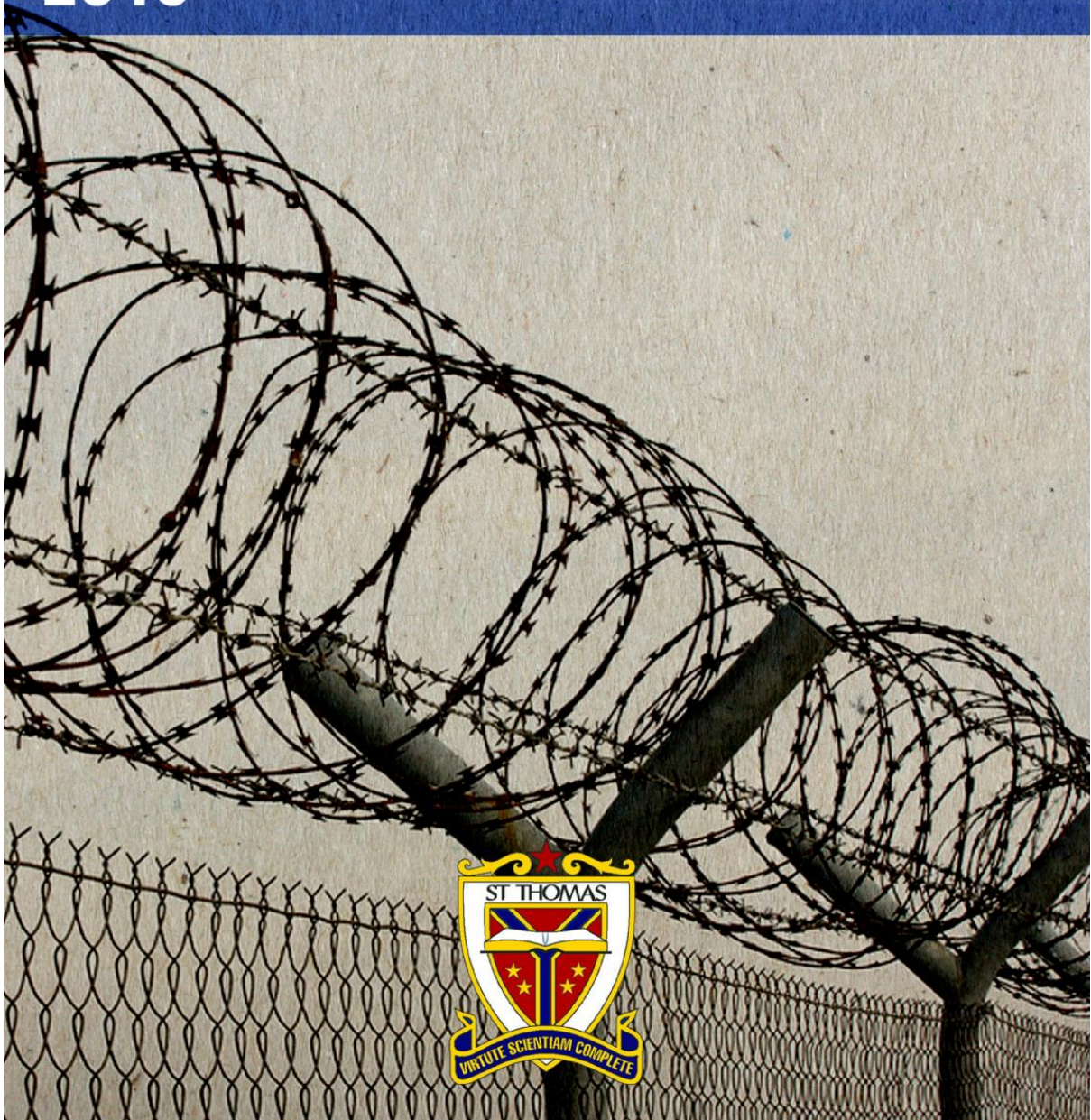


# EDMUND RICE YOUTH CUSTODY INDEX

---

## 2015



# Edmund Rice Youth Custody Index

## Introduction

The Edmund Rice Youth Custody Index (ERYCI) has been prepared by a group of students from St Thomas of Canterbury College, Christchurch. Our first Youth Custody Index was released in September of 2014. The students involved in this project are aged from 16 to 18 years old. The Youth Custody Index is our shared contribution to the ongoing debate about the incarceration of young New Zealanders. Our College follows the teachings of Edmund Rice, founder of the Christian Brothers. Edmund and his actions in Waterford Ireland in the 1800's are the inspiration of the core values that our College is built upon. (See Appendix A)

This index is designed to provide New Zealanders with an insight into the youth of our nation and how they live their lives in custody. This index is not intended to be a comprehensive and complete assessment of all the relevant statistics and information. This Index has been compiled to provide an avenue by which the public can be educated regarding the rehabilitation of young people on the margins in an effort to create a better society. This index has been created by young people for other young people who have walked a different path in life. They spend the years of their youth behind fences. This Index aims to be a voice for the voiceless, and to help those on the margins of our society.

Our continued journey in obtaining information from different government agencies under the Official Information Act remains not an easy one. Once again we have been refused the fully requested information, or provided with disinterested responses including a lack of substantive information, questions superficially responded to, or explicit refusals (and on one occasion being initially referred to that agency's website) from a number of agencies including:

The New Zealand Police\*  
Corrections Department  
Ministry of Social Development (MSD)

This has been time consuming, disappointing and a negative part of this year's journey. The Office of the Ombudsman has been of assistance but their resources are stretched, and we have a matter from the previous year still being pursued with respect to the Central Regional Health School with their refusal to provide school attendance figures for those in youth custody.

We have attempted to, where possible, in the absence of officially provided information, put together a picture from alternative sources and used the media to assist us in identifying the journey of youth in custody.

We have created an extremely broad coverage of a range of aspects about youth in custody. This study could run the risk of being too superficial and simplistic. We have attempted to avoid this by creating a basic format and simply describing the information attained and placing it in the public arena. In subsequent years, a similar approach will be adopted.

This year we have added two new streams of information which we think are material and both directly and indirectly relevant in the lives of youth in custody.

- a. Examining the training, skills, staff turn-over, incidents, and remuneration of those who look after youth in Care and Protection and Youth Custody facilities.
- b. The experience of female youth in custody – what barriers and opportunities exist.

Our purpose is to inform the public debate. We do not offer solutions to the issues raised or seek to apportion blame. We do, however, seek to be the voice for our brothers and sisters who are locked up for a variety of reasons. We hope that they can be given the necessary support and attention required to create a better society for all.

Thank you for your interest.

Charlie Devine  
**Edmund Rice Youth Custody Index Leader (2015)**

\*As at the time of preparation the New Zealand Police have provided no information – with the initial OIA request being lodged in February 2015. This matter is now with the Office of the Ombudsman. We are surprised with this approach given last year the New Zealand Police were both timely and helpful in terms of responses.

**Method:**

Since March of 2014 till July 2015 we have been collecting and accessing publicly available material – primarily searches of websites, publicly available reports and some media comment. Once we ascertain the information available we then proceed to fill in the gaps through Official Information Act requests to a wide range of government agencies including, Department of Corrections, Ministry of Social Development, Police, and Ministry of Education. With respect to the latter ministry, there was transference of questions to providers. This practice is permitted under the Official Information Act (1982) but we found the practice frustrating where we had a reasonable expectation that attendance data and cost of funding each facility would be readily available by this agency. We have concluded and provided a final assessment and write up of information in July 2015 (on occasion we have added to existing information and comment made in last year's Youth Custody Index - 2014).

This is a continual journey – and forms part of a continual journey and stock stake of those young people in prison and how they are cared for via the provision of government funded facilities and interventions.

We were moved by this comment of a young person at a residence, when we were looking at what other researchers have noted, "The staff here really want me to succeed but they expect me to fail" (Matheson, 2014, p.22).

We have structured this report in the form of a journey from sentencing to facility, either prison or youth residence through to the provision of education.

**Release of Report:**

Edmund Rice Youth in Custody Index – 2015. A media briefing will take place at the Nga Hau e Wha Marae on 13 August 2015. This event will be co-hosted by Community Law Canterbury and Nga Maata Waka /Nga Hau e Wha Marae. The report for 2015 is available on the College website: [www.stc.school.nz](http://www.stc.school.nz)

**Index:**

1. Introduction – A Context
2. Offending Statistics
3. Police – Custodial Arrangements

**Custodial Facilities:**

4. Department of Corrections
5. Ministry of Social Development
6. Provisions of education within facilities – Ministry of Education/Providers
7. Conclusions

**Appendix A:** Life of Blessed Edmund Rice**Appendix: B** – Media Articles



# 1. Introduction – A Context

## Children and Young People

It is twenty years since the introduction into New Zealand law of the Children, Young Persons and Their Families Act 1989 (CYPFA). This Act has played a role in increasing diversion, decreasing the numbers of Youth Court cases, and decreasing the rates of incarceration for children/young people. In terms of imprisoning children/young people, therefore, New Zealand has come a long way and is often regarded, at an international level, as a leading light in approaches to children/young people who are 'in trouble'.

However, those under 17 are generally also detained at three youth justice residences (in Wiri, Palmerston North, Rotorua and Rolleston).

Despite decreasing rates of incarceration, financial and societal costs continue to increase with respect to locking up youth. Children whose lives have been damaged and disfigured by disadvantage, neglect and abuse are the very children who occupy the juvenile remand wings of our prisons. These are the children for whom the fabric of life invariably stretches across poverty; family discord; public care; drug and alcohol abuse; mental distress; ill-health; emotion, physical and sexual abuse; self-harm; homelessness; isolation; loneliness; circumscribed educational and employment opportunities and the most pressing sense of distress and alienation (Becroft, 2006, Time to teach the old dog new tricks? What the adult Courts can learn about sentencing and imprisonment from New Zealand's Youth Court CMJA TRIENNIAL CONFERENCE, TORONTO, CANADA).

Youth justice residences, operationalised by Child, Youth and Family Services, have different regulations, policies and practices from Correctional facilities. There is very little publicly available literature on these residences and further research in this area would be very welcome (Stanley E. Human Rights and Prisons Wellington: Human Rights Commission, 2011).

In New Zealand, children can be sentenced to adult prison from the age of 15. Corrections can be responsible for those aged 15 or 16 if they have been convicted of serious offences or if they cannot be safely housed in a youth residence (Department of Corrections, 2008). Most children/young people within prisons will, however, be 17 or older.

