

Kaahui Whetuu ki te Pito Care and Protection Residence

OPCAT Monitoring Report

Visit Date: September 2023

Report Date: November 2023

Kia kuru pounamu te rongo All mokopuna* live their best lives

Trawing from the wisdom of Te Ao Māori, we have adopted the term mokopuna to describe all children and young people we advocate for, aged under 18 years of age in Aotearoa New Zealand. This acknowledges the special status held by mokopuna in their families, whānau, hapū and iwi and reflects that in all we do. Referring to the people we advocate for as mokopuna draws them closer to us and reminds us that who they are, and where they come from matters for their identity, belonging and wellbeing, at every stage of their lives.

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Introduction

The role of Mana Mokopuna – Children and Young People's Commission

Mana Mokopuna - Children and Young People's Commission (Mana Mokopuna) is an independent advocate for all children and young people (mokopuna) under the age of 18, and for those who are care-experienced up to the age of 25. Mana Mokopuna advocates for children's rights to be recognised and upheld, provides advice and guidance to government and other agencies, advocates for system-level changes, and ensures children's voices are heard in decisions that affect them.

Our organisation is a designated National Preventive Mechanism (NPM) as per the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment (OPCAT).

The New Zealand legislation relating to OPCAT is contained in the Crimes of Torture Act (1989). The role of the NPM function at Mana Mokopuna is to visit places where mokopuna are deprived of their liberty, and:

- Examine the conditions and treatment of mokopuna
- Identify any improvements required or problems needing to be addressed
- Make recommendations aimed at strengthening protections, improving treatment and conditions, and preventing ill-treatment.

About this visit

Mana Mokopuna conducted an announced visit to Kaahui Whetuu ki te Pito Care and Protection Residence as part of its NPM monitoring visit programme. The purpose of the visit was to fulfil Mana Mokopuna responsibilities under the OPCAT to monitor the safety and well-being¹ of mokopuna in all places where they are deprived of their liberty.

About this report

This report shares the findings from the monitoring visit and recommends actions to address any issues identified. The report outlines the quality of the experience of mokopuna at the facility and provides evidence of the findings based on information gathered before, during and after the visit.

¹ Six domains as prescribed by the Subcommittee on the Prevention of Torture *Monitoring places of detention: A practical guide* (2004) - Treatment, Protection Systems, Material conditions, Activities and access to others, Medical care and Personnel. The seventh domain, 'Improving Outcomes for Mokopuna Māori' was developed for the Aotearoa New Zealand context by Mana Mokopuna to assess how mokopuna Māori are supported to have a positive connection to their identity and whakapapa.

About this facility

Facility Name: Kaahui Whetuu ki te Pito

Region: Tāmaki Makaurau, Auckland

Operating capacity: 5 beds. There were no mokopuna placed at the facility at the time

of the visit.

Status under which mokopuna are detained: ss78, 101, 110(2)(b), 139, 140 Oranga Tamariki Act 1989.

Kaahui Whetuu is a programme² for mokopuna from age 10 and up to 17 years old, predominantly with a Care and Protection background. Referrals for mokopuna who have a Youth Justice legal status of s238(1)(a), (b) and (c) are also accepted into the community homes. Kaahui Whetuu is made up of one secure assessment hub, which is subject to OPCAT requirements, and two community homes which fall outside of the designated scope.

Monitoring Visit

The visit was initially scheduled as unannounced however, during the preparation for the visit, it became apparent that the operating model for the secure assessment hub had changed and the visit needed to be announced in order to fully understand the changes since the 2021 visit. A hui (meeting) was arranged between Mana Mokopuna and the Kaahui Whetuu ki te Pito Residence Manager on 4th of September 2023. The purpose of this hui was for whānaungatanga (relationship building), to develop further understanding about the new operating model, and plan the visit. Mana Mokopuna was informed there were no mokopuna expected on-site during the scheduled monitoring visit.

The rationale to continue with an announced visit was based on the following criteria:

- The secure assessment hub was still open for admission and a visit by the Office of the Children's Commissioner (now Mana Mokopuna) had not occurred since June 2021
- The previous visit was affected by the COVID-19 pandemic and was considered an incomplete visit
- Returning to Kaahui Whetuu ki te Pito presented a good opportunity to see how the new operating model was working and how mokopuna are impacted by the change.

