

# SERVICE SPECIFICATION

*Supported Bail*



**ORANGA  
TAMARIKI**  
Ministry for Children

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# 1. ABOUT THESE SERVICE SPECIFICATIONS

## Who are these specifications for?

These Service Specifications are for the Provider that Oranga Tamariki—Ministry for Children (Purchasing Agency) contracts with to provide Services. These Service Specifications form part of the Outcome Agreement.

Outcome Agreements with Providers for these Services require that they are delivered in accordance with these Service Specifications. These Service Specifications are a living document and may be varied at the discretion of the Purchasing Agency. The Purchasing Agency will inform the Provider of any variation to be made.

## What is the purpose of these specifications?

The specifications provide:

- a set of commonly agreed practice principles and values to guide service delivery
- detailed information about service delivery and practice
- a resource tool to help you deliver the Services consistently
- a resource tool to assist you in meeting the desired service outcomes
- a way for us to improve our responsiveness to feedback regarding changes to the Service delivery component of the Outcome Agreement.

## How should these specifications be used?

These specifications should be seen as setting the minimum standard for service delivery. Each Provider can develop a service that reflects their organisation's philosophical base, incorporating local need and the culture from which it works. You should use them to assist you to competently deliver the service according to the Outcome Agreement requirements.

## Will these specifications be revised?

This document is a living document and will be updated as required. The Purchasing Agency staff will keep you informed of any further editions, updates, or changes to these specifications, as it forms part of the Outcome Agreement. Feedback on the specifications

is welcome at any time and can be sent to the Purchasing Agency national office using the attached Feedback Form (see Appendix Two).

## Where can you go for further information?

For further information on these specifications please contact your OT Contract Manager as identified in your Outcome Agreement.

## 2. RELATIONSHIPS

### What are the principles that underpin the relationship between the Purchasing Agency, the Provider, and the client?

For the relationship to be successful, it is essential that all parties collaborate to ensure the Services are effective and accessible. The following principles guide all dealings under this Outcome Agreement. The parties agree to:

- act honestly and in good faith
- communicate openly and in a timely manner
- work in a collaborative and constructive manner
- recognise each other's responsibilities
- encourage quality and innovation to achieve positive outcomes

This Outcome Agreement does not constitute a partnership in the legal sense, nor does it mean that the Provider is an employee or agent of the Purchasing Agency.

### Cultural awareness

Each party recognises the needs of all People, including Māori, Pacific, ethnic communities, and all other communities to have Services provided in a way that is consistent with their social, economic, political, cultural, and spiritual values.

## Accessibility

Each party recognises that increased participation is supported by enhanced accessibility and recognises the diverse needs of all People, through:

- ease of communication
- flow of information
- physical accessibility.

## 3. ABOUT SUPPORTED BAIL

### What is the history of Supported Bail?

Since 2007 Providers have been delivering Supported Bail to rangatahi on bail under s238(1)(b) of the Oranga Tamariki Act who have committed serious offences.

As with all Youth Justice initiatives, the objective is to engage rangatahi in interventions that have regard to the following principles as per s4A(2) of the Act:

- The well-being and best interests of the young person; and
- The public interest (which includes public safety); and
- The interests of any victim; and
- The accountability of the young person for their behaviour.

Supported Bail is part of this suite of interventions that is aimed at providing a credible community-based option as an alternative to rangatahi being held in a custodial environment on remand.

The programme is tailored to the needs of each rangatahi and their whānau. It is delivered at times when rangatahi are at risk of breaching their bail conditions or when whānau require specific support. This will include weekdays, evenings and weekends and coverage over at-risk times during public holiday periods – such as Christmas and New Year. It is not a programme that is limited to delivering solely in business hours.

### What is Supported Bail?

Supported Bail is an intensive programme aimed at keeping rangatahi compliant with their bail conditions whilst enabling them to remain in the community during their bail period. It is a community-based alternative for rangatahi who would otherwise be detained on remand in an Oranga Tamariki Youth Justice Residence or Remand Home. The programme also

includes considerable support for whānau to enable them to understand court proceedings, confidently monitor and supervise their rangatahi and, where necessary, advocate for and connect them to community supports.

The Supported Bail Programme can also be used to transition rangatahi from a Youth Justice Residence or Community-Based Remand Home if, after review of that placement, they are deemed suitable to place back with Iwi, hapu, whānau or community-based caregivers. This option will be canvassed as part of the young person's mandatory 14-day review of their custodial remand placement (as per s242 (1A) of the Act). A Supported Bail Youth Worker will work alongside rangatahi, the residence or remand home staff and those with whom the rangatahi is to be placed, to give that placement every chance of success.

The pilot programme aims to:

- assist rangatahi and their whānau to attend court hearings and ensure conditions, non-associations and directions given by the presiding judge are understood before the parties leave Court.
- assist rangatahi to comply with bail conditions during the bail period by engaging them in pro-social activity, education/vocational activities, therapeutic programmes (e.g. alcohol and drug programmes, doctors and specialist appointments, functional family therapy, etc) and ensuring their general health and wellbeing needs are addressed. The activity will be tailored and delivered at a time that decreases the chance of non-compliance. **This will include weekdays, evening, and weekend work. Coverage also needs to be available on Public Holidays - for example over the Christmas/ New Year Period.**
- build capability and support whānau to ensure their rangatahi comply with bail conditions. Ensuring whānau know the expectations around monitoring and supervision of their rangatahi and who they can contact for assistance.
- build whānau support networks and identity by making cultural connections within their community for rangatahi and their whānau.
- assist rangatahi and their whānau to prepare for their upcoming Family Group Conference, and when required, to attend subsequent court or other appointments.
- work with rangatahi and their whānau to prepare (and transition) rangatahi for further supports post their Family Group Conference
- minimise potential risks to the community.

- The timeframe for Supported Bail is typically from the point of arrest, through the first youth court appearance, to the Family Group Conference (convened under s247(d)) through to the youth court appearance sanctioning the FGC Plan and ending in a two-week transition phase to 'handshake' rangatahi and their whānau onto the supports/ services/ programmes detailed in the FGC plan.
- Agreement should be sought from the Oranga Tamariki social worker if the bail period for the rangatahi exceeds 15 weeks (Further details for the 15-week review are part of the 'What are some of the Key Elements of Practice' section within this document).