The Corrections Regulations 2005 require prisoners under the age of 18 to be separated from adults (r179), although the mixing of prisoners under 18 with those aged 18 or 19 may be approved where 'it is in the best interests of the prisoners concerned' (r180). A 'Test of Best Interest' has been developed for this purpose (PSOM, M.03.01). The Corrections Regulations also provide that young prisoners are entitled to an additional weekly phone call (r181), that visiting times for young prisoners should be as flexible as possible (r182), and that an adult nominated by the child/young person is contacted if they are subject to segregation or cell confinement (r183).

Within Youth Units, young male prisoners will not be subject to double-bunking, unless it is required for 'prisoner management purposes' (PSOM, M.03.01.03.06) such as when staff feel that a prisoner would benefit from being 'buddied up' with another prisoner. 'Buddying up' is a temporary arrangement that should only last a few days.

The Department has also issued a directive prohibiting the transportation of prisoners aged 17 years or under in the same vehicle compartment as prisoners aged 18 years or older.

## 2. Offending Statistics

### Apprehension rates of children and young people.

Māori are over represented in apprehension rates (2012). Total apprehensions: Māori 11,033; Non-Māori 9,917.

20% of the youth population are Māori

53% of apprehended youth are Māori

Apprehension also resulted in more serious outcomes for Māori.

Table: 2 (A) Apprehension outcomes by ethnic group for young people aged 14-16 (2012)

	<b>Warning/Other</b>	<b>Youth Aid</b>	<b>FGC</b>	<b>Charges</b>
Māori	19%	42%	6%	33%
Non-Māori	26%	43%	5%	27%

Māori are over represented in apprehension rates (per 10,000) for imprisonable offences.

Table: 2 (B) Apprehension rates per 10,000 population for all imprisonable offences (2007-2012), by ethnic group and age group

	<b>Children (ages 10-13)</b>				<b>Young people (ages 14-16)</b>			
	<b>Māori</b>	<b>Pacific</b>	<b>Non-Māori/non-Pacific</b>	<b>Total</b>	<b>Māori</b>	<b>Pacific</b>	<b>Non-Māori/non-Pacific</b>	<b>Total</b>
2007	835	188	160	1,183	3,127	1,246	917	5,290
2008	793	200	174	1,167	3,208	1,238	938	5,384
2009	860	226	181	1,267	3,236	1,168	941	5,345
2010	840	211	164	1,215	3,274	1,207	887	5,368
2011	826	175	144	1,145	3,033	1,290	754	5,077
2012	706	139	137	982	2,740	1,087	665	4,492

A number of issues exist

- Although volumes of youth crime have reduced, disparities in youth justice outcomes for Māori have increased, and apprehension rates for Māori children and young people remain four to five times higher than for non-Māori.

A recent government-commissioned taskforce investigating youth transitions confirmed that programmes initiated early in life to reduce later risk are generally more effective than later attempts at remediation (Gluckman, Reducing social and psychological morbidity during adolescence, 2011). There is a well-established link between adolescence and criminal offending – and much offending by young people is property related.

Youth crime creates victims, and victims need good services. The rights of victims to proper treatment and services have been enshrined in law since 2002, and enhanced the role that victims of offending by young people have in family group conference plans. Family group conferences also give victims an important opportunity to have their voices heard and make sure their interests and views are considered.

A government strategy being pursued is partnering with communities.

The reasons children and young people offend are complex and varied. However, strategies that involve the environment in which a young person lives – their family, whānau, and community – are more likely to be effective than those that focus solely on the individual. This is particularly important for children and young people who live in communities in which poverty, high rates of crime and violence, and easy access to drugs and alcohol are common (McLaren, K., Tough is not enough – Getting smart about youth crime: A review of what works to reduce offending by young people. Ministry of Youth Affairs: Wellington, New Zealand, 2000).

Source: <http://www.justice.govt.nz/publications/global-publications/y/youth-crime-action-plan-full-report/the-youth-crime-action-plan/the-strategies>

Court Statistics for 10-16 year olds in the 2014 Year\*

Number of children and young people in court:

- Decrease by 16% since 2013
- Decreased 59% since peak in 2007
- Account for less than 3% of all people charged in court





### 3. Police Custody

Number of youth held in police custody has in most districts increased year upon year. This pattern of increase is also mirrored in youth held in custody for over 24 hours.

Table: 3(A) Number of Youth Held in Police Custody Via Districts:

District	2012 (Custody module not operating all Districts for full year)	2013	2014 (up to 07/05/2014 (no response to current OIA requests))
Northland	143	205	98
Waitemata	113	210	91
Auckland City	69	279	171
Counties/Manukau	316	525	203
Waikato	325	465	198
Bay of Plenty	392	625	222
Eastern	270	515	168
Central	308	554	215
Wellington	421	529	217
Tasman	102	134	82
Canterbury	201	322	123
Southern	77	223	61
<b>Total</b>	<b>2,737</b>	<b>4,586</b>	<b>1,849</b>

Note: Note the number of young people will be lower than the numbers shown because some young people have been determined in custody on more than one occasion.

Table 3 (B): Number of youth held in Police Custody for over 24 hours:

<b>Date</b>	<b>Number of instances of youth held for over 24 hours</b>
2012	109
2013	125
2014*	49

\* Up to 7/05/2014

**[No Updated Figures have being provided by the New Zealand Police]**

# Custodial Facilities:

## 4. Department of Corrections

We report on the average number of youth beds used, life in custody including booking visits, food served, and misconduct processes, recidivism rates and non-educational opportunities available.

The statistical results reveal a pattern of continuance and reduction, with two exceptions both at the Hawke's Bay site.

Table 4 (A): Youth in Prison Statistics:

What is the bed capacity per unit – what are the average bed usage/rates in each unit – what is the average length of stay in units (days)

<b>Youth Unit</b>	<b>Offender</b>	<b>Bed Capacity as at 1 June 2014</b>	<b>Average number of beds in use (snap shot 2013-2014 financial year)</b>	<b>Average stay in days</b>	<b>Average stay in days</b>	<b>Average stay in days</b>
				2011-2012	2012-2013	2013-2014
Waikeria		35	21.3	49.3	37.8	26.3
Hawke's Bay		30	16.8		13.7	18.2
Christchurch Men's		45	27.7	30.5	38.1	26.9

Table 4 (B) Where are Youth in imprisoned in New Zealand:

<b>Youth Offender Unit</b>	<b>2011-2012</b>	<b>2013-2013</b>	<b>2013-2014</b>
Waikeria	132	130	114
Hawke's Bay		120	172
Christchurch Men's	204	198	187

Life for a Young Person in Custody:

- a. How do people book a visit to a young person?

Once a visitor receives their approval letter, they can book a visit. Visitors call the prison, give the prisoner's name and staff tell them the available visiting times.

All people in prison are entitled to at least one visit each week for a minimum duration of 30 minutes. Each prison determines how many visits a prisoner can have and also how many visitors at each visit.

Visits must be booked in advance.

Visiting hours vary across all prisons, and generally depend on which unit the person is in.

In some circumstances, special visits can be arranged – for example, family visiting from overseas or the bereavement of a loved one.

b. What does a young person eat in a youth custody unit within prison?

Master Menu – Week one – Male (under \$5.00 per inmate per day)

Monday		Friday	
Breakfast	Weetbix x 2 Milk x 300 ml Toast x 3 Margarine x 15 g Spread 20 g Bran x 1 dstsp Sugar x 35 g Tea	Breakfast	Weetbix x 2 Milk x 300 ml Toast x 3 Margarine x 15 g Spread 20 g Bran x 1 dstsp Sugar x 35 g Tea
Lunch	3x sandwich Luncheon & pickle Coleslaw and mayo Vegemite 1x piece of fruit Tea	Lunch	3x sandwich Carrot & Relish Peanut Butter Cheese 1x piece of fruit Tea
Dinner	Roast Beef 1x Piece of fruit Milk x 300 ml  Gravy  Potatoes 180G serve – Manager Choice Vegetables (Seasonal Availability) 2x serves managers choice		Meat Pie 1 Pieces Fruit Tea  Tomato Sauce  Potatoes 180G serve – Manager Choice Vegetables (Seasonal Availability) 2x serves managers choice
Supper (Served with evening meal) 2x slices buttered bread			Supper (Served with evening meal) 2x slices buttered bread

c. Misconduct Inside:

If a youth prisoner is charged with misconduct they will appear before a hearing adjudicator or a visiting judge. Should a punishment be required, the penalty may include the forfeiture of privileges such as the opportunity to be in common areas of the prison after the evening meal, make phone calls beyond the minimum entitlement, participation in recreational activity, course or programme not part of the prisoner's plan, access to television or radio, pursuit of a hobby, confinement to cell and/or the opportunity to receive private visitors beyond the minimum entitlement of one visit each week.

d. Non-educational opportunities or activities available to offenders nationally:

Sentenced young people in youth units take part in the Youth offender Plan (YOP), where appropriate, which helps them to acknowledge and address their offending, plan for the future to stop the cycle of offending, learn how to cope with uncomfortable feelings and practice using pro-social skills in their interaction with others. Young sex offenders and young people with a high risk of re-offending are seen individually by psychologists, and all youth offenders are priority for psychological treatment.

Young people can also access other programmes and interventions to address specific offence related needs such as alcohol and drug treatment programmes, short motivational programmes and 1:1 support to address any assessed mental health concerns. These interventions are supported by holistic interventions that address general health and well-being needs.

Young Offender Units actively encourage cultural links with the local community and provide formal programmes and cultural activities. Other programmes such as parenting skills, life skills and music are also provided.

e. **Table 4 (C): Recidivism Outcomes:**

<b>Age Group (At prison release)</b>	<b>Released From Prison</b>	<b>Released From Prison</b>
<20	RE-Imprisoned	Reconvicted
	45.5	69.1

Source: Department of Corrections 2013/2013 Annual Report

The results or outcomes from imprisonment of young persons are not impressive with 45.5% imprisonment and 69.1% reconviction.

**Provision for Female Youth:**

Due to their small numbers, the Department of Corrections has no specific units for female youth prisoners as currently exist for male youth prisoners – therefore the average costs provided for Aohata Woman's Prison, Christchurch Women's Prison and Auckland Regional Women's Corrections Facility are the average of all female prisoners at the site. The Department has separated out the average costs of male youth prisoners for the four facilities which have specialist youth units\*.

\* Due to the small volumes of youth inmates - significant variation exists.

