTH, MENTAL HEALTH AND WELLBEING

Related to this lack of programmes and planned therapeutic interventions in many residences and homes, we have concerns that the overall approach to each child's health, mental health and wellbeing agreed by the professional social worker or multidisciplinary team is not being reflected in their day-to-day experiences.

A worrying example of this is the fact that in some of these residential settings, youth workers, rather than trained medical professionals, distribute prescribed medications to tamariki and rangatahi. These staff do not have the full picture with regard to underlying diagnoses. Should a child refuse a medication, a trained medical professional would be well placed to discuss the pros and cons of that decision with the child, while a youth worker is more likely to simply acquiesce. Methods for secure drug storage and anti-diversion checks also seem to vary by residence.

We think this practice must be stopped immediately and replaced with the best practice approaches also found in some residences at present, where the health team tightly manages drug distribution and security. We note the recent release of a new standard operating procedure on medications in this regard.

Engagement with mental health professionals also varies by region and residence. In some areas, the link with the forensic mental health team at Te Whatu Ora is strong and the team is responsive to call outs and to participation in multi-disciplinary team planning.

In others, the relationship is poor, and it appears almost impossible to get a timely call out to a mental health emergency. *"They come out, they are overstretched and so of course they say it's not mental illness, its behavioural and then they bugger off again"* said one staff member, *"...leaving us to deal with unbelievably challenging behaviours. Some of the kids here have such horrific backstories and are so dysregulated that they just absolutely shouldn't be without frequent oversight by mental health professionals."*

We also worry that many of the efforts to improve physical safety and security in the residences and homes also have a detrimental effect on the ambience and thus the mental health and wellbeing of both staff and young people. The recent move to introduce soft furniture (that cannot be thrown) into Youth Justice residences, for example, has resulted in a sea of battleship grey plastic, with tables so soft young people can't easily eat from a plate on them.

While the violence in Youth Justice facilities is a daily reality, these are still temporary homes for children and young people. They need to be both safe and provide some visual comfort and hope. The Government's report to the United Nations in 2022 articulated a commitment to make the secure facilities 'less stark'. On our visits, it was common for us to see run down facilities, with such amenities as 'sensory rooms', important for young people to use to take time out and decompress, instead used as sleeping spaces for staff or as storage rooms.

CONNECTIONS WITH WHĀNAU

The entire system of Oranga Tamariki is framed around the concept that coming into the Care and Protection system, even briefly, can reinforce or cause further damage to children and their whānau.

For those that do come into the system, the time they are engaged should be as short as possible and where feasible, whānau should be supported to heal so they can take back care of their tamariki. Every review of the last decade and beyond has focussed on the need to shift investment toward this devolved focus and to recalibrate the system around this outcome.

The Te Kahu Aroha MAB report of 2021 found that *"the escalation of coercive, risk averse policy directives in Aotearoa New Zealand's statutory child protection agency is undermining the quality of social work provision."*

The MAB drew a direct line between this and the weakening of engagement with whānau. *"This is constraining social workers and whānau alike, eroding the critical social worker/whānau relationship that underpins best practice."*

In spite of ongoing efforts – and undoubted commitment by staff in the homes and residences - to support the connections with whānau, this observation still appears valid. We heard many stories about overstretched social workers, trying to provide support to children and whānau in situations where the only bed available was outside their home region. The current practice of handling admissions to system nationally makes whānau connection and continuity of care difficult. For example, there is presently low remand capacity in the South Island.

As we explore in the section on organisational design below, while we are fully supportive of moving Oranga Tamariki's centre of gravity to regional service delivery, this seems incongruent with both current organisational structure and with the lack of a differentiated portfolio of care and detention options with sufficient places to meet demand.

Worse, we also heard stories where whānau engagement was being progressed by unqualified staff or third-party providers in the absence of multi-disciplinary input or information about the bigger picture.

We heard of cases where pressure on beds had led to the return of a child to whānau who had not been provided with the appropriate supports to manage the child's care.

Such cases can create retraumatisation for both whānau and child. They should not be being managed by staff without the appropriate professional qualifications, relevant information and supervision.

COMPLAINTS AND VOICE

Tamariki and rangatahi in residences have a statutory right to access the grievance procedure to lodge complaints as set out in the Oranga Tamariki (Residential Care) Regulations 1996. This allows them to raise concerns and have their complaints addressed.

In prior reviews, the inflexibility of the grievance process within residences has been raised repeatedly. To lodge a grievance, a written complaint needs to be lodged in one of the secure letter boxes provided in each unit of a residence for this purpose. These boxes are cleared daily, and each grievance is investigated by a team leader. The complainant is then advised of the outcome of the investigation and asked to sign a form to say they understand the outcome, and if it is 'sorted' or 'not sorted' for them. If the complainant is not happy, they can refer this on to the independent Grievance Panel for review or re-investigation.

Some rangatahi do not have well developed written skills and this process presents an obvious barrier to ensuring their voices are heard. They are also understandably reluctant to approach other staff to assist with writing complaints.

We suggest that there needs to be facility for serious complaints to be investigated independent of the residence. The same factors that make for problems at the team leader level- lack of time in role, lack of qualifications and training - make the team leader ill equipped to handle potentially complex investigations that may relate to peers or superiors.

We also suggest that new channels are created for complaints and questions, which do not require written submissions. Speak up phone lines, for example, should not be difficult to organise. Of course, it will also be necessary to ensure that complaints data generated by young people is analysed alongside material from other channels (such as Oranga Tamariki's whistleblower line for staff, for example) to ensure that the organisation can see patterns, even if complaints are anonymous.

A Grievance Panel is in place for each residence. Panel membership comprises at least two members from the community and at least one from mana whenua. Panel members are Ministerial appointments, with vacancies filled as they arise. Panels' quarterly reports are sent to the Children's Commissioner, the Principal Youth and Principal Family Court Judges, and to the Chief Executive of Oranga Tamariki.

However, as prior reviews have noted, there is a both a lack of consistency about how panels operate investigations across the residency system and a lack of clarity about who is responsible at Oranga Tamariki for addressing any systemic issues.

Panel members are currently appointed at the Minister's pleasure, with regular tenure reviews. The current arrangement can mean that the mix of skills and experience on any given panel may not be optimal. We suggest a move to fixed term, skills-based appointments that reflect appropriate diversity of skills and experience.

We understand that work is underway to introduce a suite of improvements as part of the Manaaki Kōrero work programme led by Oranga Tamariki's Voices of Children and Young People's team, including new online channels for submitting complaints to the grievance process. Many of our respondents held the view that this work was progressing too slowly. This work needs to be advanced. It will be important not to overcomplicate it.

BAIL AND REMAND

We have specific concerns about the distortions being driven into the bail and remand systems by current pipeline and placement pressures, which can in turn worsen experiences and outcomes for young people.

For those rangatahi in the youth court system, bail conditions are often quite similar to those pertaining to adults. These are practically challenging for younger children and difficult for community homes to manage and monitor. This can contribute to what one respondent called “a cycle of constant breaching and absconding” which stretches both home and police resources and breaks continuity of care and therapy.

For those on remand, pipeline pressures are such that, when combined with challenges in getting expert assessments completed, they can mean that a young person’s stay in a home or residence exceeds the potential sentence for their offences, which is usually between three and six months in the Youth Justice system.

This understandably troubles the judiciary, (who often have no choice but to discharge the case in this circumstance), clogs the system and appears to be a Bill of Rights infringement. It is of great concern that some respondents told us that this “...happens all round the system and is a common problem.”

Oranga Tamariki should be carefully monitoring this and developing management strategies to avoid this situation.

WORKFORCE MANAGEMENT AND PEOPLE DEVELOPMENT

CURRENT WORKFORCE FACTS AT A GLANCE

As noted earlier, although total current theoretical capacity for secure residence placement is 171 places, although under current staffing residences can be staffed only to a total of 133 places. Forecast demand is expected to rise to 174 by the end of 2023 and to 225 in the 2024 year, given current pipeline trends.

During the pandemic, demand reduced to 70 places, and staffing was reduced accordingly. As demand has increased in the period since, Oranga Tamariki has struggled to recruit the staffing required to optimise capacity.

Indicator as of May 31 2023	Community homes	Youth Justice residences
Total permanent FTE	216	545
Number vacancies to max theoretical capacity	Not known	64
Number casual FTE	61	104
Average leave balance	23.5	22.2
Average sick days	15.5	18.3
Annualised turnover to all of Oranga Tamariki	11.8/15.8	23.8/15.8
Retention rate year on year	83.5%	72.3%

A VITAL AREA FOR URGENT WORK ON A SECTORAL BASIS

Changes in the Oranga Tamariki vision and strategy will necessitate a number of changes in how the agency shapes the composition of and manages its work force, including in the homes and residences. Workforce strategy must address both matters in regard to those staff Oranga Tamariki employs directly *as well as those* who comprise the wider workforce under the future locally led, devolved provision model. It must also address matters of public confidence in a suitably trained and regulated workforce.

The workforce strategy is currently being revised by Oranga Tamariki. It appears to us however, that there are multiple projects in this space in different parts of the organisation. Oranga Tamariki needs a single, integrated workforce strategy, for both the agency and the wider system, led by the executive people capability function and governed at the top table. We believe that this is a vital component in the success of the reset for residences and homes. As such, it should be progressed with urgency.

The workforce strategy will require engagement with partner agencies and providers to gain a comprehensive understanding of the wider social sector workforce requirements of the future.

THE WORKFORCE MODEL IS NOT FIT FOR FUTURE IN ITS CURRENT STATE

A constant theme in many reviews has been the misalignment between the complex and high needs of the tamariki and rangatahi in care and the relatively unskilled – and largely unregulated - nature of parts of the workforce. Other themes, confirmed by our own review, relate to a national shortage of social workers and clinical professionals, high workforce churn and underdeveloped performance management and accountability mechanisms.

Some of the problems here appear to stem from the workforce model which was applied at the time of Oranga Tamariki's establishment. It almost appears that the child facing workforce was hollowed out and deprofessionalised in the interests of efficiency rather than effectiveness. It seems very peculiar that the national's highest needs and most vulnerable tamariki and rangatahi should be cared for predominantly by low skilled and unqualified youth workers paid close to minimum wage.

This is not to denigrate these workers. We met a multitude of dedicated, talented and hard-working youth workers who appeared to be giving their lifeblood to the children in their care. Many had interesting life experiences and were clearly superb role models and carers.

But they also appeared to us to be underpaid and undervalued, inconsistently supported by managers and often left to interpret policies or make up processes and standard operating procedures for themselves, in the absence of central guidance.

They are also being placed in dangerous work environments – due both to the unmet needs of the young people in their care and due to the current health and safety stressors deriving from staffing shortages.

The model on which workers in community homes are appointed also seems flawed. Youth workers are typically appointed to specific homes as opposed to being appointed to a region or portfolio of facilities. This makes these staff non fungible. They often need to be reinterviewed and recontracted to work in a home around the corner. This not only creates unnecessary grit in the gears of

recruitment approvals but is also at odds with the tamariki population who can move in and out of homes at some tempo, creating a lack of continuity of carers and obstacles to staff working to their unique strengths.