## Who is the client group for Supported Bail?

The client group for this Programme are rangatahi aged between 12 and 17 (inclusive) years old. Rangatahi are eligible for consideration for the Supported Bail Programme if they have been brought before the Youth Court and the Police have opposed bail under s238(1)(b) of the Oranga Tamariki Act 1989. It is likely that rangatahi will have some or all of the following as part of their case history:

- has a history of non-compliance and escalated offending as part of a s247(b) ITC FGC plan and the Police have concerns that a breach is possible while awaiting their new FGC directed under s247(d).
- has previously breached bail multiple times (on current or previous charges)
- has a history of failing to appear in the Youth Court.
- demonstrates an escalation in the rate and/or severity of their offending.
- has failed to comply with an order under s283 of the Oranga Tamariki Act 1989.
- is currently or has previously been, detained in the custody of Oranga Tamariki, the Police or the Department of Corrections pending determination of youth justice matters under s238(1)(d), (e) or (f) of the Oranga Tamariki Act 1989
- are exiting a custodial placement as part of their mandatory 14-day review. As part of the review, Rangatahi must have their legal status changed and be on bail under s238(1)(b) and awaiting their FGC convened under s247(d)
- are currently residing in an Oranga Tamariki designated bail home under s238(1)(b) where the Plan states that they will return to whānau and their home community during the bail period.
- See section 'Working with Rangatahi in a bail or remand home' for more detailed guidance.

## What is Supported Bail seeking to achieve?

This Supported Bail Programme seeks to achieve the following vision and results for rangatahi:

### **Vision:**

Support rangatahi to comply with bail conditions during the bail period and minimise potential risks to the community.

To guide and mentor rangatahi and help them to replace offending behaviours with pro-social choices thus creating a sustainable positive relationship that enhances the mana of rangatahi and their whānau.

### **Outcomes:**

- Rangatahi and their Whānau are supported to attend court hearings and supports are in place to ensure all parties understand the judgment, bail conditions and what is happening next.
- Rangatahi successfully comply with their bail conditions.
- Whānau are supported to supervise and monitor their rangatahi whilst they are on bail.
- Rangatahi and their Whānau are supported to participate in their FGC.
- Rangatahi are linked into pro-social and cultural activities as well as education and/or vocational opportunities and therapeutic services where required.
- Rangatahi have a supported transition to services recommended in their FGC.
- Whānau are supported to build cultural connectedness, increase their parenting skills and knowledge, and strengthen support networks.

## What are Supported Bail core principles?

The Supported Bail Programme has the following core principles that underpin practice:

- a supportive relationship between the Provider, rangatahi and their whānau, as well as Oranga Tamariki
- trust and respect between all parties
- an appropriately matched youth worker/ mentor to rangatahi and their whānau
- positive engagement of rangatahi.

- Oranga Tamariki acknowledges that each provider brings a unique approach to service delivery. Therefore, the principles listed above will be woven in and amongst the kaupapa of each organisation.

## How does Supported Bail work?

Youth Workers are employed by the Provider to work with rangatahi on a one-to-one or small group basis. The Youth worker to client ratio will depend on the tailored, individual plan for the rangatahi and their presenting needs.

The Provider's Youth Workers must implement the Individual Programme Plan for each rangatahi and support the whānau to develop strategies to supervise and monitor their rangatahi and ensure compliance with their bail conditions. This will include after-hours support where rangatahi are assessed as being at risk of non-compliance with their bail conditions. These critical times include weekdays, evenings, and weekends. Supported Bail will be available 7 days a week.

Where after-hours support is indicated, it must be identified in the Individual Programme Plan for the rangatahi and agreed to by the Provider, and the whānau. **After-hours is defined as between 5.30pm to 8.30am weekdays and from 5.30pm Friday evening to 8.30am Monday morning. Public Holiday coverage will also need to be agreed and detailed in the individual plan with clear roles and responsibilities for both providers and Oranga Tamariki Social work staff.**

The content of the Individual Programme Plans will be tailored to individual need. It will be resourced with activity able to be sourced locally or as part of the suite of interventions and programmes offered by the Provider. Oranga Tamariki acknowledge that each Provider will have their own 'flavour' in terms of plan content, dependent on a variety of things including Youth Workers skills and interests, activities available on their 'doorstep', other services able to be accessed (sports clubs, gyms, agricultural programmes, music programmes etc), educational/ vocational links and other therapeutic services within the region. Plans will include (but are not limited to):

- assist rangatahi to comply with their bail conditions and address outstanding offending accountabilities.
- address the physical, emotional, health and well-being needs of rangatahi.

- ensure rangatahi are substantially occupied and supervised at times that they have been deemed to be 'at risk' of offending (this includes after-hours)
- involve a structured day where rangatahi have a regular routine and activities appropriate to their age, needs and skill level, and is consistent with the Individual Programme Plan – (for example links to vocational training/ employment/education (alternative education/ mainstream education/ educational elements such as budgeting, literacy and/ or numeracy), therapeutic programmes and cultural/ community connections)
- coaching and guidance in the basic skills that any rangatahi would be expected to learn as they grow up, for example, family and life skills (including food preparation, cooking, budgeting/ self-management, and hygiene etc), cultural, spiritual, and positive pro-social attitudes, and maintenance of personal hygiene.
- Engaging Whānau to support their rangatahi and accessing support and programmes for the wider Whānau if required.

## Who are the People Involved in Supported Bail?

### The Provider

Providers of the Supported Bail Programme are identified as organisations that meet the following criteria:

- Approved under section 396 and/or section 403 of the Oranga Tamariki Act 1989
- Are able to report:
  - Against best practice service delivery competencies
  - Wellbeing outcomes for rangatahi and their Whānau in a meaningful way for all parties
  - Effective organisational capacity and capability as well as financial management components
  - Expertise in youth justice service delivery and demonstrated ability to manage and develop a pro-social and strengths-based Supported Bail programme
  - Committed to working with Māori in a way that reflects tikanga Māori.
  - Demonstrated ability to work positively with various cultures and have the ability to appropriately match youth workers with rangatahi (in terms of culture, experience, and common interests).

- Experience in managing programmes for serious high-end/ high need rangatahi.
- Strong stakeholder networks.
- Proficient in working with diversity.