Mana Mokopuna assessed the treatment and conditions of the secure hub facility with the understanding mokopuna can be placed in this hub at any time. Mana Mokopuna also visited the two community homes to ensure a full understanding of the Kaahui Whetuu operating model. However, as the community homes are not part of the NPM designation for Mana Mokopuna, no OPCAT monitoring took place pertaining to the activities, operations, or material conditions of the two homes. This extended visit to the community homes was solely

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² Kaimahi refer to Kaahui Whetuu as a programme.

to inform our understanding of the broader operating model of this Care and Protection residence.

This report therefore outlines key findings from the visit to Kaahui Whetuu ki te Pito secure assessment hub. Observations made regarding the community-based homes have been made as and when they impact on the operations of the secure hub facility and the care mokopuna experience while placed in the secure hub.

Key Findings

There were no mokopuna residing in the secure assessment hub at Kaahui Whetuu ki te Pito at the time of the monitoring visit. Key findings are therefore deduced from the assessment of the physical environment of the facility, an assessment of operating procedures when mokopuna are admitted into the hub, and interviews conducted with kaimahi who work across both the secure hub and the community-based homes.

The key findings are:

- Kaahui Whetuu ki te Pito as a placement option is not fit-for-purpose for the following reasons:
 - The facility is run down, and routine maintenance has not been regularly completed.
 - The bedrooms are cold, sterile, and uninviting. The bedrooms themselves are very small with only space for a bed, chair and small storage unit to put personal items.
 - The hub is connected to a Youth Justice residence and the grassed areas look over into the Youth Justice residence secure courtyard.
 - Mokopuna do not have access to education.
 - Operating across two models is confusing for kaimahi (staff), which contributes to inconsistent practice and care for mokopuna.
 - Staffing is critical and there are not sufficient numbers of kaimahi to work in the Kaahui Whetuu ki te Pito secure facility and the two community-based homes. Kaimahi are feeling overwhelmed and not supported by leadership.
- Kaahui Whetuu ki te Pito is focused on moving from a model of secure detainment to a trauma-informed community-based model
- The designated area for secure care is no longer being used and has been set up to be a quiet area mokopuna can freely access
- The admission process into the secure hub is thorough and mokopuna friendly.
- Kaimahi demonstrate a strong commitment to support mokopuna Māori

Recommendations

Systemic Recommendations – Oranga Tamariki

	Recommendation
1	Close the secure assessment hub to enable full implementation of a trauma-informed, community-based model that has input from mokopuna, their whānau, hāpu and iwi.
2	Ensure that if mokopuna are placed in the secure Kaahui Whetuu ki te Pito facility, they have access to education as is their right under the Children's Convention. ³
3	Continue working towards the elimination of the use of force and secure care at Kaahui Whetuu ki te Pito.

Facility Recommendations

	Recommendation
1	Re-establish a positive workplace culture and develop trust between Youth Workers and the facility leadership team to promote the wellbeing of kaimahi.
2	Maintain consistent training days to support kaimahi as they work across the three sites for Kaahui Whetuu ki te Pito.
3	Ensure kaimahi have access to regular supervision in order to establish consistent practice across all sites for Kaahui Whetuu ki te Pito.
4	Integrate the use of the carving equipment into the activity programme across the Kaahui Whetuu ki te Pito programme.

Concluding Observations from the United Nations

In February 2023, the United Nations Committee on the Rights of the Child ('the UN Committee') released its Concluding Observations⁴ for New Zealand's sixth periodic review on its implementation of the United Nations Convention on the Rights of the Child (Children's Convention)⁵ and how the Government is protecting and advancing the rights of mokopuna in Aotearoa New Zealand.

In August 2023, the United Nations Committee Against Torture also released Concluding Observations⁶ for New Zealand's seventh periodic review regarding the implementation of the

³ Convention on the Rights of the Child | OHCHR Article 28

⁴ Refer CRC/C/NZL/CO/6

⁵ Convention on the Rights of the Child | OHCHR

⁶ Refer CAT/C/NZL/CO/7

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁷.