**Costs of Annual Imprisonment (including female and male youth)**



**Table 4 (D) Average custodial costs from 2009/2010 to 2013/2014 in dollar amounts - Total costs for female prisoners:**

	2009/10	2010/11	2011/12	2012/13	2013/14
<b>Arohata Prison</b>	54,993	52,003	63,428	75,600	81,490
<b>Auckland Regional Women's Correction Faculty</b>	48,846	56,630	62,715	50,078	51,080
<b>Christchurch Women's Prison</b>	49,615	53,967	68,361	77,282	79,830

**Total costs for male prisoners**

	2009/10	2010/11	2011/12	2012/13	2013/14
<b>Auckland Prison</b>	37,581	42,134	51,164	46,836	44,919
<b>Christchurch Men's Prison</b>	37,342	46,036	42,788	38,604	38,757
<b>Hawkes Bay Prison</b>	40,415	39,630	45,852	41,856	43,000
<b>Invercargill Prison</b>	42,049	40,242	43,447	45,343	47,377
<b>Manawatu Prison</b>	39,301	36,964	40,311	37,810	38,809
<b>Northland Regional Corrections Facility</b>	45,442	39,717	45,584	38,729	40,155
<b>Otago Corrections Faculty</b>	53,810	46,838	54,754	46,623	48,194
<b>Rimutaka Prison</b>	42,987	40,017	51,285	47,047	46,937
<b>Rolleston Prison</b>	33,475	34,321	34,874	34,744	35,339
<b>Spring Hill Corrections Facility</b>	42,963	37,039	39,922	32,873	38,779
<b>Tongariro/Rangipo Prison</b>	37,289	35,694	42,539	36,493	36,975
<b>Waikeria Prison</b>	36,975	34,559	38,801	38,853	43,451
<b>Whanganui Prison</b>	39,303	37,428	43,222	37,326	39,693

**Total costs for male youth prisoners**

	2009/10	2010/11	2011/12	2012/13	2013/14
<b>Christchurch Men's Prison</b>	101,112	82,974	140,982	81,304	85,085
<b>Hawkes Bay Prison</b>	97,870	125,966	0	301,141	125,383
<b>Rimutaka Prison</b>	44,965	30,861	0	228,143	78,667
<b>Waikeria Prison</b>	157,501	87,377	110,670	85,408	106,452

The average costs are calculated on the direct operating expenditure at each site and include:

- Personal Salary and Wages;
- Staff training and travel costs such as first aid refresher training;

Other staff costs such as drug testing, eye examinations, counselling services and staff uniforms; offender health costs such as pharmaceutical and contracted doctors, dentist and optician rates; offender supplies and earnings and other costs (such as materials and equipment to support rehabilitation and reintegration services. Facilities costs such as the hire and lease of equipment, general maintenance and utilities/administration such as postage, printing and stationery.

There are numerous reasons for any variances in average daily costs across prison sites. Factors that influence the average costs at the site level include:

- Prisoner capacities at a site
- Prisoner security classifications
- The ratio of remand/sentenced prisoners
- The age and physical configuration of sites, which can impact on maintenance, security and personnel costs; and
- The provision of health services at a site.

## 5. Ministry of Social Development

The Ministry of Social Development operates both Youth Justice and Care and Protection Residences.

### **Youth Justice Residence**

Children and young people who are ordered by the Youth Court to spend time in a Child Youth and Family youth justice residence often come from a difficult background and have already exhausted all other available options designed to address their offending behaviour.

A child or young person may be ordered to a residence for the following reasons:

- They have been arrested by the Police and their offending warrants them being placed in the custody of Child, Youth and Family until they go to Youth Court.
- They have been remanded by the Youth Court and are directed to a residence until the Court deals with the case.
- They have been sentenced by the Youth Court for a period between three to six months; once they leave the residence, they will be subject to six to twelve months' supervision in the community.
- If a young person is sentenced to prison they may be admitted to a residence for some of this time.

CYFS has six beds available in Auckland's Korowai Manaaki youth justice residence for those children and young people considered too vulnerable for an adult prison. This occurs by assessment and agreement between the Department of Corrections and Child Youth and Family and the agreement ends when their sentence finishes or when they turn 17 years of age. At this point they are transferred to an adult corrections facility.

Child Youth and Family have programmes and services at youth justice residences to help these serious young offenders turn their lives around. The programmes aim to change behaviour, build on strengths, and address vulnerabilities. They include positive life skills, drug and alcohol programmes, family relationship and parenting programmes, education and vocational training, physical fitness, emotional wellbeing, and culture programmes.

Table 5 (A): National Demographics and Bed Capacity of Youth Justice Residences

Residence	Region	Bed Numbers
Korowai Manaaki	Auckland	40 youth beds and six Criminal Procedure Act beds
Te Maioha o Parekarangi	Rotorua	30 youth justice beds
Te Au rere a te Tonga	Palmerston North	30 youth justice beds
Te Puna Wai o Tuiapo	Christchurch	40 youth justice beds

Annual Budget for Child Youth and Family Residences:

The annual operating costs of running each residence (covers salaries, human resources, development, administration and client related costs. However, these do not include corporate overheads, depreciation, IT and telecommunication charges.

Youth Justice Residences	2009/10	2010/11	2011/12	2012/13	2013/14
<b>Korowai Manaaki</b>	\$8,471,352	\$9,046,952	\$9,437,077	\$9,514,267	\$9,465,687
<b>Te Maioha o Parekarangi</b>	\$3,200,000	\$7,355,000	\$7,151,201	\$6,446,872	\$6,346,875
<b>Te Au rere a te Tonga</b>	\$5,819,810	\$6,243,814	\$6,683,670	\$6,599,961	6,421,942
<b>Te Puna Wai o Tuiapo</b>	\$7,279,050	\$7,649,119	\$8,578,119	\$8,560,864	\$8,764,032
<b>Total</b>	<b>\$24,770,212</b>	<b>\$30,274,885</b>	<b>\$31,850,067</b>	<b>\$31,121,962</b>	<b>\$30,998,536</b>

The average budget cost per night for the four youth Justice Residences is \$624.00 per night including direct day to day running costs. This does not include corporate overheads.

The cost of food per day in each of the care and protection and youth justice residence is **\$14.00 per day**. Every two years, nutritionists are engaged to provide advice on the preparation of meals for young people.

The offences committed leading to custody have been refused pursuant to 18(f) of the OIA but we assert they will be one or a combination of the following:

- Theft
- Burglary
- Assault
- Aggravated assault
- Aggravated robbery
- Arson
- Sexual offending

MSD assert there is a Post-Residence Pathway for Youth in place for each person. The pathway of each offender when they leave each residence will include further education, training or work. That said, MSD have refused to provide aggregated numbers in each category.

The only response from MSD is:

"CYF has programmes and services at Youth Justice Residences to help these serious young offenders turn their lives around. The programmes aim to change behaviours, build on strengths, and address vulnerabilities. They include positive life skills courses, drug and alcohol programmes, family relationship and parenting programmes, education and vocational training, physical fitness, emotional wellbeing, and culture and identity programmes"

### Care and Protection Residences

When concerns are raised that a child or young person is at risk of abuse or harm, Child, Youth and Family has a range of responses depending on the level of need for the child or young person and their family/whanau. A care and protection residence is a safe and secure place where children and young people will go if they are in care and cannot live in the community for a period of time. Children and young people might stay at a residence if:

- There are worries about the child or young person's safety;
- Their actions are putting themselves at risk;
- Or they are putting others around them at risk.

Child, Youth and Family currently operate four care and protection residences in New Zealand.

Table 5 (B): National Demographics and Bed Capacity of Care and Protection Residences

Residence	Region	Bed Numbers	2013/14 Annual Budget (\$m)	Cost of Bed per Week
Whakatakopokai	Auckland	20 care and protection beds	\$4,140	3,980.76
Epuni	Lower Hutt	20 care and protection beds	\$4,137	3,977.88
Te Oranga	Christchurch	10 care and protection beds	\$2,269	4,363.46
Puketai	Dunedin	8 care and protection beds	1,866	4,485.57
<b>Total</b>			<b>\$12,412</b>	

We asked the question regarding costs per night – Child, Youth and Family does not report the cost per night placing a person in residence as Child, Youth and Family's appropriation is based on the services it is required to deliver to Government. This is not allocated one per

client basis as services vary according to client need and circumstance – therefore request refused under section 18 of the Official Information Act (1982), as this information does not exist.

#### Average Length of Stay in Residence?

Youth Justice Facilities – the length of the Supervision with Residence order is determined by the Youth Court Judge after consideration of the social worker's report and plan is presented by the Youth Court. The Youth Court may make a Supervision order with Residence order for no less than three months and no more than six months.

It was noted that Supervision with Residence orders are subject to Early Release where the conditions for Early Release are deemed to have been met by the Youth Court.

These conditions are:

- No absconding or offending while in residence
- Meeting the conditions of Supervision with Residence plan.

Answer:

"I am unable to provide you with the average length of stay for those in residence as this would require staff to manually review hundreds of individual files. As such I refuse your request under section 18(f) of the Official information Act. The greater public interest is in the effective and efficient administration of 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".

Maximum bed capacity, levels of occupancy, average duration of stay and offences committed leading to custody, for both Youth Justice and Care and Protection Residences,

Occupancy Rates: 2014 provided by MSD – have been between 80 and 90 per cent.

Table 5(C): Occupancy Rates- May (2014)

<b>Residency</b>	<b>Region</b>	<b>Occupancy</b>
Korowai Manaaki	Auckland	85.6%
Te Maioha o Parekarangi	Rotorua	82.20%
Te Au rere a te Tonga	Palmerston North	92.30%
Te Puna Wai o Tuhiapo	Christchurch	61.00%
Whakatakakapokai	Auckland	76.00%
Epuni	Lower Hutt	56.60%
Te Oranga	Christchurch	79.70%
Puketai	Dunedin	100%
Residential Services Total		77.7%

"I am unable to provide you with the details of the offences committed by those admitted to youth justice facilities as this information is held in notes on individual cases filed. Ministry would have to manually review hundreds of files. As such, I refuse your request under section

18 (f) of the Official Information 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".

## Youth Justice: What is a residence like?

Young people have their own rooms and share other areas including the living room and dining room. There is also a school building, a gym and open areas that can be used for sports and outdoor activities.

Each residence has a secure area. This is where staff will watch over young people if they are worried a young person wants to hurt themselves or others.

The Ministry of Social Development state that young people:

- Go to school everyday
- Get their own plan to sort out any social, health and school needs
- Get exercise
- Learn life skills like managing their money
- Learn other skills like woodwork, art, music and computer skills
- Learn how to apply for a job
- Get help with problems like anger or drugs and alcohol.