Supported Bail Programme Providers must also comply with all other applicable legal requirements including Health and Safety legislation, Employment legislation and the Privacy Act.

### Oranga Tamariki

The role of the Oranga Tamariki's representatives is to:

- monitor service delivery, financial management and wellbeing outcomes for rangatahi and their whānau
- make referrals and provide information where the Service is specifically contracted for referrals from Oranga Tamariki.
- Assist with ensuring relationships and procedures at all levels of Oranga Tamariki are effective and supportive.

### Social Sector Accreditation Standards

Providers delivering Flexible Supported Bail Services are required to meet Level Two, Te Kāhui Kāhu specific accreditation standards. Providers are required to maintain their Accreditation Level according to the relevant Te Kāhui Kāhu Social Sector Accreditation Standards.

## 4. PARTICIPATION AND VIEWS OF CHILDREN AND YOUNG PEOPLE

Legislative changes to Sections 7 and 11 of the Oranga Tamariki Act 1989 means that:

- Rangatahi have a right to participate in, and express their views in and/or about:
  - court proceedings under the Oranga Tamariki Act 1989
  - Family Group Conferences (convening and proceedings)
  - planning (preparation of a plan and review of a plan)
  - any other action or decision that significantly affects them.
- Rangatahi must be:
  - encouraged and assisted to participate to a degree appropriate for their age and maturity, unless the person responsible (see below for definition) considers their participation to be inappropriate.
  - given reasonable opportunities to freely express their views on matters affecting them, and any views that they express (either directly, or through a representative) must be considered.

If rangatahi require assistance to express their views or to be understood, a support must be provided to assist them. Support can come from a family/whānau member, another person, a specialist service provider, or any other service. A support person is entitled to be present at a meeting or proceeding at which rangatahi are present (including Court hearings and a Family Group Conference), for the purposes of providing support, unless the person leading the process (the person responsible) considers it impractical or inappropriate.

The Supported Bail Youth Workers will have a significant part to play in ensuring rangatahi have a 'voice' in their own proceedings and will advocate for the correct supports being in place to fulfil this legislated right. Advocacy and supports should be documented in the Individual Programme Plan for each rangatahi with a special update detailing the need to their Oranga Tamariki Social Worker. Any specialist services will be resourced by Oranga Tamariki.

## Person responsible

The following people are responsible for ensuring Children and Young People have been encouraged and assisted to participate, given reasonable opportunities to freely express their views, and given the support necessary to overcome difficulties in expressing their views or being understood:

- for proceedings before a court - the judge, or other person presiding, and the barrister or solicitor representing the Child or Young Person
- for the convening and proceedings of a Family Group Conference - the person responsible for convening the conference (ie, the Care and Protection or Youth Justice Co-ordinator)
- for planning processes - the person directed by the court to prepare or review the plan (ie, the Chief Executive's delegate, usually the Purchasing Agency Social Worker for the Child or Young Person)
- for any other process - the person responsible for taking the action or making the decision. Depending on the particular action or decision, this might be the Purchasing Agency Social Worker or a Family Group Conference Co-ordinator.

## Access to independent services

Rangatahi that Oranga Tamariki and the Provider both work with have a right to access independent services and support to express their views about:

- matters important to them relating to their own circumstances.
- general matters relating to processes and services they have experienced under the Oranga Tamariki Act 1989.

The Provider and the Oranga Tamariki Social Worker/Co-ordinator must ensure that rangatahi:

- know about the relevant independent services, and how to access them.
- have the support they need to express their views.

Independent services include the Oranga Tamariki Feedback and Complaints mechanism, the grievance process within residences (Whāia Te Māramatanga), connection and advocacy service VOYCE - Whakarongo Mai, and the Children's Commissioner's Child Rights Advice Line.

Resources have been developed to support understanding and implementation of the changes. These can be viewed online with the [legislation reform information](#).

## 5. SERVICE DELIVERY

### Where do Providers fit in the big picture?

Providers are key contributors to the Supported Bail Programme being successful. In consultation with Oranga Tamariki and the Police, the Youth Court will grant bail under s238(1)(b) of the Oranga Tamariki Act 1989 to rangatahi with the proviso they attend the Supported Bail Programme.

Referrals for Supported Bail will be accepted by the Provider if:

- the Parties have agreed, in consultation with the Police, that the needs of rangatahi can be met within the Supported Bail Programme
- any risk in terms of not attending court hearings, committing further (serious) offences, breaching bail conditions, tampering with evidence, or contacting victims or witnesses have appropriate mitigation strategies in place.
- the referral is made in accordance with the programme referral and admission protocol, as supplied by each Provider.

The Provider is expected to be responsible for the following:

- ensuring that rangatahi who are admitted to the Supported Bail Programme are introduced to the Supported Bail Youth Worker(s) in accordance with the referral and admission protocol adopted by each Provider.

The Provider will ensure that any Supported Bail Programmes provided:

- receive appropriate consent from rangatahi and his or her whānau, and are identified in the Individual Programme Plan for rangatahi
- address risks and needs identified in the assessments of rangatahi undertaken prior to referral.
- are culturally appropriate in their principles, methodology and delivery.
- are within a framework of comprehensive case management practices.
- are agreed by the Supported Bail Youth Worker(s), rangatahi and his or her family/whānau.

## IN-CONFIDENCE

- are meaningful, participatory, holistic, and congruent with the Individual Programme Plan goals rangatahi.

### Recruitment and Management of Supported Bail Youth Workers

The Provider will be responsible for employing the appropriate numbers of suitably qualified and experienced Youth Workers to deliver the Supported Bail Programme. When appointing Youth Workers, the Provider will give due consideration to the potentially challenging nature of rangatahi who are referred to the Programme.

The Provider shall ensure that Youth Workers are responsible for the day-to-day support and supervision of rangatahi, and that they:

- develop and regularly review the Individual Programme Plan for each rangatahi.
- have regular contact with rangatahi and her or his family/whānau, as specified in the Individual Programme Plan
- liaise with the Oranga Tamariki Social Worker and Police in relation to each rangatahi.