It seems to us that the mindset that sits under the current youth worker construct, while not overt, is that these workers are disposable and essentially a casual workforce. While some wages have lifted in recent years, there is little investment beyond a bare minimum in their induction, training, professional development, performance management or career pathways.

Indeed, some residences actively recruit to a pool of casual staff, and try before they buy, prior to offering permanent employment agreements.

This is a profoundly short-sighted view in terms of both current labour market pressures and the need to improve the quality and consistency of care. Many of the youth workers we spoke to simultaneously loved their work and were exasperated by their employer.

On the social worker side of the house, the picture is not dissimilar to that which prevails in the health workforce. Long predicted training and supply shortfalls are now glaringly evident, and there are simply not enough social workers being trained to meet the needs of the wider system. As a consequence, caseloads are unsustainably high and so are stress and burnout. Given that social workers are now part of the Government's 'scarce skills' list, Oranga Tamariki needs to take a leadership role in investing in this workforce for the future of the social service system.

With regard to other positions in the residence and care home system, there is a marked lack of clarity about job descriptions, performance metrics and reporting lines. It was common for respondents to tell us their job descriptions did not fit their work, seemed duplicative of other roles or did not contain clear targets and measures.

On our visits to the residences and homes we engaged mostly with staff from residence managers to the front line. In these cohorts we saw little evidence of active performance and talent management outside the individual efforts of specific managers (often the most proactive had prior management experience in another domain).

While HR reporting seems reasonably good, we sometimes observed little action on key workforce indicators. For example, some residences have significant absentee staffing issues that appear largely unaddressed. Others have high numbers of active disciplinary investigations that appear stalled between the work site and head office HR.

In summary, while we know there are many talented managers and skilled HR professionals within Oranga Tamariki, their enablement and support does not currently seem to be gaining traction to support the organisational front line as well as it should.

Below we provide our impressions, based on this review sample of homes and residences, of the current state of each aspect of the employee lifecycle and the opportunities for improvement we see. Many of these comments apply to Oranga Tamariki more broadly as well as to the wider sector workforce.

ATTRACTION AND RECRUITMENT

While it is urgently necessary to rethink and improve both attraction and selection strategies, an *essential prior step is the reconceptualisation of the future model for front line workers.*

IN-CONFIDENCE

We think that the current youth worker profile is fundamentally flawed and must be replaced with a more professional model. There is no point getting better at recruiting if we are recruiting the wrong people.

The core question must be: given the current and future needs of children in care and residences and the outcomes for them that we seek, what is the success profile of the staff member who engages with them most frequently on a day-to-day basis?

Rather than the current old fashioned job descriptions, we suggest simpler, more modern success profiles, addressing both traditional skills and experience, but also identifying required attributes and behaviours. An indicative example of such a profile is shown below.

<p>What people know</p> <p>Technical and professional information needed to perform the job activities successfully.</p> <p>For example:</p> <ul style="list-style-type: none"> • Professional qualification in youth work • Familiarity with professional supervision models 	<p>What people can do?</p> <p>A cluster of behaviours performed on the job.</p> <p>For example:</p> <ul style="list-style-type: none"> • Situational awareness • Decision making under pressure. • Risk identification and management
<p>What people have done?</p> <p>Educational and work experiences needed to perform job activities successfully.</p> <p>For example:</p> <ul style="list-style-type: none"> • Led an operational team. • Worked in Kaupapa Māori context. • Initiated a new project 	<p>Who people are.</p> <p>Personal dispositions and motivations that related to job satisfaction and success.</p> <p>For example:</p> <ul style="list-style-type: none"> • Leadership skills • Cultural confidence • Empathy

While the new front line support worker should reflect diverse backgrounds and varying levels of skill and experience, the composition of shifts must also be such that more junior staff are supported by those with more experience.

We would also like to see a formal youth worker qualification being required for each front-line worker. We think required skills should be consistent across all rosters, including night shifts.

If the staff member does not have this qualification on entry, they should be supported by Oranga Tamariki to complete it, in partnership with the relevant tertiary providers. As sector steward, Oranga Tamariki should also facilitate this capability development for local providers.

As we outlined in the section on leadership above, the model for first line leaders also needs to be redesigned. They should comprise a mix of those promoted from within (on the basis of the stringent talent management we outline below) and those with other relevant people management experience. First line managers should also be inducted via a carefully designed programme of management skills. They should also be expected to have, or be working towards, a higher-level qualification, in addition to the leadership development and coaching programmes we outlined above.

Techniques for attraction can also be modernised. It may be that Oranga Tamariki needs to work in partnership with other social agencies to attract front line staff who are seeking experience before

commencing training as health, education of law enforcement professionals. Recruits in the typically lengthy police pipeline prior to entry to the RNZPC for example, would find these experiences relevant. Part time roles for social science students are another pipeline.

Oranga Tamariki also needs to consider whether its current advertising strategies remain relevant in a tight labour market where employers are increasingly mining data to identify and proactively contact possible candidates. It also needs to consider its international recruitment strategies, particularly for social workers.

Selection processes also need to be more sophisticated than the current interview plus children's worker check (which includes police vetting) approach. The future process needs to address the gap that often exists for candidates now between their expectations of the job and the reality. Role plays, site visits and testing will soon pay for themselves with increased staff retention and reduced churn.

Given that Oranga Tamariki will increasingly be reliant on Māori and community providers to deliver services in future, a toolkit of attraction and recruitment profiles and techniques is likely to be a useful investment in growing the capability of these local partners and ensuring consistency and quality of care.

ONBOARDING

With regard to onboarding, *all position-holders within the residence and Care and Protection systems should be provided with a comprehensive induction programme that is both mandatory and consistent.* Its foundation must be child centred, trauma informed care, with de-escalation training and Standard Operating procedures (SOPs) included.

While the new 6-week induction programme that was recently launched has much to commend it, it is not being consistently delivered in practice because of current staffing pressures. It is simply not possible to manage the level of staff extractions from front lines activities entailed.

It might be useful to take it as a starting point and ensure that the balance of theory and experiential practice is improved. Clearer rules around coaching of inductees and double rostering over the first months will also help.

Overall, the mindset around induction needs to change from a 'nice to have' ex ante training package, to more of an extended professional apprenticeship investment and experience, in which staff have a highly supported entry to their craft.

As noted above, new managers should not be expected to absorb management and leadership skills by osmosis. They must also have a rigorous onboarding programme which should reflect basic people, financial and operational management skills.

ROSTERING AND DEPLOYMENT

The current rostering and deployment model for front line staff in residence is based on a three-week pattern as below.

- Roster Pattern: 2 x am shifts, 2 Rostered Days Off, 3 x pm shifts, Training Day, 3 am, 2 Rostered Days Off, 4 pm, 1 Rostered Day Off
- Training Day: Every 3rd Tuesday
- Cycle length: 3 weeks

- Shift times (varies slightly between residences)
 - AM: 6am – 2.30pm
 - PM: 2pm – 10.30pm
 - Night Shift: 10pm – 6.30am

This model not well liked by staff, especially as it entails successive weekends of duty. It is a barrier to both recruitment and retention. Specific issues include:

- Backwards body clock rotation from afternoons to mornings is difficult because of the short transition
- Not all rostered days off (RDO) are consecutive days off: two 1-day breaks in a 3-week cycle (that is, one weekend off in three), results in a lack of solid time to relax, recuperate and spend time with family
- Dedicated night shift staff can find it difficult to remain engaged with the wider workforce and with rangatahi because they have limited opportunity for training, and to develop relationships; and
- Very low non-contact hours make it difficult to hold supervision and training events with sufficient frequency.

Oranga Tamariki has recently surveyed staff on this matter and is considering a changed roster profile. The preferred model has significant additional cost implications.

We tend to agree that the roster needs change - and that the current high levels of unplanned sick days are evidence that it not fit for purpose. However, this is also a good example of a single issue (albeit an important one) that is in danger of being treated in isolation from a wider and more strategic view of the workforce model. All of the suggestions we make here need to be viewed as a system of improvement.

TRAINING AND PROFESSIONAL DEVELOPMENT

Training for front line staff must not stop after induction. As with programmes for rangatahi, staff should have access to a variety of professional development and learning experiences that balance both the organisation's needs and their own aspirations.

The learning and development offer should comprise a rich portfolio of refresher training, upskilling towards qualifications, for-credit specialist courses delivered in partnership with tertiary providers and experiences such as secondments with partner agencies and other providers.

As noted, we suggest that professional development is centred on the 'spine' of a leadership development programme that applies at multiple levels. Basic intrapersonal awareness and resilience skills for example, could form part of initial induction and coaching for front line staff. Leadership development experiences focused on leading teams should be a precursor to promotion to team leader. Residence and middle managers experience leadership development based on leading systems, and so on.

None of this needs to be invented de novo. There are many proven programmes currently in use in public sector agencies that could be adapted for use at Oranga Tamariki. The agency also has depth in its internal learning and development function.

IN-CONFIDENCE

This future leadership framework should be nationally consistent and create a shared language and set of experiences across leadership cohorts. Participation will help bind the residences more tightly to the rest of Oranga Tamariki and connect leadership cohorts at a national level.

PERFORMANCE MANAGEMENT AND COACHING

Based on our sample of the residences and homes, the performance management system at Oranga Tamariki needs to be simplified, better aligned to purpose, strategy and outcomes and seen as an essential tool for strengthening accountability and shared professionalism.

By this means all staff and leaders, at all levels, need to see how they contribute to service quality and outcomes for children and their whānau and communities.

Clear, simple and easy to use performance tools help provide the vital golden thread we discussed earlier. Everyone at Oranga Tamariki - from the cook in a residence, to the team leader, to the middle manager - needs to be clear about their distinctive contribution to 'putting a man on the moon' of Oranga Tamariki's vision and purpose for the residences and homes.

Current attitudes in regard to performance management will also have to change. At present this appears to be seen as an administrative annoyance and as something threatening. Compliance with the requirements for regular performance discussions appears low.

To optimise the performance system, managers at every level need to know how to have quality coaching discussions. This means they need to know how to ask good questions, how to discuss emotional and behavioural issues and how to support, enable and gain the best from their people.

Coaching skills, developed to a consistent Oranga Tamariki model, also need to be a part of the leadership development programme. They should be trained in cohort groups by role plays, with the training facilitated by skilled professionals.

It is vital that leaders are trained to give constructive coaching feedback, both to recognise strengths and require improvement and development.

Quality coaching should be the relational glue that holds staff and managers together.

It is also a critical first line of defence for spotting and addressing values misalignment, wellbeing and behavioural issues.

TALENT MANAGEMENT AND PROGRESSION

We would also like to see the introduction of a simple talent management model for use in the residence and homes. This will both enhance retention and better target professional development investments. Above all it will support staff to see clearer career pathways, both within Oranga Tamariki and across the wider children's and social sectors.

By this we mean a tool for use by residence managers to map the performance and potential of their people. Managers will first need to be carefully trained in the proper use of such a tool. This is not intended as an elitist framework that suggests all staff aspire to be the chief executive one day.