Many of the findings we have made in this report relating to Kaahui Whetuu ki te Pito and treatment experienced by mokopuna in the facility resonate with both sets of UN Concluding Observations. Where relevant, this is highlighted throughout the body of the report.

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⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | OHCHR

Kaahui Whetuu Ki te Pito Secure Assessment Hub

Kaahui Whetuu ki te Pito Secure hub is not fit-for-purpose

Kaimahi were transparent that the conditions of the secure hub are not fit-for-purpose and that instead it is primarily used as an office base for kaimahi to complete administration tasks and as a venue to complete training.

The current conditions of the hub:

- The bedrooms are cold, sterile, uninviting, and confined. They are small and there is only space for a bed, chair, and a small storage area to put personal items.
- The overall condition of the secure hub is run down. Bathrooms are dirty and had not been used or cleaned for some time with cobwebs, spiders, and dead insects visible.
- The hub is connected to a Youth Justice residence and the grassed areas looks over into the Youth Justice residence secure courtyard. Kaimahi said that mokopuna yell and abuse each other through the fence. The fence is currently covered with a tarpaulin to prevent the two groups seeing each other.
- Mokopuna do not have access to education whilst they are placed in the secure hub.

The shift to a community-based operating model

In approximately 2020, Kaahui Whetuu ki te Pito expanded operations to include two community-based homes. It was the first Care and Protection residence to begin phasing out the secure detainment of high and complex needs mokopuna⁸ in favour of small, bespoke, community-based homes. The goal is for community-based homes to operate in a way that is trauma-informed⁹ and grounded in relational practice – finding out who mokopuna are as individuals rather than the behaviour they present with. Currently, the secure hub is only used in emergency circumstances with secure care and use of force replaced with one to one deescalation strategies.¹⁰

Kaimahi morale is low and there are significant staffing shortages

Mokopuna entering the programme are presenting with various complex behaviours and trauma including violent tendencies, acute mental health concerns, and offending behaviour. This has caused mokopuna to remain stagnant in the programme for prolonged periods of time. One mokopuna remained in the hub for over five months, as there was (and still is) a lack of appropriate long-term community care options. The lack of clarity for mokopuna around their plans results in frustration and has contributed to an increase in the number of assaults on kaimahi, predominantly occurring in the community homes.

This has resulted in a critical shortage of staff able to work across the secure hub and the two community-based homes. Kaimahi are burnt out, overwhelmed, feeling like they are failing at

⁸ msd.govt.nz/documents/about-msd-and-our-work/publications-resources/corporate/expert-panel-cyf/investing-in-children-report pdf

⁹ Which includes kaimahi identifying their own triggers and using their experiences to positively role model for mokopuna.

¹⁰ Safety Intervention Training model https://www.crisisprevention.com/en-NZ/Our-Programs/Safety-Intervention

their job, and are "scared" about coming in to work. At the time of the visit, several kaimahi were on Accident Compensation Corporation leave due to work-related injuries or were going through HR investigations at the time of the visit.

Kaimahi felt there was a lack of trust from their leadership team. Kaimahi told us that when incidents such as assaults occur, the primary focus tends to be preventing further incidents rather than on their wellbeing. The current shortage of kaimahi and low morale across the teams is having a significant impact on the safety and consistency of care mokopuna experience within the Kaahui Whetuu ki te Pito programme.

Kaimahi are desperate for a consistent model of practice, that is wholly community-based. They want to provide a high level of care for mokopuna that is trauma-informed and has clear direction from their leadership team and from Oranga Tamariki National Office.

Mokopuna are entitled to a high standard of care.¹¹ The relationship between staff and mokopuna should always be professional and have due regard for the well-being, culture, and needs of mokopuna residing in the facility.¹²

Mokopuna do not have access to education in the hub

Kingslea School is not currently providing education onsite in the secure hub. However, it is contracted to provide thirteen placements for mokopuna off-site in their multi-site specialist community school, which does cover mokopuna placed into the Kaahui Whetuu Secure hub and the two community homes.

Kaimahi did say that there is significant demand from the community for places in the Kingslea specialist school. Due to this demand, kaimahi said that it was hard to get mokopuna a place at the school and that they felt they often had to 'fight for a position'. Kingslea Community School also indicated the need for Kaahui Whetuu kaimahi to be present with mokopuna "until they are school ready". However, there is a lack of understanding by kaimahi at Kaahui Whetuu ki te Pito around what "school ready" means. Kaimahi also said that due to staffing numbers, their ability to support mokopuna with one to one school assistance is currently untenable.