### Recruitment of staff

When recruiting staff, the Provider will:

- receive and assess the written application from each applicant.
- ensure the applicant has a level 6 youth work qualification **or** equivalent, relevant youth work experience to deliver services to high intensity/ high need rangatahi.
- co-ordinate and conduct a panel interview with each applicant.
- complete and obtain a satisfactory police criminal check on each applicant.
- contact all character and professional referees and receive, check, and hold on file their written comments.
- request information about the applicant from Oranga Tamariki's client management tool CYRAS (requests to be sent to [NGO\\_Caregiver\\_Vetting@ot.govt.nz](mailto:NGO_Caregiver_Vetting@ot.govt.nz)) with the fully informed consent of the applicant using the Authority to Release Information form, which can be obtained from your Oranga Tamariki Contract Manager.
- complete a disclosure statement which requires the Person to disclose all circumstances in which they have been involved in the care or supervision of all tamaiti (including sports coaching, youth group involvement, and teacher aide work) and authorise the Provider if required to obtain information from a

selection of former employers or organisations as part of the referee check process.

- contact a range of the organisations where the applicant was employed.

The Provider shall ensure that no applicant is employed if:

- he or she has a conviction for physical violence or sexual offences (including any record held in the Youth Court) and/or
- there is information from Oranga Tamariki (including the CYRAS check), character or professional referees, or a Police criminal check that indicates they would be inappropriate as a staff member working with rangatahi.

The Provider will undertake Police and Oranga Tamariki (CYRAS) vetting reports on each employee every three years to ensure that they are able to continue to be involved in a position that requires the care and supervision of rangatahi.

#### Staff Training and Support

The Provider will make appropriate induction training available for all staff directly involved in providing the Supported Bail Programme to ensure that, prior to commencing their position as a staff member, that person has suitable knowledge of the following areas:

- safe and effective interventions with rangatahi
- the likely characteristics of rangatahi being referred.
- the requirements of the Provider and Oranga Tamariki and expectations of staff recruited to the Supported Bail Programme
- the Provider's culture, protocols, and policies
- legal obligations, particularly under the Oranga Tamariki Act 1989 principles and Youth Justice provisions and the Privacy Act 1993.

The Provider is to have at least one suitably qualified and experienced senior staff member available to:

- support and supervise less experienced staff.
- provide professional development and practice supervision.
- provide cultural training and cultural supervision by a suitably qualified and experienced advisor in line with the providers supervision policies.
- The Provider will provide crisis event counselling as and when staff require it and in line with the Providers supervision policies.

- to support staff in gaining and maintaining knowledge on effective practice with rangatahi.
- Family/Whānau contact and consultation, advocacy for and intensive work with whānau where identified as a need.

The Provider will ensure rangatahi are supported to maintain appropriate contact with his or her family/whānau, consistent with the right to that contact for rangatahi.

The Provider shall support the whānau and assist them to develop strategies to effectively monitor and supervise their rangatahi to comply with their bail conditions.

### Non-compliance and Offending

The Provider will keep the Youth Justice Co-ordinator and the Oranga Tamariki Social Worker informed of the attendance and progress during the Supported Bail Programme for each rangatahi (and as per their Bail plan or Individual Implementation Plan).

The Provider shall ensure that it deals appropriately with any rangatahi who commits an offence while receiving the Supported Bail programme in accordance with the general principle that the offending behaviour is not acceptable.

The Supported Bail Youth Worker must report any bail breaches to the Police and liaise with the Oranga Tamariki Social Worker and Police in developing strategies and actions to be taken in relation to that offending by the rangatahi.

Offending by rangatahi whilst on the Supported Bail Programme will be treated in accordance with Police practice for rangatahi released on bail conditions into the community.

### Individual Programme Plans

Within the first 72 hours of accepting rangatahi onto the Supported Bail Programme, or as soon as reasonably practicable thereafter, the Provider and the Oranga Tamariki Social Worker will jointly finalise the Individual Programme Plan for each rangatahi. A copy of the Plan, and any subsequent amendments, must be given to the Police so they can conduct appropriately timed bail checks.

The Provider shall ensure that the following people consent to each rangatahi Individual Programme Plan and any subsequent changes to an Individual Programme Plan, made as a result of a review, in accordance with the Outcome Agreement:

- the Oranga Tamariki Social Worker
- the rangatahi
- the whānau (in accordance with the requirement for family consent specified in the Individual Programme Plan).
- If the review recommends bail condition changes, consent should be sought from the Police and subsequently submitted to court.

Where the Supported Bail Programme specifies in the Individual Programme Plan professional, therapeutic or counselling services, the Provider will ensure that they are delivered only by individuals or organisations that are:

- full members of a professional body (for counsellors or therapists); or
- employed by an organisation approved by Oranga Tamariki; or
- approved as sexual abuse counsellors by Accident Compensation Corporation (ACC); or
- approved under the Domestic Violence Act 1995; or
- delivering services funded by the Ministry of Health or a District Health Board.

## Referral to other Agencies

As the Provider you must recognise which services you are able to provide and where referral to other specialist services may be required, so that rangatahi and whānau receive appropriate services.

Referrals to other agencies will be discussed and agreed with Oranga Tamariki prior to being finalised. We recommend that you have processes in place for making referrals to other agencies, including keeping records of referrals.

## What activities does Supported Bail focus on?

The Supported Bail Programme is to be based on the identified strengths, risks and needs of each rangatahi and must include agreements made in a custodial Family Group Conference (if there is one) and bail conditions set by the Youth Court. This must be recorded in the Individual Programme Plan each rangatahi.

The Programme is intended to safely manage rangatahi in the community (as opposed to in custody) during the period they are on bail. This includes working with Oranga Tamariki, the Oranga Tamariki Social Worker, the Police, and other organisations, such as the Ministry of

Education and the Ministry of Health, to provide integrated case management and ensure rangatahi do not re-offend whilst on bail.

It is important that the Supported Bail Provider works with the family/whānau towards developing a supportive network who can continue to work with the Young Person after the Supported Bail Programme has finished.