Rather, the framework will help frame coaching conversations, ensure that staff get the professional development they need and help clarify available career pathways. The plans should follow the staff member as they progress in the organisation and sector.

The plans should also reflect new career pathway options. Staff in the residences should be able to progress into other parts of Oranga Tamariki and ultimately, with the right professional development, into leadership positions.

Given that staffing in residence is predominantly of Māori and Pasifika ethnicity, the organisation should consider both how to harness their inherent skills and worldviews for the benefit of the wider agency and how to ensure their cultural safety as they progress.

When used with sensitivity, it will help prevent the loss of key talent, identify succession pools and support promotion and progression decisions.

RECOGNITION AND REWARD

We ended most of our interviews with front line staff by thanking them for their work. In some residences they often responded by telling us that it was unusual to receive such positive validation.

On the other hand, some staff also told us they felt there were overly fluffy and sometimes premature formal recognition ceremonies undertaken by Oranga Tamariki before outcomes had been fully demonstrated. *“We tend to be all self-congratulatory and nice”,* said one staff member, *“when sometimes, we need to be less nice and more demanding of accountability for actual results.”*

With regard to formal remuneration, we heard some noise from the front line in regard to lack of progression for longer serving staff through pay bands, while new staff tended to be appointed to a higher band. These matters should be looked at as a part of the total package of workforce strategy for the residences and homes.

COMPLAINTS AND INVESTIGATIONS

We heard a great deal about how hard it appears to be to address poor performance or behaviour at Oranga Tamariki and about how staff in residences are both reluctant to make a complaint and frustrated by the apparent slowness of HR investigations when they do.

At present there seem to be a number of disciplinary investigations that have taken many months to progress. Delays adversely impact the complainant, the alleged perpetrator, the line manager and the overall culture of the home or residence. A newly established Incident Management Team within Oranga Tamariki is now focussed on progressing the backlog of open complaints and investigations.

Some of the managers with whom we spoke lacked clarity about the processes to follow when receiving a complaint. Often quite inexperienced first line leaders were trying to deal with disciplinary issues of considerable complexity. There also seemed to be a prevailing view that line managers were largely helpless to address performance or disciplinary issues unless a formal written complaint had been made.

Once a complaint is received or an allegation made, the relevant manager, with advice from HR or other specialist, must promptly gather as much information about the alleged incident or behaviour as possible. At that point, the manager must explicitly decide what route to take in response. There needs to be a clear demarcation as to whether a performance management or disciplinary process is preferred. This decision should be made at a level no lower than that of Residence Manager.

Throughout the investigative process, all parties must be kept well informed of progress.

Timeframes must also meet reasonableness criteria. Both complainants and alleged offenders find it stressful when such processes are opaque or protracted.

Once a complaint is made, the priorities must be, in this order, safety, support and agency for the complainant and others involved (including the alleged perpetrator) and a clear process through which to consider the best approach to take to investigating the allegation.

Managers do not tend to do this often, and most lack confidence on the way forward, particularly without a formal complaint. In house HR practitioners sometimes provide conflicting advice to managers or are not trusted by complainants to serve their interests as opposed to those of the organisation.

There is an opportunity for staff and managers in residences and homes to be supplied with uncomplicated process flow and decision diagrams, so that speaking out and complaints options are made very explicit. Ideally such schematics would link into a common back-end system which could be mined for intelligence.

Current active HR investigations being handled at head office level should also not be hidden behind a veil of secrecy. Investigations' progress to timeliness milestones and general themes should be reported on a case management basis at residence manager level. The specifics are not needed, but staff and managers need reassurance that matters are actively moving forwards.

From the perspective of the organisation, all complaints must be centrally monitored, and complaint mechanisms regularly reviewed to ensure they remain relevant and effective. Pattern and trend analysis should be reported at executive level so that prevention activities and response interventions can be refined and improved over time.

SEPARATION AND EXIT

We would like to see exit interviewing and analysis further invested in and communicated on a consistent basis. It is a key part of the recruitment proposition as well as a guide to cultural health and talent retention.

IT'S A SYSTEM AND REQUIRES A SHIFT IN INVESTMENT

Finally, the design and monitoring of this employee life cycle system should not be left solely to the HR or OD practitioner, or to external consultants. Nor should workforce planning be fragmented across multiple projects with low governance visibility.

The insights drawn from all of these stages should be regular matters of discussion for the senior team at Oranga Tamariki, both within the residences and more broadly.

Workforce capability is most organisations' most critical asset. It goes to brand, health and safety, wellbeing, integrity and outcomes. Few things are more important than monitoring workforce capability and health through each stage of the employee lifecycle.

This also requires an investment approach. Without having done the analysis, our perception is that, within Oranga Tamariki, workforce expenditure is overly weighted to head office middle management and to projects. We suggest it may be significantly underinvested at the front line. We worry about the contractor burden related to the large numbers of projects.

We make comments on the likely need for some structural changes in the section on organisational design below.

As noted, the workforce model must also be considered across the entire sector, including the third-party providers to whom Oranga Tamariki has devolved service delivery, partner agencies and other

employers. As lead agency in the children's system, Oranga Tamariki has obligations to monitor, anticipate and identify ways to respond to changing workforce capability and capacity issues.

HEALTH, SAFETY AND WELLBEING

SAFETY

When we surveyed staff in residences and care homes about *'the one thing that most needs to change'* to make these facilities better fit for the future, the most common responses related to the need to improve safety. In the open comments from respondents, key themes were a mix of the tactical and strategic. They included suggestions to improve the health, safety and wellbeing of both staff and young people. Comments included:

- The ability to lock doors when necessary to assist with behavioural de-escalation
- The need for better communications tools for staff, in particular more radios
- Regular use of drug testing and enhanced powers to search staff and visitors.
- Protection of staff from non-compliant behaviours of rangatahi
- The need for emotional safety of tamariki
- Concerns around older and younger Tamariki mixing together and a need for separating the age groups to protect the younger more vulnerable group; and
- A need for rules to be followed by both staff and tamariki around acceptable behaviours.

Many of these are not permissible under the current legislative or regulatory settings.

A number of respondents to the survey also described a perceived increase in violent incidents by rangatahi in residences, many of which involved assaults on staff and some of which they indicated had not been reported.

This sentiment is borne out by the recent data. Reported incidents involving violence by young people to staff in homes and residences have increased in the year ending 30 June 2023. One secure residence had at least six staff on ACC following assaults from rangatahi at the time of our visit.

HEALTH AND SAFETY REPORTING AND INVESTIGATIONS

While it appears that the quality of health and safety reporting in the residences is on an upwards trajectory, we encountered few respondents who spoke to us within the context of being accountable office holders or PCBUs under the health and safety legislation.

While impressively alive to the operational risks with regard to the staff and young people in their care, few managers seemed to see themselves as contributing to a healthy and safe culture that could improve overall organisational learning and address systemic and strategic risks. Residence managers and those below them tend to look down, rather than across the enterprise.

Although Oranga Tamariki's health and safety reporting system, called Security Occupational and Health Incident (SOSHI), is a somewhat clunky one¹⁰, considerable effort has been invested in recent years to encouraging reporting, improving the quality and timeliness of health and safety investigations and improving the visibility of reporting at senior levels in the organisation. At the

¹⁰ This system is about to be replaced. But our point here relates to the culture around any reporting system, rather than to the system per se.

time of our review of Korowai Manaaki in 2022, we were not confident that health and safety reporting was being transmitted, via the relevant governance body, to the executive team. This now seems to have improved.

Most staff respondents told us they knew how to 'do a SOSHI' and that they were comfortable in reporting incidents related to physical injury. Less well developed however, is reporting of near misses and of wellbeing related matters, such as fatigue, psychological safety or moral harm.

Few staff were confident that health and safety investigations would be undertaken in such a manner that resulted in action. While most knew about the intent of the staff health and wellbeing policy and work programme (kaimahi ora), few could point to specific incidences where it had resulted in changed practices.

Some respondents worried about the lack of privacy for rangitahi and tamariki data in SOSHI and the poor links between SOSHI and the CYRAS system that should be the authoritative source of data on young people in Oranga Tamariki care. It is also clear that some relevant health, safety and wellbeing information is being retained on spread sheets rather than in core systems.

PASTORAL CARE OF STAFF

With regard to wellbeing, the organisation has made use of both large-scale engagement surveys and smaller pulse checks. There are significant limitations on such surveys in light of the fact that most front-line youth workers have limited access to computers. The same is true of our own short pulse survey, which included several questions on staff wellbeing.

Respondents to our survey and in interviews were most likely to say something akin to this statement from one youth worker, *"I love the work but I'm so tired. There are so few staff that we're all doing double shifts. We're not at our best and that means it's not safe, either for us or the young people in our care."*¹¹

Others felt tarnished by the issues that gave rise to this review and by the constant media focus on the residences. *"The actions of some have punished all of us,"* said one. Another said: *"It was hard enough to recruit. How will we hire anyone good with all these awful stories?"*

Some staff told us of youth workers who worked consecutive shifts to provide cover, who then fell asleep on shift due to fatigue.

In spite of this tiredness and worry, we spoke to very few staff who had utilised the available employee assistance programmes (EAP) provided by Oranga Tamariki. *"There's a culture of 'if you use EAP you're a snowflake',"* said one staff member on the front line. Our own online survey, limited as it was, confirmed this observation, with *none* of the respondents saying they had used EAP in the last twelve months. In our experience, this is an unusual finding, even based on the small sample.

There is an opportunity here to rethink the EAP model and recommunicate the offer to staff. This should be a critical source of data about health and wellbeing.

Those trained in social work or psychology told us they relied heavily on professional supervision to address wellbeing and health. They felt that the supervision model in use at Oranga Tamariki was a

¹¹ We address the matter of staff rosters in the section on workforce above.

key strength. However, some also referred to the challenges in getting sufficient time away from 'the floor' to undertake or engage in proper supervision activities.

Worryingly however, a number of staff also told us that they received 'supervision' from staff who are not qualified professionals. These staff appeared to use the term loosely to describe informal coaching or mentoring. Given the management inexperience and inconsistency in the residences and homes, this practice has significant risks and must be curtailed. It should be replaced with a richer, better communicated EAP offer and the coaching approach we discussed earlier.

SPEAKING OUT CHANNELS FOR STAFF

With regard to confidential channels for speaking out, such as the Oranga Tamariki Integrity Line, very few staff demonstrated awareness of these. Those who actively sought an interview as a part of our process, some of whom were former staff who were disaffected, told us they had not trusted their manager or Oranga Tamariki middle managers sufficiently to speak out. *"I would be more inclined to go to media"* said one, *"as I know some will just bury stuff. In the end it was easier to leave."*

We suggest that Oranga Tamariki needs to devise additional speak out channels better suited to the needs of the diverse 24/7, rostered workforce in the homes and residences, not all of whom have access to computers.

Given the current issues with complaints and investigations, plus the issues discussed in the section on bullying and harassment below, we also wonder if Oranga Tamariki should explore options for an independent external investigator or Ombudsman to whom staff can submit oral or written complaints.