In the absence of school-based structured day, kaimahi are needing to be innovative when creating a routine and occupy mokopuna meaningfully. This involves developing alternative ways for mokopuna to engage in learning, such as playing games like 'Bananagrams' for literacy, 'Qatan' for logic and strategy, and (when appropriate) cooking to support numeracy (measurement) and life skills.

The Kaahui Whetuu ki te Pito leadership team is working closely with social workers to explore alternative options for enrolling and engaging mokopuna in education. However, this is proving to be a challenge given the complex behaviours mokopuna present with and the

 $\frac{\text{https://www.legislation.govt.nz/regulation/public/1996/0354/latest/DLM226182.html?search=sw~096be8ed81d7dc9f~3~25~se\&p=1\&sr=2-s3}{\text{p=1}\&sr=2-s3}$

https://www.legislation.govt.nz/regulation/public/1996/0354/latest/DLM226182.html?search=sw_096be8ed81d7dc9f_3_25_se&p=1&sr=2-s27

¹¹

support required to ensure their success within the education system. Kaimahi expressed their frustration in waiting for an education plan to be put in place.

Mokopuna have the right to engage in and have access to education according to article 28 and 29 of the United Nations Convention on the Rights of the Child.¹³ This right is not being realised for mokopuna admitted into the secure hub or the community-based homes and is of particular concern given the intent of the Oranga Tamariki Action Plan and the link to access to education. The Plan stipulates the need for the Ministry of Education and Oranga Tamariki to have cross-agency plans prioritising the needs of mokopuna in care to ensure mokopuna are supported to be included in the education system.¹⁴

The designated area for secure care is no longer being used

Within the hub there is an area designated for secure care. However, the leadership team at Kaahui Whetuu ki te Pito initiated conversations with Oranga Tamariki National Office to retire the secure care room in approximately August 2020, as it did not align with the traumainformed model of care for mokopuna they were wanting to operationalise.

The current conditions of secure care:

- Secure care is confined and the common area small. There is no outdoor courtyard available for mokopuna to access fresh air.
- The walls are made from jib, allowing mokopuna to easily damage walls and in some cases they have absconded. Kaimahi told Mana Mokopuna of incidents where this occurred and that this was a contributing factor to re-purposing the secure care area for the residence.
- The observation room restricts kaimahi from keeping appropriate line of sight to ensure mokopuna safety.

Oranga Tamariki care and protection and detention environments need to shift to being smaller, home-like, and connected with each child's community. Prison-like environments for children and young people create prison-like behaviour and are inconsistent with their rights. Where needed, residences can still be made secure without metres of wire and concrete. Connection with the local community and their whānau encourages young people to feel included, part of a caring and protective environment that will love and guide them.¹⁵

¹³ Convention on the Rights of the Child | OHCHR - Article 28 and 29 Education

¹⁴ Education (in care) | Oranga Tamariki Action Plan

 $^{^{15} \}underline{\text{https://www.manamokopuna.org.nz/publications/media-releases/reset-of-youth-justice-system-cannot-be-delayed-chief-childrens-commissioner/}$

Operating within two models of care creates inconsistences for mokopuna

Kaimahi are currently working across Kaahui Whetuu ki te Pito (Secure Hub) and the two community homes Kaahui Whetuu ki te Ootara and Kaahui Whetuu ki te Maangere dependent on need. All care facilities must comply with the Oranga Tamariki National Care Standards¹⁶, however secure facilities also use the Residential Care Regulations 1996¹⁷ which detail specific operational provisions only able to be used in a secure residence. Kaimahi expressed there are several challenges when operating under what they term as two different models of care as it requires a shift from a secure detainment model and mindset, to working within a trauma-informed, community-based framework.