The Ministry also notes they work with the young person, their family and social worker to plan what will happen when the young person is ready to leave the residence. This could include:

- Going back to school
- Doing a training course
- Or getting a job.

## Youth Justice Residences



Table 5 (D): Distribution of Youth within New Zealand Youth Justice Residences

<b>Residence</b>	<b>Maximum No. Beds</b>	<b>F2009</b>	<b>F2010</b>	<b>F2011</b>	<b>F2012</b>	<b>F2013</b>	<b>YTD 01Jul2013 - 31Mar2014</b>
Korowai Manaaki - Auckland	46	268	286	225	269	298	223
Te Maioha o Parekarangi - Rotorua*	30	n/a	n/a	113	145	181	150
Te Au rere a te Tonga - Palmerston North	30	189	201	172	160	150	135
Te Puna Wai o Tuhinapo - Christchurch	40	271	284	206	232	222	219
Youth Justice Residences Total	146	728	771	716	806	851	727

<b>Ethnic Group *</b>	<b>F2009</b>	<b>F2010</b>	<b>F2011</b>	<b>F2012</b>	<b>F2013</b>	<b>YTD 01Jul2013 - 31Mar2014</b>
Māori	403	450	434	518	549	474
New Zealand Pakeha	226	216	173	178	176	153
Pacific People	68	71	82	91	101	84
Asian	6	9	17	5	7	5
Other European	8	5		5	8	5
Other / Multiple Ethnicities	17	23	10	11	10	8
					851	727
Youth Justice Residences Total	728	771	716	806		

<b>Gender</b>	<b>F2009</b>	<b>F2010</b>	<b>F2011</b>	<b>F2012</b>	<b>F2013</b>	<b>YTD 01Jul2013 - 31Mar2014</b>
Female	132	148	115	121	113	114

Male	596	623	601	685	738	613
Youth Justice Residences Total	728	771	716	806	851	727

It is noted that bed nights are declining across all youth justice residences. This is a trend we acknowledge as significant. We unfortunately note the high proportion of Māori with respect to high representation amongst young persons.

### **Care and protection residences: What is a residence like?**

Table 5(E): Distribution of Youth over National Care and protection residences

<b>Residence</b>	<b>Maximum No. Beds</b>	<b>F2009</b>	<b>F2010</b>	<b>F2011</b>	<b>F2012</b>	<b>F2013</b>	<b>YTD 01Jul2013 - 31Mar2014</b>
Whakatakāpokai - Auckland	20	56	61	42	51	64	37
Epuni - Lower Hutt*	20	31	22	51	45	50	34
Te Oranga - Christchurch	10	31	39	14	20	16	19
Puketāi - Dunedin	8	25	24	25	25	19	14
Care and Protection Residences Total	58	143	146	132	141	149	104

<b>Ethnic Group *</b>	<b>F2009</b>	<b>F2010</b>	<b>F2011</b>	<b>F2012</b>	<b>F2013</b>	<b>YTD 01Jul2013 - 31Mar2014</b>
Māori	69	80	61	73	78	66
New Zealand Pakeha	66	66	62	60	60	30
Pacific People	S		S	S	8	S
Asian	S					S
Other European			S	S	S	S
Other / Multiple Ethnicities	S		S	S	S	S
Care and Protection Residences Total	143	146	132	141	149	104

<b>Gender</b>	<b>F2009</b>	<b>F2010</b>	<b>F2011</b>	<b>F2012</b>	<b>F2013</b>	<b>YTD 01Jul2013 - 31Mar2014</b>
Female	68	74	62	71	54	56
Male	75	72	70	70	95	48
Care and Protection Residences Total	143	146	132	141	149	104

\*Epuni had 10 beds prior to August 2010

\*\* Numerical values equal to or fewer than "5" are suppressed to protect the privacy of natural persons, and are represented by "S".

It is noted that bed nights are declining across all care and protection residences which mirrors the youth justice pattern. This is a trend we acknowledge as significant. We unfortunately note the high proportion of Māori with respect to high representation amongst young persons.

Our Remaining Questions:

1. Number of children and young person who have close family within a 200 miles radius of each facility.
2. Number of residents identified as having a mental health issue for both Care and Protection and Youth Justice Residence and what mental health issues the residents have.
3. Pathway of each resident when they leave each residence i.e. further education, training, work.

Ministry of Social Development Responses:

It is not possible to report the number of children and young people who have close family within 200 mile radius of each facility, the number of children and young people with mental health issues, the type of mental health issue or the pathways each child or young person has taken since leaving each residence. This information is held on individual case files – where it is most needed – and cannot be reported without subtraction manual collation. 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.

## **Reoffending Rates – Youth Justice Residences**

The table below shows the number of youth who were readmitted into a Youth Justice Residence within a six month period for the past two years broken down by gender. We

believe these figures are not indicative of a successful intervention model. We acknowledge the numbers are in decline but on a reduced base line figure.

Table 5(F): Readmission to Youth Justice Residences 2013/2014

<b>Financial Year</b>	<b>Youth Justice Residence</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
2012/13 financial year	Korowai Manaaki	12	71	83
	Te Maioha o Parekarangi	0	34	34
	Te Au rere a te Tonga	0	32	32
	Te Puna Wai o Tuhinapo	16	40	56
Total		28	177	205
<b>Financial Year</b>	<b>Youth Justice Residence</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
2013/14 financial year	Korowai Manaaki	14	42	56
	Te Maioha o Parekarangi	0	38	38
	Te Au rere a te Tonga	0	47	47
	Te Puna Wai o Tuhinapo	17	38	55
Total		31	165	196

### **Those looking after Youth in Custody – MSD Staff**

After reading various media articles (see Appendix B, articles 2, 3, 4, 5) we decided this year to extend the scope of our Index to look at the staff charged with looking after youth.

We believe there needs to be a review of the quality of training and support of staff and remuneration conditions. Our view is that youth in custody deserve to be looked after by well remunerated, well trained custodial staff – we do not believe facilities are at that point.

#### Security Incident at Youth Justice Residences:

All formalised incidents which have occurred in units and residences (both YJ and C&P) over the years 2011 to 2015 suggest concern (see Table 5(G) – 2014 year) and the variance as between sites but we do acknowledge each site is of a different youth capacity. However it would appear good practice or poor reporting is evident at the Te Au rere a te Tonga (30 beds) site. We believe there is a connection or causation with staff recruitment/retention and/or training.

Table 5(G): Assaults across Youth Justice Residences - 2014

<b>Youth Justice</b>	<b>Assault requiring</b>	<b>Assault requiring first</b>	<b>Assault with no</b>
----------------------	--------------------------	--------------------------------	------------------------

Residence	medical treatment	aid	treatment required
Korowai Manaaki (40 beds)	4	7	11
Te Maioha o Parekarangi (30 beds)	1	2	5
Te Au rere a te Tonga (30 beds)	0	1	0
Te Puna Wai o Tuhinapo (40 beds)	5	10	20

#### Staff in Youth Justice Residences:

We have attempted to explore the staff journey within MSD facilities. Exit questionnaires provide a valuable opportunity for departing staff members to share their thoughts about their time at the MSD and their reasons for leaving.

We started our assessment thinking there may be a large difference between those who were in permanent employment as opposed to fixed term and/or casual. We were reassured this was not the case. Also examined were the reasons for leaving employment and our views were shaped by media reports by specific former staff – once again we were reassured by the figures (see below).

**Table 5(H): The number of staff who were employed short term and left their position between 2010/11 and 2013/14 financial years and the 2014/15 financial year to 28 February 2015**

Financial Year	Reasons no longer employed	Korowai Manaaki	Te Au rere a te Tonga	Te Puna Wai o Tuhinapo	Te Maioha o Parekarangi
2010/11	End of Contract	2	1	1	2
	Resignation	1	1	2	4
	Total	3	2	3	6
2011/12	End of Contract	0	0	1	0
	Resignation	0	3	1	6
	Total	0	3	2	6
2012/13	End of Contract	2	1	1	0
	Resignation	0	2	0	1
	Total	2	3	1	1
2013/14	End of Contract	0	0	2	0
	Resignation	1	0	1	2
	Total	1	0	5	2
2014/15	Resignation	0	1	3	0
To date					
	<b>Total</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>

**Table 5(I): Staff who were employed permanently and short term between the 2010/11 and 2013/14 years and the 2014/15 financial years to 28 February 2015**

<b>YJ Residence</b>	<b>Permanent</b>	<b>Short Term</b>	<b>Grand Total</b>
2010/11 Financial Year	399	21	420
Korowai Manaaki (YJ North)	123	1	124
Te Au rere a te Tonga	84	5	89
Te Maioha o Parekarangi	103	10	113
Te Puna Wai o Tuhinapo (YJ South)	89	5	94
<b>YJ Residence</b>	<b>Permanent</b>	<b>Short Term</b>	<b>Grand Total</b>
2011/12 Financial Year	390	18	408
Korowai Manaaki (YJ North)	119	4	123
Te Au rere a te Tonga	77	1	78
Te Maioha o Parekarangi	102	9	111
Te Puna Wai o Tuhinapo (YJ South)	92	4	96
<b>YJ Residence</b>	<b>Permanent</b>	<b>Short Term</b>	<b>Grand Total</b>
2012/13 Financial Year	420	19	439
Korowai Manaaki (YJ North)	130	2	132
Te Au rere a te Tonga	87	2	89
Te Maioha o Parekarangi	111	10	121
Te Puna Wai o Tuhinapo (YJ South)	92	5	97
<b>YJ Residence</b>	<b>Permanent</b>	<b>Short Term</b>	<b>Grand Total</b>
2013/14 Financial Year	407	29	436
Korowai Manaaki (YJ North)	131	2	133
Te Au rere a te Tonga	84	6	90
Te Maioha o Parekarangi	108	12	120
Te Puna Wai o Tuhinapo (YJ South)	84	9	93
<b>YJ Residence</b>	<b>Permanent</b>	<b>Short Term</b>	<b>Grand Total</b>
2014/15 Financial Year to date	409	18	427
Korowai Manaaki (YJ North)	122	1	123
Te Au rere a te Tonga	84	6	90
Te Maioha o Parekarangi	111	7	118
Te Puna Wai o Tuhinapo (YJ South)	92	4	96

Table 5(J): Staff who were employed permanently and left their position

<b>Financial Year</b>	<b>Reasons no</b>	<b>Korowai</b>	<b>Te Au rere a te</b>	<b>Te Puna Wai o</b>	<b>Te Maioha o</b>
-----------------------	-------------------	----------------	------------------------	----------------------	--------------------

	<b>longer employed</b>	<b>Manaaki</b>	<b>Tonga</b>	<b>Tuhinapo</b>	<b>Parekarangi</b>
2010/11	Retirement	2	1	2	0
	Dismissal	2	1	0	0
	Resignation	15	4	5	13
	Other reason	1	1	3	0
	Total	20	7	10	13
2011/12	Retirement	3	0	1	1
	Dismissal	5	0	1	1
	Resignation	12	7	5	16
	Other Reason	4	0	3	1
	Total	24	7	10	19
2012/13	Retirement	1	1	1	0
	Dismissal	1	2	0	1
	Resignation	10	0	5	19
	Other Reason	1	0	1	1
	Total	13	3	7	21
2013/14	Retirement	2	0	3	1
	Dismissal	0	1	1	0
	Resignation	8	8	8	10
	Other Reason	3	0	2	1
	Total	13	9	14	12
2014/15	Retirement	1	0	0	0
To date					
	Dismissal	1	1	0	0
	Resignation	7	3	8	7
	Total	9	4	8	7

In terms of personal grievance, MSD refused to release the numbers of personal grievances raised by staff for each of the Youth Justice Residences. We were advised that over the last three years a total of 11 people who worked with youth in care, took personal grievances against MSD.