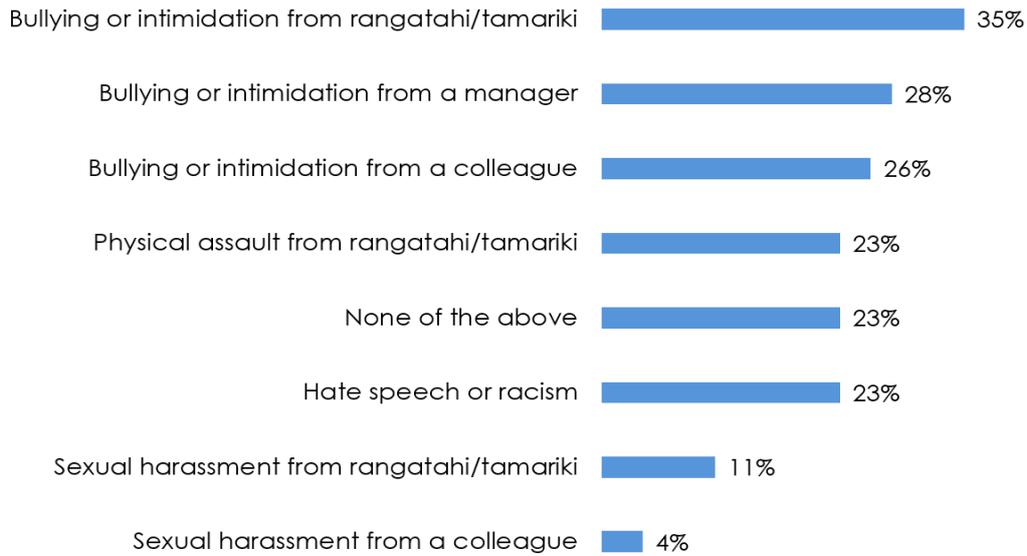
BULLYING AND HARASSMENT

We asked a considerable number of respondents why they thought the inappropriate behaviours that precipitated this review had not come to light earlier. *"It's fear"* said one, in a comment reflective of many *"Fear of being ostracised by the clique if we speak out. Fear that my manager won't know how to deal with it. Fear that the HR process will go on forever and then they'll just come back a bigger bully."*

We also asked some managers why they thought these matters had not been escalated to their attention by staff. One said, *"There's an overall low accountability culture. People sometimes walk past poor behaviours or hesitate to take them on as they don't have the hard evidence that they know HR will insist on. How do you act on it when no one will make a formal complaint?"*

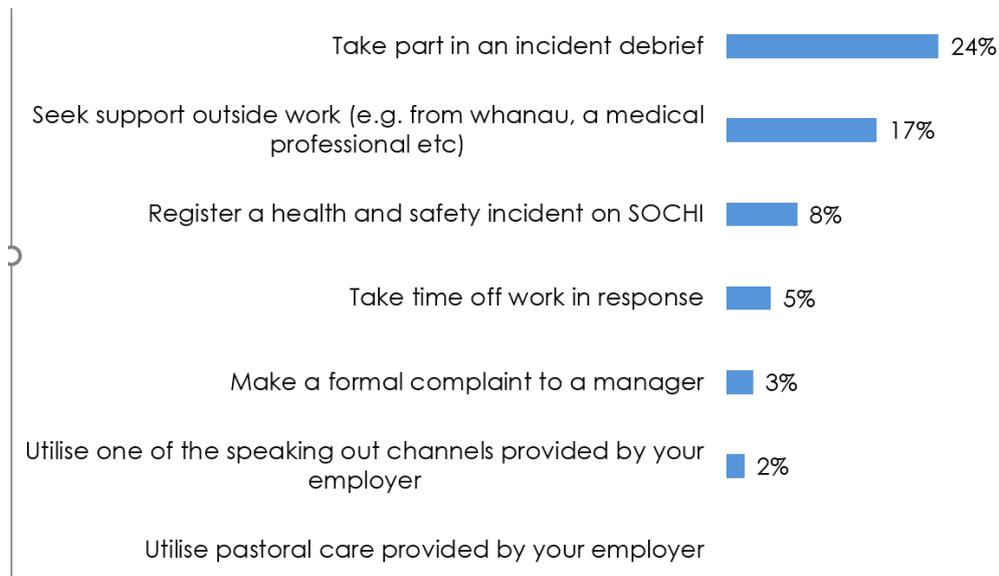
It appears, even from the small sample provided by our survey results, that bullying, harassment and other unacceptable conduct is occurring at some scale. We had 100 responses to the survey question: *'Please indicate which of the issues below you have personally experienced at work in the last 12 months.'* Results were as below:

IN-CONFIDENCE



These numbers are startling. This means that 28 staff feel they have been bullied by a manager, 26 by a peer and 35 by the rangatahi in their care. The response rate with regard to hate speech and racism is also unusually high.

When we asked what action, they had taken if they had experienced any of these matters, survey responses were as shown:



These results are also of concern. Employees and managers must know how they should report unsafe, inappropriate or unethical behaviour that they experience or observe and what the organisation needs to know when a report is made.

Staff should also be clear on what to expect if they do make a disclosure or report, including how the employer will protect them from reprisal and provide pastoral care and support.

These survey findings appear to be borne out by a number of unsolicited disclosures we received in confidence. We received a number of allegations of grooming of rangatahi by staff, both by providing 'treats' and by showing them pornography. We also heard allegations that some staff were encouraging young people to attack each other or other staff.

With regard to active investigations into such matters currently underway by Oranga Tamariki, and separate to this review, one respondent told us they thought young people were being “...groomed as to what to say, to kick dust into the eyes of investigators.”

HEALTH AND SAFETY DATA

Oranga Tamariki currently has health and safety data relevant to the secure residences and homes being reported through multiple lenses (health and safety, Kaimahi ora, HR, quality assurance, external whistle-blower and others), in multiple formats, to multiple bodies.

In view of the fact that often, the same bad actors who bully or harass are also those who commit integrity offences, it is important that privacy concerns and disjointed reporting arrangements do not obscure pattern and sense making.

While the quality of reporting is at least adequate and often good, it is currently often left to senior leaders to piece the overall jigsaw together at health and safety governance level. As a result, there is considerable risk that much gets lost in translation or that different players read different implications into the data.

Unless leaders, PCBUs and other accountable managers see the big picture, they will find it hard to calibrate risk appetite or to know where they need to nudge or educate to lift the bar in a particular area of conduct or safety.

While reporting is frequent, most dashboards and measures appeared more tactical than strategic and more lagging than leading.

These factors exacerbate the challenge for the senior team to see a joined-up narrative outlining the ‘so what?’ and the ‘so what should we do about it?’ This also creates Swiss cheese risks.

In addressing these data and intelligence challenges, Oranga Tamariki should consider the development of additional lead indicator reporting that goes to emergent risks and trends in the safety, wellbeing and ethics space. Many of the respondents to this review worried about ‘bubbling’ issues that did not rise to the threshold for formal speaking up or reporting but which, taken cumulatively, might amount to significant organisational risk.

There are two related issues here, going to both the new and legacy homes and residences culture. New managers who are leading change can suffer from an optimism bias about culture or may fail to understand the most deeply rooted layers of the cultural iceberg. Longer tenured staff and managers may have internalised a ‘boiled frog’ tolerance for poor practices or behaviours because these were acceptable in the past.

Thought also needs to be given to how the current health and safety reporting system might better record wellbeing issues. There appears to be a real nervousness about committing such issues to paper because they often appear anecdotal when compared to a physical safety hazard or incident. Wellbeing-related harm, such as domestic violence, misuse of alcohol, sexual misconduct, moral harm or discrimination does need to be reported, if it is to provide PCBUs and responsible officers with a full picture of actual and potential risks.

SYSTEMS AND STRUCTURE

SOPS

Multiple prior reviews have underscored the need for standard operating procedures (SOPs) to be developed for core and repeatable tasks in the residences and Care and Protection system. These, tools have apparently been ‘being worked on’ for years, but even draft material is not widely known.

The fundamental purpose of an SOP is to provide clear and concise instructions for the consistent execution of routine operations within an organisation. By outlining a practical, step-by-step guide on how common tasks should be carried out, SOPs ensure that work is performed consistently, efficiently, and safely, regardless of who is doing it. Moreover, they serve as a key tool for legislative, regulatory and policy compliance, reducing the risk of errors and deviations.

We were shocked to discover the inconsistencies in practice and approach of SOPs in different homes and residences, even within the same region or under the same management spans of control.

We saw frequent use of ‘SOPs’ created in individual homes on an ad hoc basis, (‘absconding child’, ‘visit to shops’, ‘fire alarm activation’ etc) and then shared with others as a matter of individual staff or manager initiative. The examples we saw, while well intentioned, appeared to be informed more by instinct and practical experience than by evidence-based practice, evaluation and review, or by policy and regulation. For example, we saw at least three different ‘absconding child’ SOPs on noticeboards in community homes.

Individual initiatives are not a substitute for a nationally consistent and quality assured set of guidelines based on a consistent and future focussed model of care and practice. Current practice is both inefficient and potentially dangerous.

It is pleasing to note that a task force has now been formed to fast track the development of SOPs in the residences and that the first new SOPs are beginning to be shared. These should be supported by a well-designed training plan, for both staff induction and ongoing training and professional development.

ENABLERS FOR MANAGERS AND STAFF

In various sections of this report, we have addressed the issue of workforce frustration and disempowerment arising from an array of perceived bureaucratic impediments. In one respondent’s words: *“Everything is too hard. It’s hard to get the carpet replaced when it’s covered in paint. It’s hard to get permission to buy something small and it’s hard to get to a computer.”*

Others talked about systems that didn’t talk to each other, laptops that were outdated, or multiple sign offs being required for apparently simple decisions.

We think that it is vital that staff in these demanding roles feel both supported and trusted as professionals. This trust should of course be balanced by the improved accountability we also discuss. We suggest that, as part of early work on the reset programme, there is a workstream that addresses a range of basic staff and system enablers. This could include, for example:

- Increases to first line manager financial delegations to ensure that minor items can be replaced or sourced quickly in service of children’s needs. This could include items needed to teach programmes, small refit items in advance of more extensive maintenance, and expenditure on group activities. Seizing a teaching moment, making a home more welcoming or providing a treat when things have gone well should not be subject to multiple, slow, sign off processes.

- Investigating options for easier to use mobile technologies for staff, to provide them flexibility to access files on the run and take notes in real time; and
- Developing consistent and more streamlined templates for common reports and records.

Another common theme amongst respondents was the lack of enablement provided to them by the current core CYRAS system. We sighted multiple reviews of CYRAS, which appears to have been being patched up for some time. They suggest that while the agency is data rich, CYRAS does not easily support data analytics, a modern intelligence function or evidence-based practice. While we did not explore this matter in depth, it seems likely that, once the strategy and operating model are reset, the need for new information management systems should be addressed in an investment case.

In addition to these tactical enablers, it will also be vital, as indicated earlier in this report, that more strategic changes to Oranga Tamariki's regulatory framework are properly invested in and progressed with high priority. At present, in the residences space, the external operating environment is driving transformative changes at a faster pace than the agency's regulatory framework can respond.

