



# MINISTRY OF SOCIAL DEVELOPMENT

*Te Manatū Whakahiato Ora*

MINISTRY OF SOCIAL DEVELOPMENT, Bowen State Building, Bowen Street, Wellington 6011, PO Box 1556, Wellington 6140  
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30 APR 2014

Charles Jordan  
[fyi-request-1379-3dbbccb0@requests.fyi.org.nz](mailto:fyi-request-1379-3dbbccb0@requests.fyi.org.nz)

Dear Mr Jordan

Further to the Ministry's letter dated 12 February 2014, I am now in a position to respond to your email of 22 December 2013 requesting, under the Official Information Act 1982, the following information:

*Statistical information from all sources, including incident reports, at the Te Puna Wai O Tuhinapo Youth Justice Residence from June 2010 through to November 2013.*

*Specific information requested:*

- *The number of resident on resident assaults*
- *The number of resident on staff assaults*
- *The number and type of incidents resulting from interaction of residents of opposite gender*
- *The number and type of injuries sustained by staff*
- *The number and type of injuries sustained by residents*
- *The number of resident absconding*
- *The number of attempted resident absconding*
- *The number of staff who have been the subject of disciplinary proceedings and the type of misconduct alleged*
- *The number of Secure Care Admissions and average length of stay in Secure Care*
- *The costs incurred as a result of property damaged by residents*
- *Any statistical information concerning theft and or loss of CYF property*
- *The number of incidents involving resident possessing illegal substances and the type substances alleged*

I apologise for the delay in responding to your request and apologise for any inconvenience this may have caused.

All Child, Youth and Family residences provide safe and secure environments for children and young people in care. On 27 January 2014, the Waikato Times published a statement from the Children's Commissioner that New Zealand's youth justice residences had been acknowledged by the United Nations as 'world class'. I am proud of that comment and am confident that all Child, Youth and Family residences meet high standards of acceptable care and treatment of our children and young people.

## **Monitoring of Residences**

As you know, all Child, Youth and Family residences are subject to extensive internal and external monitoring. The residences are monitored internally by the Office of the

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Chief Social Worker and also externally by the Office of the Children's Commissioner and the Ombudsman.

In terms of external monitoring, the Children's Commissioner has a range of statutory powers to promote the rights, health, welfare, and wellbeing of children and young people from new-born to 18 years of age. The role includes specific functions in respect of monitoring activities completed under the Child, Young Persons and Their Families Act 1989 (CYPFA). As part of that function, specifically, section 13(1)(b) (i) and (ii) of the Children's Commissioner Act 2003, the Children's Commissioner has a statutory responsibility to monitor and assess the policies and practices of Child, Youth and Family and any other person, body, or organisation that has a function, duty, or power under the CYPFA.

In addition, the Office of the Children's Commissioner has a secondary monitoring role, designated as a National Preventive Mechanism under the Optional Protocol to the Convention Against Torture (OPCAT).

OPCAT is an international human rights agreement that New Zealand signed-up to in 2007. It is designed to help ensure that New Zealand meets its obligations under international law to prevent any form of torture or ill treatment of people who are detained by the State. This is done through a system of regular visits to all places where people are deprived of their liberty. This includes prisons, Police cells, military detention, immigration centres, health facilities, as well as care and protection and youth justice residences.

The visits are carried out by independent bodies – called National Preventive Mechanisms (or NPMs) – that examine the conditions and treatment in those places to see how well human rights standards are being met. They identify any improvements that are required or problems that need to be addressed, and make recommendations aimed at strengthening protections, improving treatment and conditions, and preventing torture or ill treatment. The visits are focused on preventing human rights breaches and are separate from complaints processes.

As part of its role as an NPM, the Office of the Children's Commissioner has joint responsibility with the Office of the Ombudsman for monitoring the treatment of children and young people and the conditions of residences. In effect, the Office of the Children's Commissioner carries out monitoring visits of residences and refers reports and findings to the Office of the Ombudsman for input into those reports.

I will address each of your specific questions in turn.

Please note that Child, Youth and Family is currently working with the Ministry's Workplace Services team to develop a centralised reporting system for all care and protection and youth justice residences. This will include the ability to report information regarding serious incidents which will be individually classified for example, resident on resident assaults and incidences of absconding across all residences.

## **Assaults, Injuries and Interactions**

*The number of resident on resident assaults and the number and type of injuries sustained by residents*

Child, Youth and Family does not centrally collate resident on resident assault and injury information as this is held on localised files at each residence, where it is needed most. In order to provide this information, Ministry staff would be required to manually review the files of all young people who reside at Te Puna Wai during the period, as such your request for this information is refused under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

Child, Youth and Family encourages all residents to make a formal complaint to Police in the event of an assault. Unfortunately, many children and young people are reluctant to engage with Police. It is best practice to call Police to every assault incident which occurs in residences.