The Supported Bail Programme will be composed of four main elements:

- 1. Support at Court** – support during court hearings - ensuring conditions are understood and that rangatahi and their whānau are aware of what the court has directed. Includes assisting whānau to attend court in order to support their rangatahi.
- 2. Support during the bail period** – programmes that are tailored to individual needs and may include therapeutic interventions, pro-social activity, or connection to culture and community. Pro-social activity should be carried out at times when rangatahi are at risk of breaching their bail conditions. This will include weekdays, evenings and weekends and coverage over at-risk times during public holiday periods – such as Christmas and New Year. This support will also include helping rangatahi with scheduling and attending appointments and preparing them for their FGC.
- 3. Whānau support** – support whānau to strengthen skills to monitor and supervise their own rangatahi. Includes one-on-one assistance, accessing support programmes, providing advocacy, being there to walk through situations that arise when rangatahi push boundaries or are struggling with compliance. Helping whānau prepare for their up-coming FGC is also an essential element.
- 4. Transition to next step support (post the FGC)** – assisting rangatahi and whānau to transition into any programmes that are recommended through FGC. This may or may not be to another programme with the same Provider. The aim is to ensure a smooth transition for both rangatahi and their whānau during the cross-over period between services for up to two weeks.

## Working with rangatahi in a bail or remand home

In some instances, the Supported Bail Programme will need to be delivered to those who do not live at home or who are in the process of transitioning back home from a custodial placement. Part of the legislation changes that came into effect on 1 July 2019, was that every custodial placement must be reviewed every 14 days (s242 (1A) of the Oranga

Tamariki Act). The reason for this review is to see whether the risks that triggered a custodial placement have been mitigated enough for rangatahi to return to their home community.

As a specialist resource, Supported Bail Programme providers may be required to deliver a service to those exiting either a Youth Justice Residence or a residential remand home so they can continue their bail period at home. The following criteria must be met in order for a referral to be made for supported bail:

- Rangatahi have had a review of their custodial placement and risk planning has been completed.
- The provider has been part of the custodial review and are satisfied that the risk plan is adequate.
- The provider has access to and is given a chance to input into, the Remand Options Investigation Tool (ROIT)
- Rangatahi have the appropriate legal status for bail in the community – bail under s238(1)(b)
- All other provider intake criteria have been met.

If early indications are that rangatahi will exit the custodial placement pending the 14-day review, providers are able to start transition work with, and have access to, rangatahi and their whānau as soon as they see fit. This will include (but not limited to):

- Having access to rangatahi to outline the programme and expectations.
- Meeting with whānau to ascertain what supports are necessary in order to adequately monitor and supervise rangatahi at home.
- Start the mentoring relationship with the youth worker assigned to each rangatahi.
- Work with Oranga Tamariki staff to establish a comprehensive bail plan.

Where rangatahi are temporarily living in a bail home, supported bail partners can begin working with both rangatahi and their whānau in preparation for a return home. A comprehensive plan must be in place that specifically outlines the roles of the Oranga Tamariki social worker/ co-ordinator, the bail home provider, and the Supported Bail Programme provider in order to avoid a cross over in duties.

## Exclusions

Supported Bail is not a 'catch all' mentoring service for rangatahi exiting residences or remand homes. The following exclusions apply to the Supported Bail Programme:

- Rangatahi must still be in their bail period awaiting their FGC to be convened and held. Their legal status must reflect being on bail within the community (i.e., s238(1)(b)).
- The Supported Bail Programme is not appropriate for those on a Supervision Order under s283 of the Oranga Tamariki Act.
- The Supported Bail Programme cannot be used in lieu of a mentoring service post FGC.

The Supported Bail Programme continues to be a short, sharp, intensive programme for those awaiting their FGC. Once the FGC has been held, the Supported Bail Programme Youth Worker will have a two-week transition phase to ensure rangatahi are attending their planned on-services.

## What are some of the key elements of Practice?

### Oranga Tamariki's Responsibilities

#### Referral and Admission to the Supported Bail Programme

Rangatahi are eligible for consideration for the Supported Bail Programme if they have been brought before the Youth Court and the Police have opposed bail under s238(1)(b) of the Oranga Tamariki Act 1989.

The Youth Court, in consultation with Oranga Tamariki and Police, will refer rangatahi to the Supported Bail Programme where there are placements available. Referrals will be accepted provided:

- the Parties have agreed, in consultation with the Police that the needs of rangatahi can be met within the Supported Bail Programme
- the referral is made in accordance with the individual Provider programme referral and admission protocols.
- Where there is an opposition to bail the Remand Options Investigation Tool (ROIT) must be completed. The *Abridged Version* (or where time has allowed, the full version) must be completed. Where possible the Provider should attend this meeting and be satisfied that named risks have a mitigation plan.

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- If, due to time constraints, the Provider is not able to attend the ROIT discussion and initial court hearing where bail/ remand is being considered, a copy of the abridged version of the ROIT should be forwarded to the Provider as part of the referral/ admission criteria.
- Where the Supported Bail Programme is being considered as per a 14-day review of the custodial placement, a Remand Options Investigation Tool (ROIT) *Full Version* must be completed. If the Supported Bail Programme is being considered to assist with keeping rangatahi on the right track and offence free, the Provider should be part of the ROIT discussion.

### The Young Person's Oranga Tamariki Social Worker

Oranga Tamariki is committed to work with the Provider and will support the Provider to achieve positive outcomes for rangatahi by:

- providing accurate, complete, and timely information in relation to each rangatahi that outlines their strengths and needs as part of the Provider's referral and admission protocols.
- providing a copy of the ROIT where applicable (either abridged or full version where appropriate)
- discussing issues in relation to each rangatahi and their placement on the Supported Bail Programme prior to referral
- ensuring each rangatahi has an appropriate status in relation to the Youth Court. The young person must be granted bail under s238(1)(b) of the OT Act and be directed by a youth court judge to attend the Supported Bail Programme.
- working with the Provider, Police and whānau to develop innovative Individual Programme Plans that address the strengths and needs for each rangatahi.
- liaising with rangatahi and their whānau as the Parties agree and as specified in Individual Programme Plan
- ensuring that, in conjunction with the Provider, rangatahi have a draft discharge plan in place prior to their FGC. This will include a transition phase that can be for up to two weeks (between the FGC completion and the next step supports starting and rangatahi settling into new services)
- supporting and working co-operatively with the Provider to maximise the achievement of the Supported Bail Programme objectives and intended outcomes. This will include working collaboratively with the provider to help with

coverage over at-risk times during public holidays – such as Christmas/ New Year periods.

## The Provider's Responsibilities

### Matching with Youth Workers

The Provider will ensure that rangatahi who are admitted to the Supported Bail Programme are introduced to their Supported Bail Youth Workers in accordance with the referral and admission protocol.