DATA AND INTELLIGENCE

As noted at various points above, Oranga Tamariki needs to ensure that all its practices in residence and care homes - from social work and case management to physical safety and security - are supported by good intelligence gathering and analysis.

Aging information infrastructure has been a theme in prior reviews, including in regard to the core care management system CYRAS as noted above. In response to this and other intelligence related concerns, Oranga Tamariki has made a number of investments in its internal performance monitoring and quality assurance functions in recent years. Headcount in these functions is high.

However, at the coalface of the residences and homes, there seems to be insufficient dissemination of evidence-based practice findings and of research and evaluation reports linked to desired outcomes. Even when such material exists, it is challenging to engage with staff on it given workforce pressures and the lack of systematic investment in training and professional development.

While as noted, staff on the front line have 'office days' that can be used for training, these can be dominated by administrative tasks and are not generally the subject of a planned approach to organisational learning and practice improvement. Different managers use them in different ways and with varying effectiveness. They are also used to cover the staffing roster.

Even following major incident reviews, information does not seem to get beyond the middle of the organisation to the front-line managers who need to use it to drive improved practice. Lessons learned reviews are often undertaken at a specific residence and then informally circulated around others. Post roof escape debriefs and learnings for example, tend to be shared informally between residence managers rather than debriefed to the cohort of managers in pursuit of a collective view of the system changes required.

Where changes are driven top down, the analysis and rationale on which these are based are not always clear to those closer to front line execution of change.

What we are seeing here is at odds with the investment Oranga Tamariki has made in a large performance hub and quality team. There seems to be good quality analysis going on in the agency that does not find its way to front line practices.

Without meaningful data and intelligence, the operating model will founder, as it must be firmly rooted in evidence about what works to secure the outcomes articulated in the new strategy.

The current lack of consistent evidence informed practice at the front line may in part reflect the fact that qualified social work, health and other professionals are used to engaging in evidence based practice, while other less qualified staff are not. Yet even with social workers, the application of organisational learning appears ad hoc, and personality driven, rather than reflecting the execution of carefully designed improvements based on data and intelligence.

At the practical working level, we would like to see Oranga Tamariki use simpler dashboard reporting to support its managers, especially those closest to front line service delivery, to see risks, trends and opportunities. These should be accompanied by good quality narrative to help inform effective implementation. Design of new services should then be clearly demonstrated to link to the evidence and analysis.

Versions of these dashboard reports currently exist, but they are many, confusing and in some cases also seem to be reflective of optimism bias (perhaps due to a fear of their public discoverability). A meta narrative is required about how the system is travelling, in addition to residence specific performance narratives. Every manager, and every staff member, wants to know how they are tracking to outcomes and how they can feed their insights into the bigger machine of the agency and system.

Oranga Tamariki also needs quality intelligence to support its engagement with partner agencies to identify areas in need of joint performance improvement and overall children's system enhancement. Above all, well presented data and intelligence will support the public facing thought leadership that we suggested earlier, and which will be critical to extending the agency's social license for ongoing change.

We suggest the creation of a *one stop shop in the agency for data, intelligence and evidence*. Such an intelligence centre should be the trigger for ongoing organisational learning and refinement of the operating model.

Finally, the development of a data and intelligence governance framework should be a key and foundational element of the strategy reset we advocate above. Without such a framework there is a risk, for instance, that decisions about technology and core systems may dictate business requirements, rather than business requirements driving technology decisions.

ORGANISATIONAL STRUCTURE AND DESIGN

Oranga Tamariki's current organisational design does not appear to be serving the secure residences and homes well and may not be fit for the future.

There appears to be no single, clear design logic – with the current design a mix of a functional and regional approaches. This appears to have grown organically and reactively over time and in response to reviews.

There is also evidence that current arrangements, and sub-optimal information flows between what have become silos, are impeding agile, efficient decision making. In particular:

- Similar types of activities are being carried on in different parts of the agency (with the risk of duplicative and inconsistent approaches being applied). Several managers with cross cutting portfolios told us they struggled to know how decisions were made or how to seek mandate within the complex matrix structure. *“There’s hard lines and dotted lines and people in acting roles and projects and working groups that duplicate everything,”* said one. *“It’s a real mess.”*

For example, respondents noted that the organisational transformation team, service delivery team and the people capability function are all currently addressing workforce strategy matters that impinge on residences and homes. They perceive a lack of clarity about who is the definitive decision maker. *“Is it the new change team, or service delivery because that’s where residences sit, or is it the new deputy CE or what?”* said one staff member. *“It gives me a headache.”*

All such challenges are further complicated by the governance issues discussed earlier and by the current extensive project portfolio.

- The agency has both service delivery functional silos and regional structures. The overlaps and touchpoints between these create confusion. For instance, the interface between functional silo managers (such as the General Manager Residences and the residence managers and other functional managers who report to this position) and regional managers (who also have functional specialisations, such as operational and clinical service specialties) was unclear to most of our respondents.
- The agency has a very steep and hierarchical structure with lots of layers between the front-line youth worker and the chief executive
- If the organisation were a vase, it would be tall but bulbous. Middle management headcounts appear significant, and it is in these middle tiers that the matrix interfaces are most confusing. The thin front line feels disabled and disabled by a confusing weight of management bureaucracy above them. In turn, senior managers feel frustrated by an inability to cascade messages through the middle and to the all-important front line. Line of sight is poor, and the steepness and complexity of the organisational structure makes it hard to drive focus and accountability. We suspect that some middle managers, wedded to old models, are creating inertia that frustrates the successful execution of change in the residences and homes space.
- While the functional/regional matrix creates confusion, it also seems to create the worst of both worlds for key resourcing decisions. For example, placement pressures mean that neither national nor regional leaders can take a portfolio approach to service delivery differentiated by tamariki and rangatahi cohorts. As discussed above, in an ideal world, they might identify a triage and emergency centre in each location and differentiate other homes and residences by children’s needs profiles and regional demand/supply conditions. This would allow them to align staff and third-party provider capabilities to the needs of children in the region. As it is, nationally driven placement decisions mean that the regions take whoever they get, with resultant challenges in aligning demand and supply, promoting whānau connection, building partnerships and ensuring continuity of social work, health care and other services; and

- While corporate enabling functions are generally organised on the conventional business partner model, service approaches appear very inconsistent to the residence managers who engage with them. HR advice in particular can be variable depending on who a manager asks, and residence managers feel that approaches are overly personality dependent.

At present, there are proposals to make changes to regional management structures, mostly at middle management level.

We support a refresh of organisational design and structure – and with-it accountabilities. But this should be undertaken *after* the strategy reset for residences and homes that we propose, and following the redesign of the operating model, so that form follows strategy.

It will be important that any new organisational design is considered with a view to ensuring that residences and homes can deliver on vision and strategy and adapt to changes in the external operating environment on an ongoing basis.

Oranga Tamariki should reflect on the following in considering any design changes that impact the secure residence and community homes portfolio:

- Clarifying whether a functional or regional approach, or a clear and coherent combination of the two, should guide organisational design
- Reviewing spans of control to ensure they are appropriate given the number of staff and the nature of work for which executives and managers are responsible
- Considering a flatter structure, with a slimmer middle management supporting enhanced investment in the front line
- Developing an approach to sharing resources between teams, including building a cadre of generalist staff who can surge or be fungible across teams. This will require some reflection on the appropriate balance between specialist and generalist staff; and
- Developing measures to ensure information flows between levels and teams in the new structure are timely and efficient.

Transparent organisational design principles should also be applied in selecting the preferred future design, to ensure staff know what is being done and why.

PARTNERSHIPS

PARTNERING TO DELIVER WITH IWI BASED AND COMMUNITY PROVIDERS

It has been an aspiration and directive of most recent reviews of Oranga Tamariki that collective Māori and community responsibility and authority must be strengthened and restored in such a way that the services Oranga Tamariki currently provides to children can, over time, be provided by Māori and community groups¹².

As a Māori social service provider put it to the MAB, *“(we want) a permissive environment that allows us to work our own magic – not from Wellington, or even from regional or site offices of – but*

¹² He Pāharakeke, he Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry – see <https://waitangitribunal.govt.nz/news/tribunal-releases-report-on-oranga-tamariki/>

what we do in our street, what you do in your street, to build thriving whānau and tamariki. Investing in Māori. Not Pakeha handing over to Māori.”

The 2016 EAP report, while delivered to ministers of a different political complexion, expressed a similar sentiment when it wrote:

“...the future system must take a partnership approach with iwi and Māori organisations to provide appropriate wrap-around services for vulnerable Māori families, making better use of the capability and capacity of these organisations to service the needs of Māori children and young people.”¹³

The EAP also noted the importance of focused reporting on the quality of outcomes for Māori children and progress in reducing the over-representation of Māori young people in the system. It argued that:

“Successive reviews of CYF have failed to empower or deliver change for Māori children and young people. Sharing governance input to include Māori is a progressive forward step. Fundamentally, governance is about power, relationships and accountability – who has influence, who decides, and how operational decision-makers are held accountable...The Panel believe it unlikely the future department and wider system will achieve the required change without strategic Māori leadership, direction and influence.”¹⁴

Oranga Tamariki has invested heavily in this kaupapa in the last few years and has made some real progress in engaging with Māori and altering its organisational mindset to approaches more strongly anchored in matauranga Māori.

However, the MAB also noted that:

“The future must be (about) activating stronger, thriving communities, including the purposeful strengthening of Māori collectives based on kin connections, as well as drawing on place based leadership. This is necessary so that healthier and happier tamariki and whānau are the outcomes. Until we get closer to that, the need for a state Care and Protection system remains critical. With effective quality social work enabled as part of that, but this cannot be the ultimate end goal.”

We saw signs, in the context of this rapid review of the secure residences and community homes, that the agency may currently be in danger of running towards this goal before some iwi, communities and partner agencies are ready to support provision of the required complexity and manage the attendant risks.

Oranga Tamariki should continue to try to follow and invest in the pace and scope that iwi and other partners wish to take. For some providers, this might mean focusing only on prevention, while others may seek to be involved across the whole spectrum; from prevention through to transitions from care for older rangatahi.

¹³ See <https://www.msd.govt.nz/documents/about-msd-and-our-work/publicationsresources/corporate/expert-panel-cyf/investing-in-children-report.pdf>, page 11

¹⁴ As above, page 60

However, if Oranga Tamariki is not presently clear about its core purpose, outcomes, strategy and operating model for the residences and homes, it will struggle to articulate regulatory bottom lines and design best practice service outcomes with partners. The investments in infrastructure, resources and workforce capability that we are suggesting here will take time to plan, build and deliver, both for iwi and community providers, and for Oranga Tamariki.

We have seen signs that some imminent transition partnership arrangements have not been well thought through.

The Crown, as Treaty partner, risk holder and provider of last resort, will further harm tamariki and rangatahi if investment in partner providers is not managed well. Oranga Tamariki gets a single chance at this reinvestment, redress and empowerment.

At the moment, to refer again to the quote above from the social worker addressing the MAB. It feels to us as if Oranga Tamariki, albeit with excellent intentions and a passion to make things right, is *'handing over'*, rather than *'investing in'* Māori and community providers.