### **Staff Turnover**

The New Zealand public service average turn over of staff is 10% of total full time equivalents. It appears there has been improvement, from MSD, over the last four years in bringing staff turnover within range of this average. The wide range of variances over three years and between sites is of concern. There are obviously practices, over and above the standard collective agreement providing for terms and conditions and pay, which are fit for purpose and provide good nurturing and stable staff – thereby looking after the interests of youth in their care.

Table 5(K): Staff turnover at each unit



<b>Youth Justice Residence</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>
Korowai Manaaki (YJ North)	16%	19%	10%	10%
Te Au rere a te Tonga	7%	9%	4%	11%
Te Puna Wai o Tuhinapo (YJ South)	8%	9%	6%	13%
Te Maioha o Parekarangi	16%	21%	22%	13%

### Training, support and professional development opportunities for staff

We are not experts on staff training and development but it would appear what is delivered and known is limited. We have noted the rhetoric and written words of MSD but at the end of the day – there seems to be limited training. We can compare our teachers in mainstream schooling who are constantly being trained both in NCEA – assessment, delivery and plan school training on various initiatives.

Here is what MSD say:

“Child, Youth and Family offer a range of professional development opportunities and support for staff who work in a residential setting. These include on the job training, coaching and performance support and, where appropriate, support towards qualification and social work registration. As part of their induction, new staff receives site orientation so that they are familiar with the Residence that they are working in”.

To give effect to these aspirations the following residential induction is provided comprising of five core workshops:

- Strengthening Engagement (2 days)
- Operational Practice Part One (1 day)
- Operational Practice Part Two (1 day)
- Structured Day (1 day)
- Non Violent Crisis Intervention (2 days).

“The programmes vary according to the specific needs of individual staff and teams but can include specialist knowledge such as adolescent brain development, managing challenging behaviour, suicide identification and management and mental health”.

We would have expected to see on going training and development – scope and provision for external training, internal and external, both funded and supported by the employer.

## **Salary and Remuneration – Youth Justice Residences**

It is acknowledged that managers and those with direct supervision responsibilities are well remunerated but from our examination of the figures there is inequality amongst different staff designations – we wonder in an environment in which teams operate and where the youth involved are those presenting with challenging behaviours and adverse life stories – if good salaries should be offered. In our mind good salaries will assist in attracting and recruiting good staff.

Starting salary for a new practice leader \$71,780 to \$99, 556.00 (Maximum – merit step 3) with night staff placed at a starting step \$30,621.00 to \$42,553.00 (Maximum – merit step). Marginally better rates are offered to senior night staff – starting step - \$36,957.00 to \$45,404.00 (Maximum – merit step)

Casual staff are paid between the minimum adult rate and the maximum of \$19.60 per hour. We wonder what the difference is in pay between those working at McDonalds or Burger King and those working with highly complex youth.

Youth Workers have a starting step of \$36,957.00 progressing to \$58,075.00 (Maximum – merit step). Residential social workers have a starting step of \$36,693.00 to \$66,786.00 (Merit Step Three – Maximum Social Work Registration Bar). We also acknowledge what seem to be high site manager's remuneration rates which go from a minimum of \$98,802.00, midpoint at \$123,503.00, to a maximum of \$148,203.00.

We believe better remuneration rates are required. Youth deserve to have well educated, highly trained staff, meeting their complex needs. Low pay rates for many of the positions are a cause for concern.

Recent Reports/Research – MSD – Youth in Custody:

1. Supervision with Residence order recidivism (October – 2013)
2. Youth Justice Lower North Proposed Redevelopment Business Case (August – 2009)
3. Youth Justice Lower North Proposed Redevelopment Summary updated. The Lower North Youth Residence was redeveloped and officially opened by Chester Burrows MP in 2013. At this time, the residence was renamed Te au Rere a te Tonga. A further 10 beds were not opened as demand does not warrant it.

## 6. Provisions of education within facilities – Ministry of Education

We initially approached the Ministry of Education (MoE) for information relating to youth in custody with respect to the education provided and how many youth taught were involved and the costs. The MoE sought to transfer many of our questions to specific providers operating in the various facilities. The quality of information received has been variable and part of the reason is explained by the MoE:

“I have also been trying to determine what information these providers have to assist you in your research....I have been informed by a MoE Manager – that to a large extent, what information a provider collects about students is at the provider's own discretion and the way in which this data is collected varies. Effectively, not all education providers will have all of the information you require and those who do have some information may have difficulty in collecting it for your use due to time and budgetary constraints”(MoE -25<sup>th</sup> August 2014).

We note again to refresh and focus reader minds that Care and Protection Residences cater for youth from 9 to 16 years old; Youth Justice Residences cater for youth from 12 to 18 years old.

#### Who are the Providers of Education?

Korowai Manaaki Residence (Youth Justice)	A youth justice residence located in Auckland which provides 24 hour safe and secure care for up to 40 young people aged from 14-17 years. In addition, the residence also provides six placements for young people subject to District Court custodial sentences. Education provided by Creative Learning Scheme.
Te Maioha o Parekarangi (Youth Justice)	A youth justice residence located in Rotorua which provides 24 hour safe and secure care for up to 30 children and young people aged from 12-17 years. Education is provided by Kingslea School.
Te Puna Wai o Tuhinapo Residence (Youth Justice)	A youth justice residence located in Christchurch which provides 24 hour safe and secure care for up to 40 young people aged from 12 to 17 years. In addition, the residence also provides six placements for young people subject to District Court custodial sentences. Education is provided by Kingslea School.
Te Au rere a te Tonga Residence (Youth Justice)	A youth justice residence located in Palmerston North which provides safe and secure care for up to 30 young people aged from 14 to 17 years. Education is provided by the Central Regional Health School.
Puketai Residence (Care and Projection)	A care and protection residence located in Dunedin which provides 24 hours safe and secure care for up to eight children and young people aged from 10-16 years. Education is provided by Kingslea School.
Te Oranga Residence (Care and Protection)	A care and protection residence located in Christchurch which provides 24 hours safe and secure care for up to 10 children and young people aged from 10-16 years. Education is provided by Kingslea School.
Whakatakāpokai Residence (Care and Protection)	A care and protection residence located in Auckland which provides 24 hour safe and secure care for up to 20 children and young people aged 10-16 years. Education is provided by Creative Learning Scheme.
Te Poutama Arahi Rangatahi Residence	A specialist residential treatment facility located in Christchurch. The service, which is managed by Barnardos under contract from Child, Youth and Family, provides residential treatment for young men aged from 12-17 years who have engaged in harmful sexual behaviour and who can no longer be treated within their own communities. Education is provided by Barnardos.

What are the costs of providing education 2014/2015 – nationally in the nine CYF youth justice and care and protection residence is \$5,823,271 per annum. Each provider receives the following amount of funding based on a na

tional role at each residence.

Table 6(A): National Costs of Providing Education 2012-2013

Site	Education Provider	2012	2013	2014
Te Poutama Arahī Rangatahi – Youth Justice Residence	Christchurch-Barnardos	323,101.56	323,101.56	161,550.78*
Te Maioha o Parekarangi – Youth Justice Residence	Kingslea School	2,638,708.64 (All four sites)	2,784,631.08 (All four sites)	1,401,773.91* (All four sites)
Te Puna Wai o Tuhinapo – Youth Justice Residence	Kingslea School			
Te Oranga – Care and Protection Residence	Kingslea School			
Puketāi – Care and Protection Residence	Kingslea School			
Te Au ere a te Tonga – Youth Justice Residence	Central Regional Health School	867, 807.14	887.632.21	444,753.82*
Korowai Manaaki – Youth Justice Residence	Creative learning Scheme	1,730,470.20	1,730,470.20	865,235.51*
Epuni – Care and Protection Residence	Kokiri Marae Keriana Trust	587,175.72	600,066.96	301,086.58

Note: costs per annum of education per site – summary of operational and staff funding – totals are inclusive of GST – Teacher salaries have been estimated on \$77,625 (incl GST). For 2014, totals have been provided up to 30<sup>th</sup> June.