The Provider's Individual Programme Plan will be developed and reviewed fortnightly to assess any risk of rangatahi breaching bail and whether Youth Court conditions need to be revised (strengthened to mitigate risk or loosened to reward compliance). As the Supported Bail Provider will be working more intensively with rangatahi and whānau, risk levels need to be assessed at regular intervals in order to reflect the ability of whānau to manage their own rangatahi.

### Education

As per the Education Act 1989 and the Oranga Tamariki Act 1989, all rangatahi of compulsory school age or rangatahi who wish to continue their education, should, with the assistance of their allocated Oranga Tamariki social worker, their Supported Bail youth worker, and relevant staff from the Ministry of Education, be supported to enrol at a registered school, and receive their full education entitlement.

Alternative arrangements may be made for rangatahi whose educational requirements have been approved by the Ministry of Education, Oranga Tamariki and their whānau (for example, and not limited to, Correspondence School and Alternative Education placements).

The Provider may request that Oranga Tamariki apply to exempt rangatahi who are under 16 from attending school under section 22A of the Education Act 1989. This application must be made in consultation with rangatahi, and their whānau and be led by the allocated Oranga Tamariki Social Worker. This option is only to be considered when all other educational options have been fully explored and trialled.

### Alternative Education, Vocational Training and Employment

For young people on the Supported Bail Programme who are exempt from attending mainstream school and do not have a placement at an Alternative Education setting, the Provider should support rangatahi to pursue vocational based training, apprenticeships, or work-based study and employment building into their individual supported bail programme

plans, basic numeracy, literacy, and life skills to increase the chance of rangatahi remaining on a positive, pro-social pathway.

Ongoing assessment and evaluation of the Young Person

During attendance on the Supported Bail Programme the Provider will ensure the Supported Bail Youth Worker reviews the Individual Programme Plan for each rangatahi and undertakes ongoing assessments of their strengths, needs and opportunities, including:

- assessing their social, familial, educational, medical, and vocational strengths and needs
- maintaining their case record including all pertinent information relating to activities
- monitoring Individual Programme Plan activities
- reviewing, at least each fortnight, the effectiveness and relevance of the Programme being delivered pursuant to the Individual Programme Plan, and making such changes as required.
- changes to bail conditions in consultation with Police to reflect continued compliance or to mitigate emerging risks should also be a consideration on a fortnightly basis.
- Extended involvement in the Supported Bail Programme:
  - Supported Bail can continue as long as rangatahi require the intensive level of support it provides.
  - If the Bail period is expected to last longer than 15 weeks, the Provider must inform their Oranga Tamariki contract relationship manager.

Process for **extended involvement** on the Supported Bail Programme;

- The Oranga Tamariki social worker for the rangatahi must supply, in writing, the request for the rangatahi to continue their engagement in the Supported Bail Programme past 15 weeks with clearly articulated reasons for this.
- The Police will be part of the discussion to extend the programme delivered to rangatahi beyond 15 weeks.
- The Oranga Tamariki social worker must then call Hui-a-Whānau to discuss the plan for the rangatahi going forward. This hui must include, the Oranga Tamariki social worker, the rangatahi, members of their whānau (specifically those with whom the rangatahi have been living), the Police Youth Aid officer, the youth advocate, and the Provider.

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- The Individual Programme Plan for the rangatahi must be updated in accordance with this discussion and reviewed weekly by the Provider.
- A Hui-a-Whānau must then be repeated every 5 weeks until the FGC for the rangatahi has been held and the Youth Court has approved their FGC Plan.

### Funding for Plans

Plans for the bail period should be a living document and kept relevant to the interests of rangatahi using locally available resources and the connections/ skills/ knowledge of the matched youth worker. From time-to-time activities need to be paid for and the provider can use their 'client costs' budget to pay for the day to day, mentoring related activities. More significant costs or costs that are on-going will generally be funded by Oranga Tamariki.

The below table gives an example of the types of costs covered by each organisation.

Client Costs covered by the Provider	Client Costs covered by Oranga Tamariki
<p>The client cost fund held by the provider is for resources/ activities that support the mentoring relationship between rangatahi and their youth worker. It may also cover off activities that include the whanau and pro-social peers (ie going to the movies or McDonalds) in order to strengthen engagement and foster manaakitanga.</p> <p>Examples of Activities/ Resources the provider could budget for:</p> <ul style="list-style-type: none"> <li>• Celebration kai</li> <li>• Coffee/ hot chocolates/ café food</li> <li>• Fishing bait/ line/ general tackle</li> <li>• Craft kits</li> <li>• Cooking/ baking ingredients</li> <li>• Sporting equipment (under \$100 – boxing gloves/ basketballs etc)</li> <li>• Rock climbing/ ropes courses</li> <li>• Parking money</li> <li>• Train/ bus fares</li> <li>• Gym concession cards</li> <li>• Funding for creative apology gifts – carvings/ sculptures/ paintings etc</li> <li>• Cultural resources/ courses (under \$100)</li> </ul>	<p>Oranga Tamariki should be funding larger cost items that have been deemed essential for keeping rangatahi and their whanau on track and engaged in the bail period - confidently able to manage their rangatahi during this time.</p> <p>The onus is on whanau to actively monitor and supervise rangatahi and the Supported Bail programme, alongside Oranga Tamariki, will be working to strengthen the whanau unit to ensure the bail period is successful, reduces escalation and delivers on an early and sustainable exit from the youth justice system.</p> <p>Examples of Activities/ Resources Oranga Tamariki could pay for:</p> <ul style="list-style-type: none"> <li>• Education/ course fees over \$100</li> <li>• Camps</li> <li>• Adequate clothing</li> <li>• Work ready gear ie work boots/ specialist clothing.</li> <li>• Sports equipment over \$100</li> <li>• Longer term whanau support resources – looking ahead to the FGC.</li> <li>• Sibling resources for pro-social pathways.</li> </ul>

(This list is not exhaustive and can include a number of other resources/activity/fees).

Discharge

- A draft discharge plan must be made for each rangatahi prior to their FGC date and be available to present at the FGC. This must include feedback from the Provider, rangatahi, Whānau and the Oranga Tamariki Social Worker for the rangatahi.
- The discharge plan will be finalised post FGC discussions.
- The transition phase to next step supports should be outlined in the final discharge plan.