These providers operate in the same labour market as Oranga Tamariki. They face the same regional pressures. Oranga Tamariki must ask itself how it can ensure that they are invested in and supported to succeed.

As the MAB described the challenge in 2021, *"(our recommendations are focused on) strengthening the village that tamariki need and strengthening Oranga Tamariki to be the trusted doorway to support and services that can assist whānau, while drawing together the broad range of relevant government support when that is also needed."*

Similar to supporting the capacity of Oranga Tamariki to partner, we strongly suggest (as has the MAB), that there is a need for a clear plan to support the capacity and capability of partners.

This requires a long-term *investment strategy for partner capability and capacity*, and while we understand this is in development, we are yet to see the plan.

INTER AGENCY PARTNERSHIPS

Oranga Tamariki's leadership of the ensemble cast of social agencies certainly does not yet appear to be sufficiently mature to bring all of the Crown to the support of and investment in Māori and community care and Youth Justice providers.

As noted above, the agency is sometimes disconnected from partner agencies, and it too often rushes to fill the gaps where other agencies should be, rather than working across the children's and justice systems for collective results.

Oranga Tamariki now needs to think very carefully about 'what it is in the system that *only* Oranga Tamariki can do.' This requires real discipline, the courage to push back on Ministers if required and a consistent focus on outcomes across multiple time horizons. It requires thinking through intervention options from something of an investment perspective. The rationale for decisions made in this regard must be transparently communicated, both internally and across the system.

The agency has to date had a 'mile deep and inch wide' focus in the children's and justice systems. As a tactical rather than strategic agency it tends to look inwards and down as opposed to up and across the system. It asks what *it* can do. It does not ask what it needs to nudge, elicit and marshal from the players in the wider system.

Oranga Tamariki also needs to reflect on the *time frames* within which conceives its role. Over what time frame does the agency think about its purpose and strategy, given the compelling need to empower Māori and other partners and the importance of better management of intergenerational trauma?

If Oranga Tamariki is to serve not only the Government of the day but successive governments, what does that mean for investment in community provision and for the way in which its advice is shaped and delivered?

In terms of agency partnerships, the challenge for Oranga Tamariki is to decide when to lead, when to influence through others, when to invest, when to remove barriers and when to leave things alone. This will require careful prioritisation and some critical decisions about what 'not to do'.

It will also require confident external leadership of the public discourse on vulnerable and high needs children to position and engage all communities with the many difficult trade-offs and choices that are likely to be entailed over the medium term. Oranga Tamariki must play an informed but humble thought leadership role in the overall narrative about restoration and reinvestment in both rangatiratanga and kainga.

UNION PARTNERSHIPS

Oranga Tamariki also needs to continue to invest in its strategic relationships with key unions, including NUPE, (which supports most front-line workers in residences and homes), and the PSA.

To date, as major incidents have occurred or crises have hit the media, Oranga Tamariki has tended to work with the unions to make tactical adaptations to working conditions to try and prevent a recurrence of the incident or crisis. At the extreme end, is the dispute between union and agency regarding the closure of the Te Oranga facility in Christchurch. This high-quality facility has now been offline for some time, with some staff at home on pay for up to two years.

Over time, the impacts of this reactive approach have accreted considerable inflexibility into employment arrangements and the wider system. As Oranga Tamariki now tries to take a much more strategic and investment-based approach to the system, and to better align the homes and residences portfolio to cohorts of young people, improved workforce management, and more devolved partnering models, it will be important to engage in strategic discourse with the unions, outside the frame of bargaining.

In order to affect some of the suggestions made here, both parties will need to be thinking outside the box, as well as being receptive to healthy compromise.

RESOURCES AND ASSETS

INFRASTRUCTURE AND ASSET MANAGEMENT

As noted, the Youth Justice residences were built some time ago. They are now tired facilities that are not fit for future purpose. One respondent described their original design philosophy as

“boarding schools on steroids” in that they were originally designed for younger and less violent detainees than they currently hold.

They mostly comprise a central quad surrounded by accommodation units and specialist rooms for education and recreation. Most have a secure unit. Each unit has a small control room. The core administration building typically has a cramped CCTV room and modest facilities to support whānau or other visits. Access is mostly via old fashioned keys.

In 2019, the Treasury approved an Oranga Tamariki business case for 16 new residences, due to have been completed in late 2022. The current new build plan is for seven new residences in the Care and Protection space, most with five beds and which are intended to be operated by third party providers in the local community. The current plan is for most to be built at once, with homes in Dunedin and Auckland completed to date.

In addition, Government recently announced two new high-needs units to be built within Youth Justice residences, aimed at older teenagers.

As a review team, we found ourselves very confused by the proposed new build project in its current iteration. We are not clear on the balance and intent of the future portfolio and how it aligns with projected cohort demographics, with partnering plans and community needs. For example, the Invercargill unit, partnered with Ngai Tahu, seems less pressing than the development of additional capacity in Christchurch, which is currently suffering severe pressures following the closure of the Te Oranga facility.

Also, as noted, we do not understand why some family and community homes are being decommissioned before others come online, which places further pressure on an already stressed system of placements.

Nor, as discussed in the last section on partnerships, do we understand how Oranga Tamariki has assessed the regional supply of community provision of the requisite quality given the challenges it currently has in describing and measuring overall system outcomes, optimal current and future cohorting and assessing the performance of a specific residence or home.

In terms of *ongoing* property and asset maintenance, Oranga Tamariki seems reactive and rather than strategic. We noted over 40 separate trades at work on residence repairs related to a recent roof escape during our visit to Korowai Manaaki, but we do not know what the plan is for the residence more strategically.

Ideally, we would expect residences and homes to be sufficiently specialised to respond to the needs of specific rangatahi and tamariki cohorts while also being sufficiently generic to be adapted as needs change over time. If Korowai was to be viewed in future as the top choice for the cohort of older, more violent rangatahi on longer sentences for example, what should that look like as a facility? If we are to have specialist bail and remand homes, how should they be configured and with what outcomes in mind? How is the agency engaging with experts across the system and internationally on what good could look like in future?

Just as Oranga Tamariki band aids service shortfalls, it appears also to band aid its assets, in the absence of a clear and widely understood plan that reflects both its strategy and its system stewardship role.

TOOLS FOR STAFF

One of the most common daily irritations for front line staff in secure residences, (also reflected in our survey results), was the lack of basic tools to do their work safely. These included:

- lack of working radios
- unserviceability of internal unit intercoms
- poor cell phone cover in residences
- inconsistent Wi-Fi coverage
- low access to laptops and core information systems; and
- lack of such basic items as comfortable chairs for night staff.

In the community homes, frustrations appeared to be more about inability to get requisitions for small items signed off quickly. Some of these matters may seem trivial, but to staff, they go both to their personal safety and their ability keep the children in their care safe and supported. *“When I can’t get the shoes I promised that kid in a timely manner because of some administrative stupidity”,* said one youth worker, *“that’s one more letdown for that kid in a life of letdowns. That’s one more thing that can trigger them.”*

The proposed new residence uniform, discussed in the section on culture above, was also a frequent topic of concern. *“Yes, we know we need to look more professional,”* said one youth worker, *“but that should be a matter for our managers driving a good dress code, rather than slamming us all with something that looks very military.”*

Another said, *“When I put that tee shirt on with Oranga Tamariki over the chest, I felt like I became a target. One of the kids said to me ‘Aww, I thought you was working for this residence and I liked you. Now I know you’re Oranga Tamariki I have to hate you’.”*

PHYSICAL SECURITY AT SECURE RESIDENCES

Multiple prior reviews have identified opportunities for improvement in the physical security of the secure residences. While many of these matters have or are being addressed, remedial activity is generally undertaken in response to a specific recommendation in a specific review.

There appears to be little in the way of a proactive, multiyear security plan, which anticipates and responds to the changes in the resident population, differentiates by cohort and takes account of intelligence in the wider justice and social sectors in regard to monitoring of security risks and threats.

We think there remain opportunities to improve:

- Camera cover of and security patrols around perimeters
- The elimination of interior camera placement blind spots
- Bigger, more modern control rooms and surveillance camera banks, with higher resolution screens showing activities with greater clarity
- Residences accessed mostly via a single key, which is worn by staff on their belts. We saw evidence of some poor key security practices. Overpowering a worker and taking the key has happened and remains high risk. We suggest that keys should be replaced with more sophisticated biometric access arrangements

IN-CONFIDENCE

- Because regulation prevents rangatahi from being locked in their rooms at night, children in a wing or dormitory can move between rooms if they want to (or are threatened). Along with blind spots, this creates an environment at high risk for sexual violence, assault, night-time escapes and grooming in regard to gangs or higher end offending
- Detector dogs trained to detect contraband (drugs, technology, cash, etc.), which could be borrowed by Youth Justice residences from the Department of Corrections, are not regularly in use for checking residents, their visitors or staff areas
- Searches and checks for contraband do not appear to be systematic, aligned to intelligence and risk based. While these are permitted, under current policy settings, only in certain very limited circumstances, some residence staff seem to think searches are just too hard
- The predominant safety training for staff is STAR training on de-escalation and restraint holds. 'Bigger picture' personal security appears to receive much less attention. We expect youth workers to be taught about situational awareness, behaviour modification, their personal use of social media, protocols for detecting, resisting and reporting undue influence and so on; and
- We also saw little evidence that refresher security training for staff is regularly or consistently undertaken. Not does it appear to be calibrated to intelligence about emerging risks, crime types and new forms of contraband.

FINANCIAL MANAGEMENT

Secure residences are expensive to operate, both because of frequent damage and the costs of refurbishment, and the highly customised therapeutic support and care arrangements that some children require.

Financial management of the residences and homes is not part of our brief here, but our visits suggested to us that two contrasting modes of day-to-day financial management were at play in the residences and homes.

On the one hand, financial delegations to residence managers appear overly modest, which drives the slow and unwieldy sign off processes for sometimes quite minor or urgent expenditure. For example, it was common to hear of children taken offsite to a community facility such as a pool being denied entry because 'Oranga Tamariki' had not paid the previous bill. Several rangatahi raised this with us as an illustration of why "*the staff might be OK, but you can't trust Oranga Tamariki*". Other examples related to the slow pace of refurbishment following an incident.

On the other hand, we saw signs that financial management disciplines may need tightening. For example, we noted that some managers appeared to shift expenditure between budget lines and even between capex and opex. We noted a 'just fix it at any cost' approach to the repairs and maintenance space. Some respondents told us that a fair proportion of the generous catering we saw everywhere was going home with staff, in a manner at odds with public service proprieties.

RISK MANAGEMENT

We noted earlier that Oranga Tamariki as an agency has a low tolerance for risk and a tendency to suppress rather than manage and mitigate risks. It is rather gun shy in this area, in part as a result of the parade of negative reviews.

This approach lacks maturity and will never work in an agency that delivers such inherently risky and high stakes services as care, protection and detention of children and young people. It chills speaking out, stifles innovation and slows decision making.