\*(January to June - 2014)

Table 6(B): Staffing Costs, Student Numbers, Ages and Ethnicity across all sites for the 2015 (Year as at June 30<sup>th</sup> 2015)

		Staffing and Operations		Students Numbers - 2015	Ages	Ethnicity
Creative Learning Scheme	Korowai Manaaki Residence (Youth Justice)		Tutors and Specialists \$244,493.60	264	13 years - 3 14 years -82 15 years - 102 16 years - 69 17 years -8	CI Māori - 12 NZ Māori -179 Middle Eastern - 1 NZ European -25 Nuiean -13 Other Pacific -2 Samoan - 17 Tongan -15
						Gender: Male – 197 Female - 67
	Whakataka pokai Residence (Care and Protection)		Tutors \$70,000		11 years – 2 12 years -4 13 years -31 14 years -14 15 years -10 16 years - 6	CI Māori - 6 NZ Māori - 48 Middle Eastern - 1 NZ European - 10 Australian - 1 Samoan - 1
			Administer - \$38,000			
						Gender: Male – 43 Female - 24
Total		1,730,470				
Barnardos	Te Poutama Arahi Rangatahi Residence		One Lead educator and one full time teacher.  Employed support staff: 2x teacher aids for 35 hours – paid at \$17.44 per hour gross	16	12 years - 1 13 years - 1 14 years -7 15 years -5 16 years -2	NZ Māori -7 NZ European - 9

			CYFS funded support staff hours of \$17.44 for individuals requiring 1:1 support. Total cost 35 hours per week for 23 weeks.			
						Gender: Male – 16
Total		294,349				
Central Regional Health School	Te Au rere a te Tonga Residence (Youth Justice)		Support staff - \$5,340 (Admin only)		12 years - 1 13 years -2 14 years - 13 15 years -62 16 years -77 17 years – 48 18 years - 9	CI Māori - 10 NZ Māori - 143 Middle Eastern NZ European – 42 Fijian – 1 Asian – 1 Nuean Other Pacific Samoan - 10 Tongan – 5
						Gender: Male – 204 Female - 8
	Epuni Wellington – Care and Protection		Support staff - \$10,403 (Admin only)		12 years -4 13 years - 2 14 years - 9 15 years - 4	Cook Island – 1 NZ Māori - 14 NZ European – 4
						Gender: Male – 19
Total		916,416 (staff funding) & 329,875 (operations grant)				
Kingslea School	Te Oranga Residence (Care and Protection)					

	Te Puna Wai o Tuhinapo Residence (youth Justice)					
	Te Maioha o Parekarangi (Youth Justice)					
	Puketai Residence (Care and Projection)					
			Costs of Support Staff: 134,675.30 (2014) \$16,567.92 (up to 3/03/2015)			
					10 years -4 11 years -1 12 years - 7 13 years - 10 14 years -19 15 years -66 16 years - 96 17 years - 93	CI Māori -4 Fijian - 2 NZ Māori - 109 Middle Eastern – 2 NZ European - 77 Nuean - 2 Other Asian - 1 Samoan - 8 Tongan -8 Other Pacific Peoples -2
						Gender: Male – 232 Female - 62
Total		2,022,292				

In the case of all education providers there is a pattern of funding increases, incremental but still positive.

Questions Asked & Responses:



What is the ethnic status of students taught in Care and Protection residences and Youth Justice Residences?

The ethnic status of each young person is held on their personal file and cannot be reported on without substantial manual collation. Therefore, this part of your request is refused, under section 18(f) of the Official Information Act as the information request cannot be made available without substantial collation or research.

With respect to gender:

In the youth Justice residences, males average between 80 and 90% of the population per year. Care and Protection residences have a 50-50 male/female population per year.

Table 6(C): National Provider Breakdown Education Costs Per Student per Year 2012-2015\*

<b>Education Provider</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015**</b>
Creative Learning Solutions	6,894.30	5,749.07	5407.72	6,554.81
Central Regional Health School	4,226.62	7,718.54*	2,850.98	4,239.01
Kingslea School	7,269.17	6,552.07	5,964.99	7,336.63
Barnardos	Not Provided	Not Provided	Not Provided	18,396.81

\*\*Jan- June 2015 Projection only.

\*Calculated on the operations grant divided by reported student numbers per year.

## **Practice and Policy in Place for Education Providers**

In terms of classroom practice an average teacher to student ratio over the nine sites, 1 full time teacher equivalent (FTE) for five students. Additional staff may be employed; however, this will be at the discretion of each provider.

Care and Protection and Youth Custody receive an education service provided by state special schools. There are also some education providers who are not provided by state special schools. Two contractors exist:

- Creative Learning Scheme (CLS)
- Barnardos

The reason for the Ministry of Education having two contractors is the "unique settings and specialised nature of the education services being provided in CYF residences often make it highly undesirable to disrupt a current service. Changing a provider, whether it be a state special school or private provider at a time when it is performing well could have the potential to impact adversely on the current quality and consistency of educational services".

The Ministry of Education states it ensures quality delivery from its education providers by:

(Being) "Committed to improving outcomes for students admitted to CYF Youth Justice and Care and Protection residences. The Better Public Service targets, the Vulnerable Children Action Plan, the Prime Minister's Youth Mental Health initiatives, Youth Crime Action Plan and Whānau Ora all highlight the need to deliberately target resources, intervention, and support to those students who need it most. The Ministry is currently committed to:

- Improving inter-agency collaboration
- Supporting educational planning, pathways and transitions
- Maintaining school stability (e.g. less time out of school)
- Improving youth-centred assessments and wrap-around services
- Improving information sharing protocols and contracted providers is required to report quarterly".

#### Aspirations All Around

Every agency including the Ministry of Education has high aspirations for youth in custody. Peter Hughes – Chief Executive, told the committee the ministry is working toward the government's goal of 85 percent of 18-year-olds having NCEA level 2 by 2017 (Radio NZ, 18 February 2015). We will await this milestone but have doubts about its realisation. The aspirations of the Department of Corrections is to reduce offending by their target of 25% by 2017. There appears to be a mismatch between the rhetoric and reality. For current youth under 20, the reconviction rate is about 64 percent, 20 per cent higher than adults. The re-imprisonment rate is 39.5 per cent, compared to 25.9 percent for adults (Robinson, Youth inmates try defying odds, 20 June 2015).

We note that the Ombudsman has recently looked into the area of the education of youth in custody (2013/2014) and appears satisfied we don't share the same confidence. However, we will continue to monitor and seek information and make this available to inform public debate.

Extract: Ombudsman – Annual Report 2013/2014 p.28

## **Education for Young Prisoners**

In 2012, Chief Ombudsman Dame Beverley Wakem commenced an investigation into the accessibility of education by young prisoners, under the age of 20. The investigation concurred the prisoners' ability to enrol in and undertake education.

In 2013, Corrections provided advice in relation to its completed education and youth strategies, and the work it was commencing in the area of prisoner education. The Chief Ombudsman's investigation was paused while this work was undertaken.

### **Corrections have now:**

- **Established a committee within the Executive Leadership Team to oversee ongoing work in the area of prisoner employment and education;**
- **Established an Expert Advisory Group to assist with work in prisoner education and training;**
- **Established partnerships and engagement with organisations in the education and youth justice sectors, including Tertiary Education Commission, the New Zealand Teachers Council, Christchurch Polytechnic Institute of Technology, the Open Wananga and Child Youth and Family;**
- **Piloted on line learning in prison; and**
- **Established a Prison Libraries Reference Group to advise on the development of a prison library framework.**

In light of these developments, the Chief Ombudsman discontinued her investigational 2014, as she was satisfied with the steps Corrections was taking. However, we will continue to monitor progress in this area.

## **International Best Practice – MSD Facilities – Care and Protection and Youth Justice**

A recent study examined:

1. What is the best international education practice for CYF – type residences?
2. What are the key similarities and differences between such international best practice and the Ministry-funded provision in CYF residences? (Matheson, 2014)

The study found that there are a number of aspects of education provision in several New Zealand Youth Residences that are similar to, or near, what might be considered to be international best practice. This includes having high teacher to student ratios, small class ratios, small class sizes, and strong educational leadership (Matheson, p.5).

While there is some evidence of improvements over recent years in the quality of education provided for children and young people in several of the Residences, the study also found that there were others areas in which education provision in New Zealand's Residences was somewhat different to international best practice, including limitations in, or an absence of:

- **Strong interface with residence-provided enrichment activities;**
- **Effective engagement with tertiary education providers;**
- **Strong transitioning arrangements;**
- **Availability of formal and informal supports for schools and**
- **Challenging care and/or education standards in relation to teaching and learning.**

The study also found, "with the exception of one of the Residences, using the same school year as New Zealand secondary and composite schools, resulted in children and young people in New Zealand Residences, attending school for fewer days a year than their

counterparts in almost all custodial facilities in Australia, Canada, the UK and the US; there was a wide variety in overseas provisions ranging from 39 weeks to 52 week a year. While it could be suggested that facilities that were identified as being deemed to offer a high quality education tend to operate for more weeks a year than those facilities in the same country that were not, it is difficult to surmise that the actual length of the school year made the difference; this may have been just one aspect of a perceived greater commitment to education" (Matheson P.5/6).

All New Zealand stakeholders expressed the view that there was a need for education provision beyond the existing 38 weeks. No change in practice has been put in place by the Ministry of Education.

There appears to be limitation of education providers, teaching youth in custody, to access resources in an equitable manner. "Several of the education leaders talked of difficulties in accessing the Ministry's group special education staff, and access to additional services and support for those with special educational needs" (Matheson, p.33). Further there appears to be unequal access to IT resources. "One (provider) in particular has a fully equipped digital classroom and makes use of desktops, laptops, networks, iPods and Kindles; teaching staff here believe that these resources significantly aided teaching and learning for most young people, facilitated greater understanding of the curriculum and tended to engage young people. However, there are some residences where the availability and use of IT equipment is much more limited" (Matheson, p.35).

#### Limited engagement and professional development between education providers and MSD staff

Professional development, described by education leaders – of the providers, describe a focus on teachers becoming more knowledgeable about aspects of the curriculum, rather than helping to engage more effectively with children and young people, improving the quality of their teaching and driving up educational achievement – however defined. It was noted "joint professional development with care staff (MSD) is also very limited, although there have been some discussions around developing this for the future" (Matheson, p.38).

Further, in most residences it was evident that there appeared to be little evidence of much systematic collaboration on how their separate systems and approaches would interface, with care staff (MSD) and education staff both working on behaviour management issues from within their own respective 'bubbles'. This was identified by some education leaders as an area for further development. The Ministry of Education's new Positive Behaviour for Learning (PB4L) classroom behaviour management model was suggested by one education leader as an opportunity to strengthen work in this area (Matheson, p.48).

None of the residences formally operate a common behaviour management system across care and education.

#### Links with tertiary providers

Developing and sustaining relationships with education (and care) experts, and university colleges of education or similar institutions, appears to be less of a feature of the New Zealand landscape than is the case for the best practice facilities and jurisdictions. (Matheson, p.50). It was acknowledged that young people tend to leave residences a year or more earlier than counterparts in the overseas jurisdictions. Some limited links with polytechnics existed. One education provider "indicated it was much more difficult to get a young person from a residence into a polytechnic course, they were much more reluctant to have a student that required a tracker, than they were in the past" (Matheson, p.49). What relationships there were, tended to be transactional rather than strategic – i.e. purchasing one-off courses for delivery at the residence. It was found what ever vocational provision is delivered by teaching staff, it is largely based around short course qualifications and taster opportunities.

#### A need for more and joined up people resources

Irrespective of the quality, the cost of education in custodial care facilities is always going to be high. While no comparative studies have been identified on the relationship between the level of education funding and outcomes, from the key informant interviews, it is apparent that some, although by no means all, characteristics of best international practice will have a financial cost attached, whether it be, for example, hiring the best teachers, employing additional specialists such as educational psychologists, speech and language therapists, or strengthening vocational training (Matheson, p.60).