**Reporting Concerns**

The Provider will notify all the individuals as listed below in Table 1A any serious or significant incidents and in particular any that might compromise the eligibility for rangatahi to remain with the Service.

Serious Event	Who must the Provider contact
<b>CATEGORY A INCIDENTS</b>	
<ul style="list-style-type: none"> <li>• Death of any rangatahi</li> <li>• Absconding where it is likely to result in danger or risk to rangatahi or to the community.</li> <li>• Any serious assault (violence and/or sexual) committed (or alleged to be committed) by rangatahi.</li> <li>• Any other serious offence committed (or alleged to be committed) by rangatahi.</li> <li>• Use or supply of class A drugs.</li> <li>• Allegations of assault against rangatahi</li> </ul>	Within one hour of any of these listed incidents occurring: <ol style="list-style-type: none"> <li>1) The Police, and the Oranga Tamariki Call Centre (0508 FAMILY)</li> <li>2) The Regional Youth Justice Manager and the Contract Manager</li> <li>3) Complete an incident report form and email to the Regional Youth Justice Manager, the Social Worker for the rangatahi and the Contract Manager within 24 hours of the event occurring.</li> </ol>
<b>CATEGORY B INCIDENTS</b>	
<ul style="list-style-type: none"> <li>• Attempted suicide.</li> <li>• Allegations of assault against rangatahi</li> </ul>	Reporting as Category A but not required to inform the Police.
<b>CATEGORY C INCIDENTS</b>	
<ul style="list-style-type: none"> <li>• Inappropriate sexual behaviour</li> <li>• Suicide ideation or self-harm not requiring hospitalisation.</li> <li>• Misuse of alcohol or drugs</li> </ul>	Within 24 hours of the event occurring: <ol style="list-style-type: none"> <li>1) Report incident to the social worker for the rangatahi</li> <li>2) For absconding follow Table 2 Missing rangatahi Process</li> </ol>

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Serious Event	Who must the Provider contact
<ul style="list-style-type: none"> <li>• Medical illnesses or conditions or injuries to rangatahi requiring hospitalisation.</li> <li>• Serious damage to property caused by rangatahi.</li> <li>• Any use of force by employees or caregivers</li> <li>• Hunger strikes</li> <li>• Occasions that necessitate calling upon emergency services for assistance</li> <li>• Absconding not reported under serious incidents and any other absences without leave (either from school or placement)</li> <li>• Any incident referred to above likely to attract media attention (report within one hour)</li> </ul>	<p>Incident reported as part of Monthly Reporting to Contract Manager</p> <p><b>Exception</b> is any incident that is likely to attract media attention. This should be reported within one hour to:</p> <ol style="list-style-type: none"> <li>1) Regional Youth Justice Manager</li> <li>2) Contract Manager</li> </ol>

Table 1B: Roles and Responsibilities

The Role of the Purchasing Agency	Responsibility of the Provider
<p>The Purchasing Agency's contact details for incident reporting are:</p> <ul style="list-style-type: none"> <li>• The social worker for the rangatahi (whose contact details will be in the referral documentation and the Individual Care Plan for each rangatahi)</li> <li>• The Purchasing Agency's Social Worker's Supervisor (whose contact details will be in the referral documentation)</li> <li>• The Purchasing Agency's Regional Youth Justice Manager (whose contact details have been provided by your Contract Manager)</li> <li>• The Contract Manager (whose contact detail are in the Outcome Agreement)</li> </ul>	<p>The Provider will:</p> <ul style="list-style-type: none"> <li>• Nominate a person or people to be the contact for the Services in relation to incident reporting. A contact must be available 24 hours a day.</li> <li>• Ensure that incidents involving actual or potential harm to rangatahi, and staff members are investigated promptly, the results documented and reported to the Purchasing Agency without delay and in accordance with this Outcome Agreement.</li> <li>• Notify all of the individuals listed in this table of all significant incidents and in particular any that might compromise the child or young person's eligibility to remain in the Service within 24 hours of that significant event occurring.</li> </ul>

## Missing Rangatahi

### Definitions

**Missing Rangatahi:** is any rangatahi whose whereabouts are unknown and there are genuine fears for the safety or concerns for the welfare of that person.

Rangatahi will be considered missing until they are located and their wellbeing or otherwise is established.

**Unauthorised absence:** is when rangatahi run away from their home for a short period and then return. In these instances, their whereabouts are known or can be quickly established through contact with the rangatahi or by speaking to their family/whānau and/or friends.

### Process

These processes apply to all rangatahi in the custody of the Chief Executive of Oranga Tamariki—Ministry for Children.

When rangatahi are placed with a section 396 approved care provider the same definitions and processes apply with areas of responsibility set out in the table below. Information on the full process can be obtained from the Oranga Tamariki Contract Manager.

It is important that there is good communication and planning between the Provider, the Oranga Tamariki Social Worker, and the Police. It is important that you do not leave voicemail messages for Oranga Tamariki staff regarding missing rangatahi. If the Oranga Tamariki Social Worker is unavailable, please contact the supervisor or call the local Oranga Tamariki office and ask for the duty Social Worker. For after-hours assistance, contact the National Contact Centre (0508 FAMILY).

Table 2: Missing Rangatahi

	Action	Oranga Tamariki and Provider Responsibilities
1	Risk assessment completed to determine if the rangatahi is an unauthorised absence or a Missing Person and what response is required.	The initial assessment can be completed by the Provider or the Provider in consultation with Oranga Tamariki. Business Hours: Oranga Tamariki Social Worker for rangatahi After Hours: National Contact Centre.