Fronting up to operational, strategic, moral, financial and other risks and managing them transparently needs to be modelled at the executive leadership team level and driven down into the leaders of residences and homes.

The emphasis should be on proactive risk identification, management and mitigation, rather than, as now, on risk elimination. Safety, for tamariki and for staff, is the critical risk that must be managed, but there are many others that require careful analysis in terms of risk identification, management and mitigation.

The agency also needs to have the agility to treat risks according to different levels of risk *appetite*. There will be areas in which the goal should always be to lower the risk exposure as close to zero as possible. But there are other, lower risk areas in which staff and providers might have considerably more freedom to experiment and design options.

Oranga Tamariki should, therefore, reflect on and refresh its risk management frameworks and tools. Leaders will need to communicate their differential risk appetite across the residence and homes portfolio. A culture of responsible risk *management*, rather than the current culture of risk *suppression*, would reduce fearfulness, enhance speaking out and better enable staff to be confident professionals.

In a future, more devolved and partnered system, Oranga Tamariki will also need to consider the level of system risk generated by non-Crown providers that it is prepared to tolerate and how it will invest in third party risk management capability building.

With specific relationship to the residence and care homes, especially once more service provision is devolved, we suggest that a residence/homes specific Audit and Risk Committee meets quarterly and follows a clear programme of work, which includes regular agenda items as well as areas of interest or concern, including those generated by review recommendations.

CAPABILITY TO IMPLEMENT CHANGE

In the last section we outlined multiple suggestions about what could change if the performance of secure residences and community homes is to improve and be fit for the future.

In this section we outline some specific change leadership challenges – the how - that will need particular attention from the senior executive team as they respond to the suggestions made in this report.

As noted earlier, the reset programme we outline here should not be planned or executed as a set of one-off initiatives. There are no magic bullets that will drive the improvements in organisational performance necessary to address the future challenges and opportunities faced by Oranga Tamariki, its residences and community homes.

All of the elements described above are required and must reinforce each other. They should be explicitly designed and monitored as a single, coherent reset programme. This programme must then be collectively owned and driven by Te Riu. We think it should be *the* programme, not one among many.

This will create a significant change leadership challenge for the Chief Executive and senior team. The temptations to tinker with incremental improvements, work within deputy chief executive silos or initiate more projects should be resisted.

Oranga Tamariki's leaders should also avoid moving too precipitately, before having planned the end-to-end effort. They need to step back, breathe and plan. They also need to be provided space by the political authorising environment to do so.

We suggest that there are some specific change leadership matters that warrant particular attention. A number have been touched on above, but are worth re-emphasising here:

IMPROVED COLLECTIVE LEADERSHIP WILL BE CRITICAL

The senior team needs to clearly communicate the case for change and the key outcomes the refreshed strategy, outcomes and operating model are seeking, both internally and externally.

Te Riu must also act as *a collective decision-making body focussed on a few critical priorities*. Difficult choices and trade-offs that relate to the secure residences and community homes must be surfaced there, addressed and resolved.

Indeed, collective leadership at all levels needs to be strengthened.

The cohort of new look team leaders that we suggest will need a shared set of experiences in regard to leadership development. The group of residence managers needs to be enabled to manage risks, take decisions and share learnings. Those who manage the secure residences need to be viewed, not as a group that sits to the side of Oranga Tamariki's primary Care and Protection functions, but as a team delivering an important element within the overall portfolio of the agency's outcomes.

IT'S MORE ABOUT TENACITY THAN HEROISM

Discipline, tenacity and time will be needed to drive change from the top in a manner that strengthens the golden thread: from vision and purpose, through organisational strategy into organisational performance.

A reset programme such as we are suggesting for the residences requires tenacity and discipline. Boring grind will be more important than heroics.

Leaders and staff must be firmly held to account for progress against specific deliverables and metrics, even if the latter are partially qualitative. Targets and outcomes must be constantly emphasised by leaders and progress monitoring must be rigorous, visible and frequent.

Senior leaders must also be mindful of the fact that they are constantly being watched by their staff. Their actions and words are continually being parsed for meaning and sub text. Any disconnected messaging will be spotted. Leaders must be sure to maintain a consistent, collective narrative for the residences that is centred on measurable outcomes, week after week. Month after month.

ACTIVATING THE 'FROZEN MIDDLE'

Middle managers in many organisations can tend to block strategy execution and change. Most don't do this deliberately; but the organisational structure in which they sit can restrict opportunities to break out of their silos, and the metrics that measure their success typically reward the status quo.

Rapid changes of direction from the top of the organisation and operational pressures from below meet in the middle, where middle managers can feel so overwhelmed by what one respondent referred to as *"the meat in the sandwich pressure"* that they become stuck in a bureaucratic quagmire.

Oranga Tamariki's senior leaders need to be clear about the capability and behavioural profiles they want amongst their middle management cohort and support these managers to succeed. At the moment, there is a lot of churn at the top and front line of the organisation but a longer serving middle. This middle is more invested in the current state and in some cases appears reluctant to go all in on transformation.

Many of the middle managers we interviewed did not yet feel sufficiently confident of Oranga Tamariki's core purpose and strategy for the residences and homes. They expressed a range of divergent views about what the road to devolved and localised service delivery should look like and over what time frame.

One said: *"I have zero visibility of the strategy development process at the top and what all the projects are doing. It all feels very reactive at this level. I feel I'm being pushed every which way with no time for strategic thinking. It's hard to know how hard to push down because I don't know if plans will stay constant."*

All this suggests that the process for resetting vision, strategy and operating model, going forward, must include engagement by these all important middle managers.

Our interviews also suggest that supporting this group to lead change effectively is also likely to require an explicit leadership development investment.

ACCOUNTABILITY FOR OUTCOMES MUST BE DRIVEN HARD

Oranga Tamariki currently exhibits a number of symptoms of a low accountability culture in the residences and homes. We have discussed many of these above. They include:

- Lack of clarity regarding the required outcomes
- Lack of transparency in decision making
- Inconsistent leadership skills amongst managers at all levels
- Lack of trust
- Fear of retaliation
- Lack of role clarity; and
- Low consequences for poor conduct¹⁵

Leadership and culture drive accountability for good conduct and for outcomes. Improving accountability at Oranga Tamariki will require careful attention to all of these areas, designed, as we noted earlier, as a *system* of cultural change that is driven relentlessly by senior leaders and middle managers.

THERE CANNOT BE TOO MUCH COMMUNICATION

Internally, communications about the new vision, strategy and operating model for residences and homes need to be consistent, sustained and frequent, with all leaders 'walking the talk' in their messaging and behaviour.

Once again, this will require tenacity. It is only at the point that senior leaders are bored beyond endurance repeating the same narratives that these will be even beginning to traction from the middle to the front of such a steeply structured organisation.

Any disconnects between the messaging of different leaders will also immediately be spotted by staff and are likely to be interpreted as a sign that the top team is not united behind the changes.

THE SENIOR TEAM NEEDS TO GET THE BALANCE RIGHT BETWEEN BUSINESS AS USUAL AND CHANGE.

Currently, the executive team is in almost wholly reactive mode. Once the process of refreshing residence strategy begins, and the new settings are being implemented, it will be critically important that they do not underestimate the level of energy and resource required to sustain the management of residence and home business as usual in addition to leading the change programme as a strong collective.

Leaders, if they are correctly fulfilling their stewardship obligations, must operate today's business as well as that of tomorrow.

This entails both driving operational accountability and outcomes while also creating shared time to take a more strategic view. Within Te Riu, the team needs to be both scanning for future trends and

¹⁵ For a useful recent article on similar issues see <https://kpmg.com/ie/en/home/insights/2023/07/championing-accountability-through-organisational-culture-consulting.html>

surfacing the lessons being drawn from implementation. Its approach must be dynamic, but also centred on a shared and consistent narrative.

Vital to this balance will be careful agenda management to ensure that the immediate does not crowd out the strategic.

It will also be critical to report on progress on the change journey, so that course corrections can be made in real time, before problems threaten the achievement of key outcomes.

THE CHANGES SHOULD BE STEWARDSHIP AND CHILD DRIVEN, RATHER THAN POLICY OR PROCESS LED

It will be important not to drive the coming changes in residences from Oranga Tamariki's internal requirements to modernise systems and processes, but to drive the transition from the 'outside in'; that is, with a child focus and the need to act as a steward of the overall children's system, in conjunction with partners and providers.

The case for change must also be built on more than just response to deficit and recent service and security failures. Even without these challenges, the current model for Oranga Tamariki must change to support the changing demographics of those young people in residences and homes and the planned investment in Māori and community provision.

ORANGA TAMARIKI NEEDS TO CONTINUE TO BRING ITS PARTNERS, AND THE PUBLIC, ALONG ON THE JOURNEY

Oranga Tamariki has been open with New Zealanders about the problems it is currently facing in its secure residences' portfolio.

It now needs to be clear with public and stakeholder audiences about its vision and strategy for the future. It needs to be open with the wider children's system about the roles it does and does not play. Its investment priorities must be clear. The outcomes it is seeking must be understood by all.

This increased openness, and wider enrolment in the change implementation, will create an increased level of understanding of the challenges faced by Oranga Tamariki and improved acceptance of its strategy and operating model, both in the residences and homes, and more broadly.

WHAT COULD THE IMPLEMENTATION ROAD MAP LOOK LIKE OVER THE NEXT THREE YEARS?

In this final section we outline an indicative approach to implementation of the 'big blocks' of reset activity we have suggested. These are not the only things that need to be done. But, in our view, these are the critical, sequenced priorities for driving successful change and performance improvement in the short and medium term.

Below we outline an indicative approach to implementation of the 'big blocks' of reset activity for the residences we have suggested. These are not the only things that need to be done. But, in our view, these are the critical, sequenced priorities for driving successful change and performance improvement in the short and medium term.

It will be for the agency's senior team to refine and adapt this road map as they work collectively to plan the changes and outcomes they seek.