Kaimahi receive Safety Intervention training¹⁸ which teaches low level de-escalation interventions, such as "hold and stabilise." The de-escalation strategies are implemented using a risk assessment model that targets mitigation strategies for specific behaviours for individual mokopuna. Kaimahi are required to recognise the different levels of behaviour and how to manage it, rather than physically intervene using restraint holds and force, which they have the ability to do with the secure detainment model.¹⁹ Kaimahi spoke honestly about the confusion they feel when rotating across the three sites that make up Kaahui Whetuu ki te Pito. At times they are apprehensive and feel powerless to engage with mokopuna when they are heightened and displaying violent behaviours which includes assaulting staff and property damage.

Operating in a hybrid model is having a detrimental impact on mokopuna, as mokopuna care is compromised when practice is inconsistent and may not always align with a trauma-informed model of care.

Admission process is thorough and mokopuna friendly

The admission process is clear and details mokopuna and whānau aspirations. For example, kaimahi seek input from mokopuna and their whānau about mokopuna treatment to ensure everyone is actively engaged with the journey through the Kaahui Whetuu ki te Pito programme.

Mana Mokopuna were provided a copy of the admission booklet that mokopuna and whānau receive about the programme. The booklets were colourful, had photos of the facility and were easy to read.

The booklets outline:

- Mokopuna rights including access to VOYCE Whakarongo Mai²⁰ and the Whaia Te Maramatanga²¹ grievance process.
- Rules of the programme

¹⁶ Care standards | Practice Centre | Oranga Tamariki

¹⁷ Oranga Tamariki (Residential Care) Regulations 1996 (SR 1996/354) (as at 01 July 2023) – New Zealand Legislation

¹⁸ Safety Intervention™ Training | Crisis Prevention Institute (CPI)

¹⁹ Reg22 Oranga Tamariki (Residential Care) Regulations 1996

²⁰ VOYCE - Whakarongo Mai - advocacy for children with care experience

²¹Participation of tamariki — providing information, ensuring understanding and Oranga Tamariki (Residential Care) Regulations 1996 (SR 1996/354) (as at 01 July 2023) 15 Right of access to grievance procedure – New Zealand Legislation

- Daily routine and structure
- Photos of the facilities
- Consent forms for mokopuna to sign. These specifically relate to mokopuna receiving a copy of the admission booklet and that their rights, the rules, daily routines and how to make a complaint whilst in the programme have been explained to mokopuna.

Prior to admission, an assessment of mokopuna suitability is completed. This considers behaviours and needs, and how well new mokopuna are likely to connect with mokopuna already in the secure hub and community-based homes. Mokopuna are then matched with an appropriate kaimahi that can best cater to their needs and support their transition into the programme.

Kaimahi manaaki ('support') mokopuna and their whānau through the admission process by meeting with them prior to admission and prepare them on what to expect. Video calls are used to give a tour of what the facility looks like, meet with the important people in mokopuna lives, and to begin whānaungatanga, so mokopuna can start to feel they are part of the Kaahui Whetuu whānau.

Kaimahi demonstrate a strong commitment to support mokopuna Māori

Kaimahi strive for an operating model that incorporates Te Whare Tapa Whā²² with the goal of operating within a 'Marae concept' that emphasises kawa²³ and tikanga²⁴ based principles to ensure collective responsibility and reciprocity. A tikanga-based approach enables mokopuna to live and learn collectively, while maintaining their rights to Tino Rangatiratanga²⁵. Oranga Tamariki has a prime opportunity to ensure mokopuna have access to and an opportunity to grow via the natural and intrinsic environment present in te ao Māori.

The Kaiwhakaako role was established to support mokopuna Māori within the current operating model. The role is designed to mentor and guide the leadership team and kaimahi to develop their cultural capability, through the facilitation of a cultural block on office training days.

Kaupapa ('topics') covered within the cultural block include:

- Colonisation in Aotearoa
- Pepeha and mihi²⁶
- Understanding te Tiriti o Waitangi and the relevance to the mahi ('work') that they do
- Frameworks and models such as Te Toku Tumoana.²⁷

²²Te Whare Tapa Whā | Mental Health Foundation

²³kawa - Te Aka Māori Dictionary (maoridictionary.co.nz)

²⁴ tikanga - Te Aka Māori Dictionary (maoridictionary.co.nz)

²⁵ <u>tino rangatiratanga - Te Aka Māori Dictionary (maoridictionary.co.nz)</u>

²⁶ mihi - Te Aka Māori Dictionary (maoridictionary.co.nz)