Source: Matheson, I. Education Provision for Learners in Child, Youth and Family Residence – Research Study for the Ministry of Education (24th February 2014)

## 7. Conclusions

- There is an acknowledgement that children and youth require different responses from those with adult status. Our research has indicated this view exists with respect to existing custodial structures.
- The welfare of people needs to be a continual priority – so that treatment, support and guidance (that meets their needs) trumps punishment, retribution and deterrence. We are disturbed to learn there is no restorative practice in place within MSD and Corrections facilities with respect to youth.
- There must be full transparency of formal procedures, practices and costs associated with the custody of young persons. Our experience, through the denial of information from several agencies, suggests a lack of accountability and transparency exists. Our research, once again, indicates the journey of a young people in custody is both expensive and financially costly exercise with respect to the State. There is a variance in information quality and availability, on the education delivery impact on youth. There also appears to be an inability of agencies to work together with respect to key aspects of youth in custody (Matheson, 2014).

Good decision making requires good information and therefore requires its timely and accurate collection. A failure appears to exist and extend to a number of agencies. An example was Corrections refusing any assistance initially this year and then continuing to assert a standard response of:

This information is held in notes on individual cases filed. Ministry would have to manually review hundreds of files. As such, I refuse your request under section 18 (f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service".

Further a pattern of threats were repeated noting that financial charging may be necessary if we do not desist in our requests for information. This is a right under the Official Information Act but there are criteria that need to be observed. We have concerns about these behaviours.

- We note the decrease in youth being subject to custodial sentencing from our analysis of statistical information. However, we observe no material reduction in the costs of interventions with respect to education provision or custodial arrangements to reflect this proportional decrease. Also of concern is the high levels of youth reoffending which suggests the quality of interventions in terms of custodial arrangements and education need review.
- The continual high rate of Māori involved in all custodial environments remains unacceptable.
- There is no differentiated practice in terms of the treatment of female youth in custody. This is in breach of United Nations guidelines and unacceptable in a civil society. The separation of juvenile detainees from the adult prison population, in accordance with Rule 8(d) of the UN Standard Minimum Rules on the Treatment of Prisoners.
- Inequalities across agencies dealing with youth in custody needs to be addressed – an example being daily food allowances – the Department of Corrections has a daily allowance of just under \$5.00 with MSD providing a daily budget of just over \$14.00 per youth offender.

- The Ministry of Education, as recommended by Matheson 2014, needs to move towards extending the number of weeks education providers offer education to youth in custody.
- The Ministry of Education needs to develop genuine links with tertiary providers as well as ensuring equality between providers with respect to student IT provision.
- MSD needs to develop nation-wide common behaviour management practice to reduce geographical variance that has appeared in the data collected.
- MSD need to provide more educational responses from allied professionals – these need to be both coordinated and joined up. Further, MSD staff and education providers need to work better together and undergo joint and parallel training.
- MSD need to look at training opportunities available to staff and remuneration rates – with the longitudinal view of attracting and retaining quality staff.

In sum, rates of youth receiving custodial sentences is decreasing but reoffending rates continue to remain high. Māori youth languish in custody at disproportionately high rates. The total numbers of youth in custody have declined. It appears funding should be available, with the diminishing youth base line, to look at the effectiveness of current custodial programmes operated by Corrections/MSD and educational programmes. It is apparent the current models are not working effectively, providing good value for money and more importantly not giving youth in custody the best possible opportunities at quality life post custody.

### **International Best Practice – A recognised right to a (Quality) Education**

**The right to education features strongly across a number of international human rights instruments. Under the United Nations Convention on the Rights of the Child (UNCROC) (UNCRC, 1989), children and young people have not only the right to education, but also to leisure, freedom from violence, play, culture and freedom of expression on all matters affecting them.**

**Disciple – businessman – husband – father – widower – brother – educationist – champion of the poor – founder**

The 250th anniversary of the birth of Edmund Rice, the founder of the Christian Brothers (a pontifical congregation) and the Presentation Brothers (a diocesan congregation), will be observed and appropriately celebrated throughout the world on 1 June 2012.

- Disciple, Businessman
- Husband and Father
- Founder
- A man of God

The fourth of seven sons, Edmund was born in Callan, Ireland, in 1762 to devout Catholic parents who, by the standards of the day, were reasonably well-off. He received a good education before being apprenticed to his uncle, Michael Rice – a wealthy merchant in the thriving seaport of Waterford. Having displayed business acumen, legal expertise, practical common sense, and a capacity for hard work, Edmund eventually inherited and successfully expanded his uncle's business which supplied food and materials for trading vessels. He became an influential and highly respected citizen of his adopted city – a man of means who moved easily among the social elite.

Having personal touch, testimonies to his piety and charity at this time abound; but he was not unique among the businessmen of Waterford in this regard. As a class they were generous in providing alms for the desperately poor people who flocked to the city in search of employment. If Edmund Rice stood out among his contemporaries, it was because of the deeply personal aspect of his charity. Moved by the stark contrast between his own affluence and the sorry lot of the poor slum dwellers, he did more than give money to the needy. He gave them his time, his hospitality, and finally his life. Of special concern to him were the wild and uncared for boys who gathered around the timber stacks on the quay. He brought them to his home in Arundel Lane and provided them with food and clothing.

For many years, even after he founded a religious institute, Edmund's solicitude also extended to the prisoners in the Waterford county jail. He visited them and, in the case of those sentenced to death, assisted them to make their peace with God. Traumatic as the experience must have been for him, he met condemned men on the morning of their execution and accompanied them to the scaffold.

Source: <http://www.edmundrice.org.au/cbop/about-us/blessed-edmund-rice>

**Appendix: B – Media Articles**



## **Article 1: CYF plans closure of SI youth facility**

MYLES HUME

Last updated 07:13 11/09/2014

Easily Repair a Slow Computer. Very Simple Instructions

Child Youth and Family (CYF) want to close the South Island's only female youth justice residence to increase capacity in the North Island.

The proposal is being met with strong opposition, with concerns raised about teenage offenders absconding while travelling to facilities and the effect on young women being hours away from families.

The Press revealed last month CYF was consulting with staff on a proposal to reduce bed capacity by 10 across its four youth justice residences in response to a drop in youth crime, court appearances and initiatives to keep youth out of custody.

The residences in South Auckland, Rotorua, Palmerston North and Christchurch have the capacity to hold 140 youth arrested and put in CYF care before a court hearing, remanded in custody or given a custodial sentence.

Documents show CYF wants to "mothball" the South Island's only 10-bed female unit at Christchurch's Te Puna Wai o Tuhinapo facility and change a male unit at either the Rotorua or Palmerston North into a female unit.

It is unclear how many jobs may be affected. In the proposal, CYF argued the Christchurch female unit housed on average six residents, four of which were from the North Island.

The Public Service Association (PSA), which represents 380 staff working in CYF residences, said in a submission the two-stage change was "seemingly without a full analysis of the practical and financial implications".

A source involved with the submission said mothballing Christchurch's female beds left "nowhere for young women to go" in the South Island.

Risks were associated with escorting young offenders around the country, she said.

"We are really concerned about the opportunity of absconding when they are not in secure premises."

The PSA submission said direct flights from South Island towns may not be available to some centres, which could result in long road trips or two-part flights.

Labour children's spokeswoman Jacinda Ardern called the proposal "short-sighted", saying there needed to be bed capacity when youth offending unexpectedly spiked.

"If you're going to bring the beds back online as soon as there is demand, that takes time, and we don't want to have young people in situations where they are in inappropriate facilities, such as police cells," she said.

In another submission, the National Union of Public Employees believed it was a cost-saving exercise and was concerned the units were too focused on remand cases, instead of "changing behaviours".

The submission said Christchurch's female unit had become a place where "girls can be girls" and "put down the facade".

CYF said a decision document would be released in two to three weeks.

## **Article 2 - CYF worker watched movie as charge killed herself**

Last updated 00:00 09/11/2007

A Child, Youth and Family (CYF) worker who watched a Jennifer Lopez movie instead of checking on a charge who committed suicide, still works for the organisation.

Carla Frew, 16, took her own life in the Scottford Unit of CYF's Kingslea residence in Christchurch on January 3, 2005.

Regional coroner Richard McElrea yesterday released the findings of Carla's inquest to The Press.

The findings concluded that errors, including failure of some CYF staff to follow protocols, a lack of appropriately trained workers, unprofessional behaviour and poor communication about Carla's risk of suicide, unnecessarily put her life at risk.

In particular, Carla, a known suicide risk, was not checked for almost seven hours by staff on the night of her death.

Included in the coroner's findings, is specific criticism of night worker Elizabeth Rigby.

The coroner's report into Carla's death said "Rigby in particular acted unprofessionally on the night of 2/3 January 2005".

A verbal stoush between Rigby and her supervisor, Nicholas Bentley, resulted in her leaving the Scottford Unit to watch a "video movie for her own entertainment".

During Carla's inquest, after questioning from Queen's Counsel Nigel Hampton, Rigby admitted the movie she watched during the evening in question featured Jennifer Lopez, rather than a "movie on abuse" as she originally claimed.

The inquest findings concluded that by leaving the Scottford Unit to watch a movie, Rigby put Carla "unnecessarily at risk".

Despite these conclusions, the coroner said in the inquest findings that Rigby was "still justifying her actions".

"The court is unimpressed with Ms Rigby's response and self-justification and considers that so long as such attitudes remain there could be a replication of the team dynamics that played a part in the events of the night (when Carla took her own life)," he said.

Rigby could not be contacted by The Press for comment on the coroner's findings.

A CYF spokeswoman confirmed Rigby still worked for the department but said it could not comment on matters concerning individual staff members.

CYF head Ray Smith said that after Carla's death CYF immediately investigated every aspect of the tragedy, including systems and procedures.

Several changes had been made as a result.

The coroner's findings supported CYF's independent investigation, he said.

While CYF's systems were found to be sound, the failure of staff on the night to follow procedures placed Carla at risk, Smith said.

Staff involved had undergone disciplinary action.

As a result, Bentley, who failed to ensure the correct processes were carried out, no longer worked for CYF, Smith said.

Howard League for Penal Reform advocate Diana Taylor said the coroner's findings highlighted a "series of significant failings" by CYF on the night of Carla's death.

Taylor sat through Carla's inquest and, with the coroner, toured the CYF youth justice facility which replaced Kingslea.