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	<b>Action</b>	<b>Oranga Tamariki and Provider Responsibilities</b>
2	Decision is made that the rangatahi is an unauthorised absence, a case note is recorded on CYRAS and the status is regularly reviewed.	<p>The Provider to regularly liaise with Oranga Tamariki.</p> <p>The Oranga Tamariki Social Worker records and keeps updated the CYRAS record.</p> <p>Business Hours: Oranga Tamariki Social Worker for rangatahi. After Hours: National Contact Centre.</p>
3	Decision is made that the rangatahi is missing.	<p>The Provider in consultation with Oranga Tamariki.</p> <p>Business Hours: Oranga Tamariki Social Worker for rangatahi After Hours: National Contact Centre.</p>
3b	<p>Urgent response required:</p> <ul style="list-style-type: none"> <li>• Call Police 111. Missing Person report (POL 67) is completed and emailed to <a href="mailto:missing_persons@ot.govt.nz">missing_persons@ot.govt.nz</a>.</li> </ul>	<p>The Provider to call Police via 111 and then complete the <i>Missing Person Report</i> and email it to: <a href="mailto:missing_persons@ot.govt.nz">missing_persons@ot.govt.nz</a> copying in the Oranga Tamariki Social Worker for the rangatahi.</p> <p>If it is after hours also advising the National Contact Centre. A photo should be included, where available.</p>
	<b>Action</b>	<b>Oranga Tamariki and Provider Responsibilities</b>
3b	<p>Routine response required:</p> <ul style="list-style-type: none"> <li>• Missing Persons form is completed and emailed to: <a href="mailto:missing_persons@ot.govt.nz">missing_persons@ot.govt.nz</a></li> </ul>	<p>Provider to complete the <i>Missing Person Report</i> and email it to <a href="mailto:missing_persons@ot.govt.nz">missing_persons@ot.govt.nz</a> copying in the Oranga Tamariki Social Worker for rangatahi.</p> <p>If it is after hours also advising the National Contact Centre. A photo should be included, where available.</p>
4	The whānau of the rangatahi are advised.	<p>Oranga Tamariki to contact the whānau.</p> <p>Business Hours: Oranga Tamariki Social Worker for rangatahi. After Hours: National Contact Centre.</p>
5	If the rangatahi is located and they are not being returned to their previous placement i.e. there is a change of placement address.	<p>Oranga Tamariki will advise/consult with the Provider. Police are informed.</p> <p>Business Hours: Oranga Tamariki Social Worker for rangatahi. After Hours: National Contact Centre.</p>
6	The 'Missing Person Located' form (POL 67a) is completed and emailed to: <a href="mailto:missing_persons@ot.govt.nz">missing_persons@ot.govt.nz</a>	<p>The Provider to complete the <i>Missing Person Located</i> form and email it to <a href="mailto:missing_persons@ot.govt.nz">missing_persons@ot.govt.nz</a> copying in the Oranga Tamariki Social Worker for the rangatahi, and if it is after hours, advising the National Contact Centre.</p>
7	The rangatahi is interviewed.	<p>Discussion between Oranga Tamariki and the Provider as to purpose of the interview and who is most appropriate Person to complete this.</p>
8	If the rangatahi is a repeat missing Person a review of their management is required.	<p>Jointly by Oranga Tamariki and the Provider and including Police as appropriate.</p>

## 6. MEASURING RESULTS, REPORTING and EVALUATION

### What data needs to be collected for reporting?

To tell us if the initiative is making a difference Oranga Tamariki requires the Provider to collect data that will tell us:

- **how much did we do** - contextual 'through-put data' about rangatahi who enter the Supported Bail Programme (e.g. demographic characteristics, number who start, number who complete, number who exit early and reasons for early exit)
- **how well did we do it** – feedback from rangatahi and their whānau on the quality of the Supported Bail Programme they received
- **is anyone better off** – reporting against the service outcomes (e.g. compliance with bail conditions, NEET status on exit).
- **'what works' evidence for the sector** – monitoring the effectiveness of the Supported Bail Programme, improvements to practice and informing future service development.

### Reporting Schedule

The Provider is to report to Oranga Tamariki on the measures agreed in the Outcomes Agreement.

A template (the provider return report) will be provided for reporting, however providers with an established case management system may use their case management systems for reporting, if the minimum data set is provided.

All reporting must comply with privacy and security requirements.

The provider return report can be found at: <https://www.orangatamariki.govt.nz/working-with-children/information-for-providers/provider-service-reporting/> under **Youth Justice Reporting**.

### Family Services Directory

Through the term of the Outcome Agreement with Oranga Tamariki, Providers must ensure that their organisation is listed on the Family Services Directory and that

necessary information is updated when required.

<http://www.familyservices.govt.nz/directory>

## 7. DEFINITIONS

In these Service Specifications, unless the context otherwise requires words or phrases beginning with capital letters are defined as follows:

- Accreditation: The Social Services Accreditation team ensures that providers have the capability and capacity to deliver quality social services to communities. This is achieved by ensuring providers meet a consistent set of standards that meet legislative and policy requirements. 'Accreditation' and 'Approval' (as stipulated under the Oranga Tamariki Act 1989) are synonymous and may be used interchangeably.
- "Chief Executive" means the Chief Executive of Oranga Tamariki—Ministry for Children
- "Children" has a corresponding meaning to the term "Child"
- "Family Group Conference" means a meeting convened or reconvened under either Part 2 or Part 4 of the Oranga Tamariki Act
- "Family Group Conference Plan" means a plan that records the actions/remedies agreed at a Family Group Conference under section 260 of the Oranga Tamariki Act
- "Individual Programme Plan" means a record made under section 260 of the Oranga Tamariki Act that records the decisions, recommendations, or plans agreed at a Family Group Conference
- "Oranga Tamariki Social Worker" means a Person employed by the Oranga Tamariki under Part 5 of the State Sector Act 1988 as a Youth Justice Social Worker
- "Oranga Tamariki" means Oranga Tamariki—Ministry for Children
- "Outcome Agreement" means the contract entered into by the Provider and the Oranga Tamariki for these Services
- "Pilot" means the Flexible Supported Bail Pilot that is running 1 July 2019 to 30 June 2020. It comprises of 5 selected Providers

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- “Provider” means the organisation the Oranga Tamariki proposes to contract with or has contracted with to provide the Services
- “Rangatahi” derives its meanings from the Oranga Tamariki Act and is used here to mean children and young people.
- “Services” means Services to be provided by the Provider, and Service has a corresponding meaning
- “Service Specifications” mean the Services to be provided under this Outcome Agreement
- “Supported Bail” means a Supported Bail Programme imposed by the Youth Court as part of conditions under Section 238 of the Oranga Tamariki Act;
- “Youth Justice” means the provisions of the Oranga Tamariki Act 1989, Part Four Youth Justice
- “Youth Justice Residence” means a residence for Young People established under section 364 of the Oranga Tamariki Act
- “Youth Worker” means a Youth worker employed by the Provider to deliver the Services.