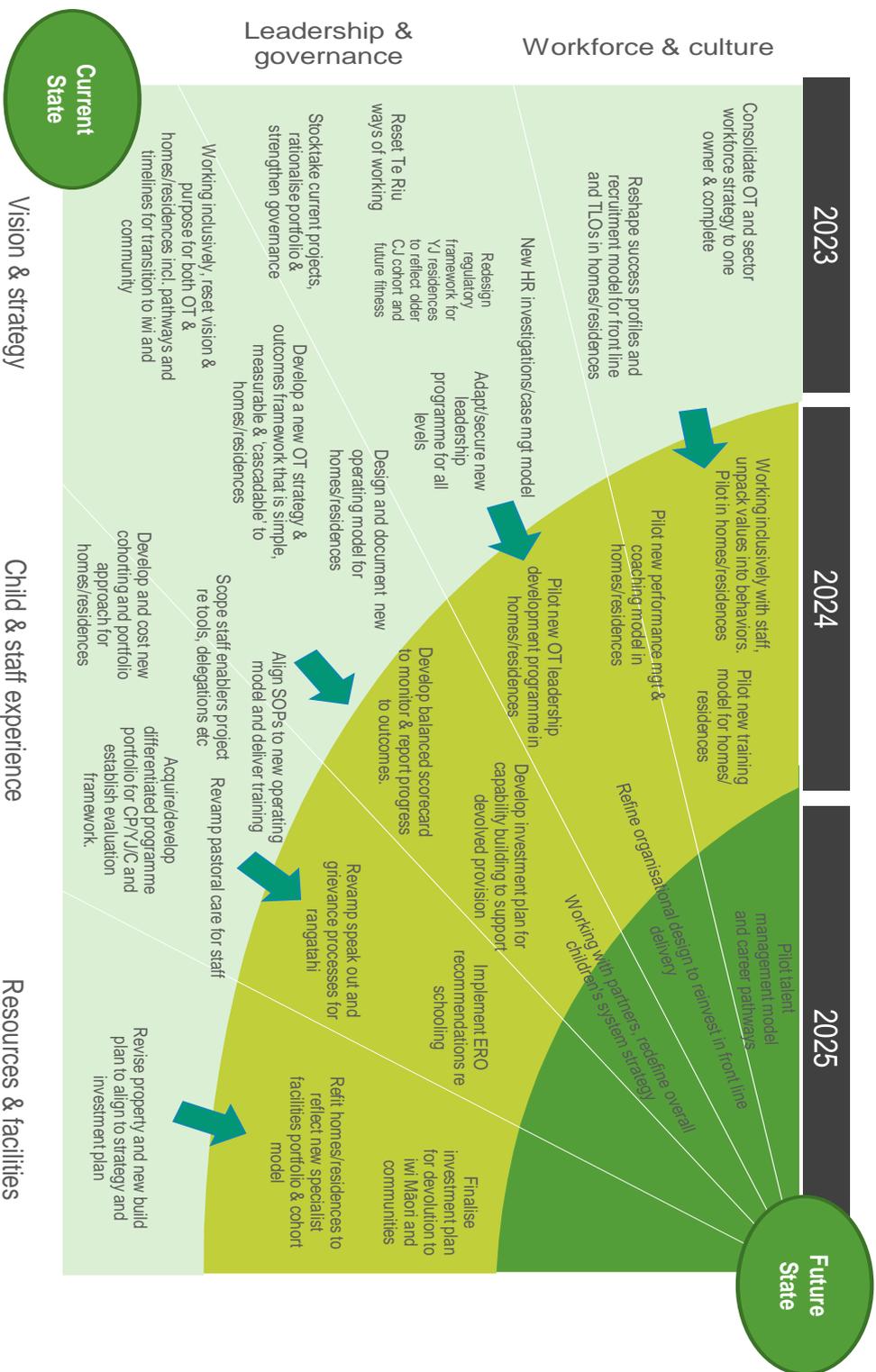
In this context, we note that, since the Chief Executive's announcements relating to this review, leadership and accountability for the performance of residences and homes has been lifted out of Oranga Tamariki's Service Delivery portfolio and placed under a dedicated, but temporary, deputy chief executive position. We strongly suggest that this model will need to be maintained for at least the first twelve months of the implementation process we have suggested below. This will help ensure that Te Riu is collectively focused on this high-risk part of the agency's operations and can easily track results and performance. It will also provide the dedicated focus that the scale, complexity and sensitivity of the issues outlined in this report suggest is required.

Once the vision, strategy, operating model and regulatory framework changes suggested here are well progressed and gaining traction, then a reversion to the Service Delivery portfolio might be considered, in the interests of an internally consistent enterprise operating model.

Finally, as will also be evident from this rapid review, there are a number of areas that will require further, more in depth work than has been possible in the current timeframe. These could include:

- Deeper exploration of the community homes current state and future operating model than has been possible here; and
- Wider stakeholder engagement on the future residence and community homes strategy and operating model we suggest here. This could include Māori, Iwi, partner agencies, community groups and both internal and external Oranga Tamariki advisory groups.

Indicative reset opportunities



APPENDIX ONE: REFERENCES

Document	Author
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The Interim Report - Tāwharautia: Pūrongo o te Wā (2020)	Royal Commission of Inquiry into Abuse in State Care
Tamariki and Rangatahi Experiences of living in Residences (2018)	Oranga Tamariki/Voices of Children
Care and Protection Secure Residences: A report on the International Evidence to guide best practice and service delivery (2016)	Associate Professor Ian Lambie
Puao-te-ata-tu, The Report of the Ministerial Advisory Committee on a Māori perspective for the Department of Social Welfare (September 1998)	Ministerial Advisory Committee

APPENDIX TWO: TERMS OF REFERENCE

RAPID REVIEW OF ORANGA TAMARIKI RESIDENCES

BACKGROUND

This review was announced by the Chief Executive of Oranga Tamariki, in June 2023, following serious allegations involving staff acting inappropriately in Youth Justice residences.

He announced the appointment of Mike Bush, a former Commissioner of Police, as Deputy Chief Executive with operational responsibility for all Youth Justice residences and community homes for a period of six months.

He also asked for an external, independent 'rapid review' across all Youth Justice and secure residences, including a small sample of Oranga Tamariki community homes. The review was to include a high-level current state assessment of their operations and performance, in addition to suggesting future change and performance improvements over multiple time horizons. It was to be provided to the Deputy Chief Executive and Chief Executive by August 30, 2023.

APPROACH AND METHOD

The approach taken to this rapid review and current state assessment is to reflect a future focused rather than a deficit approach.

The core questions the external, independent reviewers will ask include:

6. What are the future opportunities for Oranga Tamariki's Youth Justice and secure residences and, therefore, what is the performance challenge and the organisational culture that will be required?
7. If the residences are to be successful at meeting the future performance challenge, what will success, including a positive and safe organisational culture, look like in three years?
8. As the Youth Justice and residence model changes, what new capabilities and ways of working might be required?
9. In what sequence and over what time horizons might these changes be implemented, including opportunities for immediate improvements?
10. What is Oranga Tamariki's capacity for effective change implementation?

This review is intended to create a current state overview of the secure residences and a sample of the community homes' current performance and organisational culture, based on interviews with a mixed sample of staff and stakeholders and a high-level desk top review of relevant documents. A small online survey of staff will also be undertaken.

Reviewers will not elicit protected disclosures or seek to interview former staff, though they may respond to proactive requests and disclosures made within the review timeframe as they see fit.

This report will outline a high level, three years 'excellence horizon' for what the future model could look like, based on the ideas and suggestions of review respondents.

The report will include practical suggestions to improve organisational culture, health and safety, operational service delivery and thus organisational readiness for future success.

These suggestions are likely to be accompanied by an indicative implementation map for the consideration of the Chief Executive and senior management team.

SCOPE

IN-CONFIDENCE

In scope secure residences will include two Care and Protection residences (Epuni in Wellington and Puketai in Dunedin) and five Youth Justice residences (Whakatakopokai and Korowai Manaaki in Auckland, Te Maioha in Rotorua, Te Au Rere in Palmerston North and Te Puna Wai in Christchurch). Also in scope will be a small sample of one to three community homes in each residence's region.

The reviewers may need to make observations and suggestions that relate to Oranga Tamariki more broadly. These may relate, for example, to the wider agency strategy, culture and outcomes frameworks within which the secure residences and community homes are nested.

Reviewers should attempt to strike the right balance between sector specific opportunities to improve the performance and safety of residences and homes, suggestions that relate to the overall organisational performance of Oranga Tamariki as the agency and suggestions that relate to the wider system of children's care, protection, safety and wellbeing.

LIMITATIONS

To accommodate its short timeframe, and in keeping with the approach outlined above, the review will not be a formal or forensic investigation. Nor is it intended to be a research exercise.

Rather, the approach is to be exploratory and inquisitive, based on the materials available to the reviewers at the time, a survey of prior review findings and a series of site visits and interviews with staff, stakeholders and managers. The review should be a qualitative point in time snapshot of the current state of secure residences and the small sample of community homes.

There is no overlap between this review and any internal reviews or investigations that Oranga Tamariki may also undertake in response to the Chief Executive's July announcement.

Undertakings will be made by the reviewers to rapid review respondents that their information will be confidential to the reviewers and will not be used for any other purposes than those outlined above.

REVIEW TEAM

The external, independent review team will comprise Debbie Francis and Paul Vlaanderen.

To the judgement and observations, they will make in the review report, the external reviewers will bring their combined experience in executive leadership, organisational performance and corrections management.

The team will be advised by Shannon Pakura, in her capacity as member of the Ministerial Advisory Board for Oranga Tamariki. Review logistics will be supported by a small secretariat within Oranga Tamariki.

APPENDIX THREE: SUMMARY OF OUR ONLINE SURVEY RESULTS

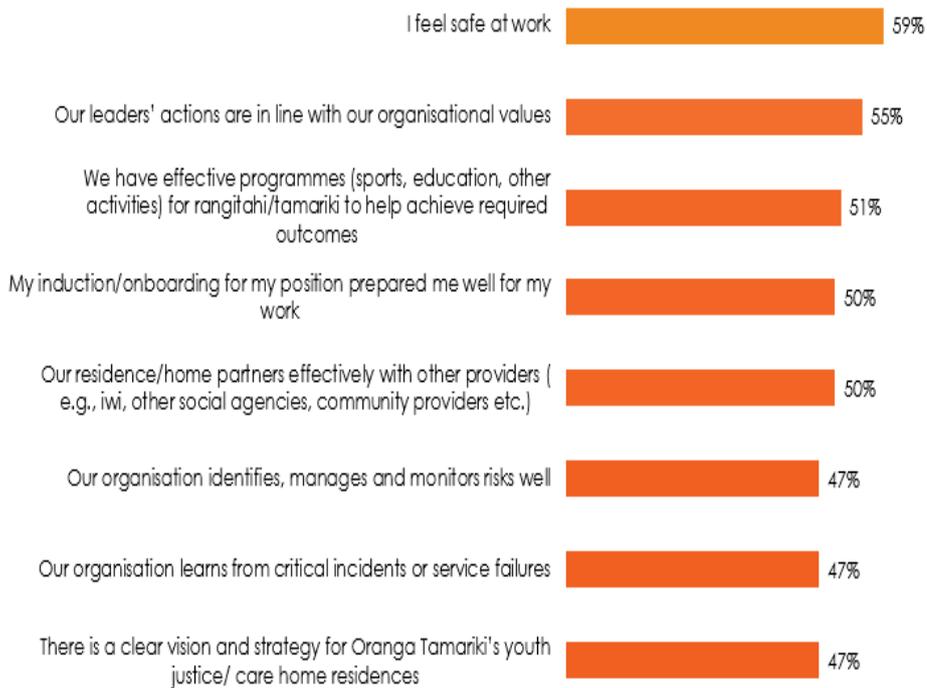
Our online survey partner was Ask Your Team. The survey was made available to all front-line staff in secure residences and community homes.

Note that these results are measured on a Likert scale. They show averaged responses against an answer scale from poor to excellent.

Overall sample size was very small, with 100 respondents. This almost certainly reflects the lack of access to computers by many staff.



Average Question Score



This is a Strongly Agree – Strongly Disagree Likert scale question type.

Independent review of Oranga Tamariki youth justice and care and protection residences and homes