*The number of resident on staff assaults and the number and type of injuries sustained by staff*

The State Sector Act 1988 and the Health and Safety in Employment Act 1992 outline the Ministry's obligation to be a 'good employer'. This includes the Ministry's obligation to provide a safe working environment for its employees.

The Ministry places a high priority on the safety of its staff and clients, and has in place a detailed security policy in order to reduce potential security risks. We recognise that given the frontline role of many of our staff and the nature of our work, there is an increased security risk.

Unfortunately, there are occasions where Child, Youth and Family staff are assaulted while performing their duties. All assaults and incidents of threatening behaviour are taken seriously by Child, Youth and Family and the wider Ministry. Affected staff are supported and provided with follow-up advice and counselling, if required.

The Ministry's Security and Occupational Safety and Health Incidents database (SOSHI) records incidents including details of assaults against staff members. In the period between 1 June 2010 and 30 November 2013, children and young people are recorded as assaulting staff at Te Puna Wai on 27 occasions. Six were injuries that required medical treatment, 12 were injuries that required first aid, and nine were injuries that required no treatment.

Child, Youth and Family supports all staff who have reported an assault – including assisting them to make a formal complaint to Police where appropriate and offering access to counselling services.

*The number and type of incidents resulting from interaction of residents of opposite gender*

Child, Youth and Family does not centrally collate information regarding incidents resulting from interaction of residents of opposite gender. This information is held on localised files at each residence. In order to provide this information, Ministry staff would be required to manually review a large number of files; as such your request for this information is refused under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

### **Resident Absconding**

*The number of residents absconding and the number of attempted resident abscondings*

During the period specified there was one incident of an attempted absconding which involved three young people at Te Puna Wai.

### **Disciplinary Proceedings**

*The number of staff who have been the subject of disciplinary proceedings and the type of misconduct alleged*

I can confirm that between 1 June 2010 and 30 November 2013 there have been 15 disciplinary proceedings relating to Child, Youth and Family staff at Te Puna Wai. Of those 15 proceedings, 10 related to professional practice issues and five related to breaches of the Code of Conduct.

The Ministry Code of Conduct forms part of the Ministry's ethical framework, and should be read and understood alongside the State Services Standards of Integrity and Conduct, Professional Practice Standards or Codes, and Ministry policies and procedures.

A professional practice issue refers to the minimum standards of professional behaviour, integrity and conduct that provide the guidelines and framework for decision making and behaviour within a specific profession, while the Code of Conduct outlines the minimum standards of conduct and behaviour expected of employees of the Ministry.

### **Secure Care Admissions**

*The number of Secure Care Admissions and average length of stay in Secure Care*

Child, Youth and Family does not centrally collate information regarding the number of Secure Care Admissions and average length of stay in Secure Care. This information is held on localised files at each residence. In order to provide this information, Ministry staff would be required to manually review a large number of files. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

### **Damage, loss and theft of property**

#### *The costs incurred as a result of property damaged by residents*

The Ministry sets a property budget to cover incidentals relating to intentional damage as well as general maintenance in Child, Youth and Family residences. The property budget is not divided between the residences, therefore, your request for the costs incurred as a result of property damaged by residents is refused under section 18(g) of the Act. The information you have requested is not held by the Ministry in the form you have specified and I have no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

In the period 1 June 2010 to 30 November 2013, Child, Youth and Family has underspent or come in on budget with regard to the property maintenance and repairs fund.

#### *Any statistical information concerning theft and or loss of CYF property*

Information regarding theft and loss of Child, Youth and Family property is held on individual files at each residence. In order to provide this information, Ministry staff would be required to manually review a large number of files; as such your request for this information is refused under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

### **Illegal Substances**

#### *The number of incidents involving resident possessing illegal substances and the type of substances alleged*

Child, Youth and Family takes the possession and use of illegal substances seriously. The regulations which accompany the CYPFA, set out the rules for searching children and young people for illegal substances and other items upon their entry to youth justice facilities. If a child or young person was found in possession of an illegal substance, staff would contact Police and make their own enquiries as to how that child or young person came to be in possession of the illegal substance – this information would be shared with Police.

Child, Youth and Family does not centrally collate information regarding the possession of illegal substances by residents as this information is held on individual files. In order to provide this information, Ministry staff would be required to manually review a large number of files; as such your request for this information is refused under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

I am sorry that I cannot be more helpful on this occasion. You have the right to seek an investigation and review of my response by the Ombudsman, whose address for contact purposes is:

The Ombudsman  
Office of the Ombudsman  
PO Box 10-152  
WELLINGTON 6143

Yours sincerely



Bernadine Mackenzie  
**Deputy Chief Executive, Child, Youth and Family**