²⁷ Working with Māori: Te Toka Tūmoana | Practice Centre | Oranga Tamariki

Kaimahi spoke highly of the cultural block and the wero²⁸ ('challenge') for them to take initiative and responsibility to build their cultural competency, so they can then role model and share this with mokopuna. For example, tauiwi ('non-Māori') were committed to learning and practicing kaikōrero²⁹ with the support of their tuakana ('mentor') when the Kaiwhakaako is absent. This creates a collective sense of responsibility for all kaimahi to uphold tikanga, not just kaimahi Māori. During the visit, Mana Mokopuna heard kaimahi across the teams do karanga³⁰ kaikōrero³¹, waiata³² and experienced pōwhiri that occurs when welcoming manuhiri ('guests') into the wharenui.

Another significant function of the Kaiwhakaako role is creating opportunities for mokopuna to engage in bone and wood carving classes, and Toi Māori arts. These classes used to occur in the carving shed that was onsite when the whole Kaahui Whetuu ki te Pito programme was located in the secure assessment hub. However, the carving classes stopped, and the carving inventory now sits idle in a container in the backyard of one of the homes. The carving shed provided a safe space for mokopuna to be creative, engage in Te Ao Māori kaupapa, and strengthen mokopuna connections with their whakapapa. This was evident in the wharenui attached to the hub, as it is covered in tukutuku³³ panels carved by mokopuna and kaimahi, which contributed to the warm, inviting, and calm mauri ('energy') within this space.

The wharenui is integral to the start of the journey mokopuna and their whānau take in the programme. Upon admission, a pōwhiri occurs to welcome mokopuna into the Kaahui Whetuu ki te Pito whānau. Prior to their release back into the community, a wa tuku mihi³⁴ is done, which symbolises the end of their journey and the on-going connections established.









Inside the cultural wharenui attached to the secure hub and the tukutuku panels created by mokopuna and kaimahi

Restrictions to accessing the carving shed impacts on mokopuna partaking in mātauranga Māori (Māori knowledge). All mokopuna should have the opportunity to engage and participate in kaupapa Māori focused activities that support their

²⁸ <u>wero - Te Aka Māori Dictionary (maoridictionary.co.nz)</u>

³⁰ <u>karanga - Te Aka Māori Dictionary (maoridictionary.co.nz)</u>

³¹ <u>kaikorero - Te Aka Māori Dictionary (maoridictionary.co.nz)</u>

^{32 &}lt;u>waiata - Te Aka Māori Dictionary (maoridictionary.co.nz)</u>

³³ <u>tukutuku - Te Aka Māori Dictionary (maoridictionary.co.nz)</u>

³⁴ To release/goodbye and thank you.

journey to self-discovery and reclaiming their Mana Motuhake.³⁵ This is in line with having self-autonomy under Article 1 of Te Tiriti o Waitangi³⁶ and consistent with the Children's Convention and the 2023 CRC Concluding Observations, which outline mokopuna rights to culture, identity, freedom of expression, and respect for their cultural identity.³⁷

 ³⁵ mana Motuhake - Te Aka Māori Dictionary (maoridictionary.co.nz)
 ³⁶ Meaning of the Treaty | Waitangi Tribunal-Aritcle1

³⁷ Convention on the Rights of the Child | OHCHR Refer CRC/C/NZL/CO/6.

Appendix

Gathering information

Mana Mokopuna gathered a range of information and evidence to support the analysis and develop findings for this report. These collectively form the basis of our recommendations.

Method	Role	
Interviews and informal discussions with mokopuna (including informal focus groups) with mokopuna		
Interviews and informal discussions staff	 Residential Manager Team Leader Operations (TLO) Team Leader Clinical Practice (TLCP) Youth Workers Kaiwhakaako Residential Case Leader 	
Interviews with external stakeholders and advocates	 VOYCE Whakarongomai 	
Documentation	 Grievance Quarterly Reports All About Me Plans SENS SOSHI Interim Safety Plans Offsite Risk Assessment plans Therapeutic Response Plan Kaahui Whetuu Admissions Booklet Kaahui Whetuu Therapeutic Response Plans Logbooks 	