She said that despite CYF assurances the issues apparent on the night of Carla's death had been addressed, the Howard League feared some contributing factors remained.

### **Article 3 – (June 2015 – The Press) Worried staff call for urgent safety improvement at Te Puna Wai**

Teenagers' violence against staff inside Christchurch's youth justice facility is nearing crisis point, a union says.

Official documents show staff have been assaulted, bitten and faced riots in the past five years years at Te Puna Wai ō Tuhinapo.

They are among dozens of incidents requiring emergency police intervention at the country's youth justice units.

Last Friday, Child Youth and Family (CYF) deputy chief executive Bernadine MacKenzie visited staff at Te Puna Wai, the South Island's only youth justice unit, to talk about their safety concerns.

Four staff have existing claims with the Accident Compensation Corporation (ACC) after being injured while restraining teenagers.

National Union of Public Employees (NUPE) secretary Janice Gemmell has spoken to WorkSafe NZ about incidents at Te Puna Wai.

"If management aren't going to recognise the risk and deal with it, then that's an absolute crisis," Gemmell said.

"[Members have been] advising of incidents and matters of concern where there's been either verbal or physical assaults on staff and them feeling concerned for their own safety and just how things are functioning."

A recent incident required police to respond to an aggressive group of youth who broke windows, picked up tables and threatened to assault staff, Gemmell understood.

According to figures released under the Official Information Act in November, police visited youth justice facilities 213 times in the five financial years to 2013/14, excluding emergency calls.

They responded to emergencies at Te Puna Wai 43 times during that period, including incidents involving youth who threatened, assaulted and bit staff, organised riots and fought with chairs.

From January 2009 to September 2014, Te Puna Wai had the highest number of assaults on staff of the country's four youth justice residences.

Staff have limited powers to use physical force. They must use a "non-violent crisis intervention" restraint technique as a last resort. CYF residential and high needs services general manager Nova Salomen said staff were dealing with some of the most troubled youth, which was challenging.

Bed capacity was temporarily being reduced from 40 to 25 to ensure there were enough staff to meet demand. The organisation was "actively recruiting". Eight trainees recently started, she said.

Salomen said an increase in teenagers remanded by the courts had resulted in high resident turnover. "This presents challenges for working with young people over an extended period of time and providing a stable environment for them.

"We are looking at what needs to change to how we operate, how we can support staff to do their work safely, and how we can work with these young people to improve their future outcomes."

Salomen said there were 13 staff who had ACC claims, with four of those sustained while restraining inmates, but they were not reported as assaults. Four others were injured on site due to slips, trips and falls, while five were injured off-site.

She said meeting with staff was an important part of improving safety.

#### **Article 4 - Social worker 'justifiably sacked'**

LIAM HYSLOP

Last updated 09:05 01/07/2014

Share

Is True Happiness in store for you? The Angels will tell you now...

A social worker at a juvenile prison who gave a youth a key and cellphone for an attempted escape was justifiably sacked, the Employment Relations Authority has ruled.

Joseph Bartram was a qualified residential social worker at the Waimakariri unit of Te Puna Wai o Tuhinapo Residence in Christchurch for six years before his dismissed last October.

Bartram complained to the authority that his dismissal was unjustified and unfair, but authority member Christine Hickey found that his employer, the Ministry of Social Development, was correct in dismissing him.

In her decision released today, Hickey said three young people attempted to escape from the facility on March 30 last year.

One of them was found to have a shift leader's key and Ministry cell phone in his possession.

After a Ministry investigation, it was determined that Bartram had covertly provided both the items to the youth.

The Ministry said closed-circuit television footage showed Bartram giving the youth the key as he handed him a pair of jeans, and later providing him with the cellphone.

The youth used the key to try to escape with two other youths, but they were apprehended before they were able to leave the facility.

Bartram said he had not given the youth either of the items.

The key had not been given with the jeans and the other item was an Easter egg, which he gave to the youth covertly so the other youths in the facility would not see him doing it and clamour for one themselves, he said.

He claimed his dismissal process was unfair.

Hickey said the Ministry's investigation was thorough and robust.

"There were some additional investigative steps that may have strengthened the process of investigation, but overall the investigation raised sufficient evidence to support the allegations," she said.

Among other things, the evidence from the youth on when he was given the items was able to be corroborated by the CCTV evidence, she said.

The Ministry did not have to prove Bartram's guilt to a criminal standard, although given the serious allegations, it needed to have a convincing level of evidence, she said.

There was sufficient evidence of sufficient weight to conclude that the allegations against Bartram were made out, she said.

"Dismissal was the inevitable consequence because of the security risk inherent in keeping Mr Bartram employed."

The authority did not make the decision lightly as the nature of the dismissal would seriously impinge on Bartram's ability to work as a social worker in the future, Hickey said.

"The dismissal has been and will continue to be a significant detriment to his career aspirations," she said.

## **Article 5 - Worker quits over safety of residents**

BY MARTIN VAN BEYNEN – The Press  
08/05/2010

A whistle blowing worker at Canterbury's youth justice facility has resigned, saying young female residents will continue to be sexually harassed and assaulted by male residents as long as the units are mixed.

Charles Jordan, 32, who resigned from his job as a youth worker at Te Puna Wai o Tuhinapo in Rolleston on Wednesday, said he had had "a gutsful" after a two-year battle to get Child Youth and Family to segregate males and females at the 40-bed residence.

CYF runs three youth justice residences, which cater for 14 to 17-year-olds. The units in Rolleston and South Auckland are mixed, while a unit in Palmerston North is for males only.

Jordan, a former state constable in the United States, detailed a raft of incidents at the Rolleston unit since early 2008, which involved sexual activity between residents, derogatory sexualised behaviour and comments, threats of rape, and ongoing minor sexual assaults such as groping.

Jordan said some of the sexual activity appeared to be consensual but coercion could not be ruled out.

"Some of these guys scare the crap out of the staff, let alone vulnerable young girls, many of whom already have a background of being sexually abused," he said.

"The attitude was 'these things happen and we will manage them' instead of stopping them happening.

"I think CYF still has this organisational culture where assaults are normalised," Jordan said.

"These girls remain at risk unless the genders are separately housed."

CYF director Ray Smith said Jordan had raised legitimate concerns soon after he was employed in 2007 and these had been addressed by changes at the residences. By next month, the mixed residences would have designated female pods, although flexibility was needed.

Issues raised by Jordan had been investigated in three separate reviews and changes were being implemented.

"CYF is confident ... young people in our residences have not been exposed to unnecessary risk and are safe," he said.

"If Mr Jordan wants to continue with what has now clearly become some form of personal obsession, which involves presenting an unbalanced and quite inaccurate picture ... we will continue to present the facts."

Both the Children's Commissioner and the Chief Social Worker had reviewed the mixed-gender policy and had "concluded that having young men and women living together in residences better prepares for their return to the community and a normal societal environment".

Most of the incidents Jordan mentioned were inappropriate comments and consensual low-level sexual behaviour, such as touching. Staff had recorded four alleged incidents of "consensual sexual connection" since January 2008.

"Teenagers don't stop being teenagers because they are in a secure facility," Smith said.

Social Development Minister Paula Bennett said she was confident female residents in the unit were safe, after seeking assurances from staff and asking the Children's Commissioner to report.

"Some of the findings of that report are now being implemented and I am satisfied with that course of action.

"These are troubled young female offenders ... so isolated incidents may always occur, but I do believe they are safe."

Children's Commissioner John Angus said he found no evidence any girls had been abused or suffered as a consequence of being looked after in the same residences as boys.

"Our conclusion was that separation wasn't needed. Girls can be accommodated in the same residences as boys, if they are well managed. But we did recommend separate units within residences, so that girls have their own sleeping areas, where that's possible."

Jordan said he tried to get his concerns addressed "in house" but there had been no progress until June last year.

He felt things were moving in the right direction by the end of last year, but lost heart again when he found out about an incident that had occurred in October. A girl complained of being continually groped by three male residents and was also frightened of retaliation for "snitching".

"After some time in the secure unit, the boys were placed back in the same living unit as the female resident.

"I thought 'nothing has changed'. They threw her right back to the wolves," Jordan said.

Smith said the incident was independently investigated and the girl said she felt safe.

## **Article 6 - Call for young offenders to complete NCEA**

### **18 February 2015**

The head of the Education Ministry has suggested sentencing young offenders to completing level 2 of the NCEA.



Education Secretary Peter Hughes.

Though he later retracted his use of the term "sentencing", Peter Hughes today told the Education and Science Select Committee the qualification was a silver bullet for preparing teenagers for work or further study.

His comments have been welcomed by the principal Youth Court judge Andrew Becroft who said education was perhaps the most important factor in getting young offenders back on track.

Peter Hughes told the committee the Ministry is working toward the government's goal of 85 percent of 18-year-olds having NCEA level 2 by 2017.

He said as part of that work the Ministry was trying to help more children who were not in school to get NCEA level 2, and that included those who appeared in the Youth Court.

"We're looking at whether or not as part of the sentencing that happens in that court, those kids can be sentenced if you like to NCEA level 2 achievement," he told the committee.

Peter Hughes later said his description of "sentencing" teens to NCEA was inappropriate.

But he said setting the goal of NCEA level 2 was definitely in the best interests of troubled young people.

"That is probably the best thing that we can do for many of those kids to give them a decent start in life and a better future."

The Ministry's Deputy Secretary, Sector Enablement and Support, Katrina Casey said the ministry had education officers in nine youth courts and five Rangitahi courts.

She said it was their job to try and include education in plans to get young offenders back on track and they were having a positive impact.

"So far we've seen a direct correlation between doing that and reoffending rates reducing. What we're focusing on now is taking that a step further to get those kids not just not reoffending, but also achieving qualifications," said Katrina Casey.

Ms Casey said the ministry was considering how it could expand the service to cover more courts.

The Principal Youth Court Judge Andrew Becroft said more education officers would be welcome because their work was crucial and until recently education had not been part of the multi-agency approach to youth justice.

He said the court cannot sentence young people to complete a qualification, but it can include education goals in the plans set in family group conferences.

"It would even be possible for the conference to come up with a long-term plan, whereby if there was satisfactory progress, community work could be reduced, commuted in some cases," said Judge Becroft.

He said including education in young offenders' rehabilitation would make a big difference.

"There's no magic bullet, but if there was, it would be to get every young person meaningfully and actively participating in education or vocational training. It's the one thing that I think as a community we should be aiming at above all else. So to be honest, to hear this sort of discussion is music to the ears of all those involved in the coal face of youth offending."