

# High and Complex Framework Strategic Statement

2023-2028



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## Foreword

I am proud to present the Whaikaha – Ministry of Disabled People’s High and Complex Framework Strategic Statement. This is the first document of its kind for Whaikaha and demonstrates the start of our commitment to partnering with disabled people and Māori.

It has been informed by in-depth consultation and engagement to reflect the voices and experiences of the disabled people and tāngata whaikaha Māori who are living within the Framework, alongside the wider forensic disability sector.

This strategy is premised on a 20-year Vision with a five-year implementation pathway. It acknowledges that improvements are needed in a diverse range of areas including Environments and Infrastructure, Workforce, Policy and Operations, and Funding and Commissioning.

It sets out a pathway to effect these changes so that care recipients and tāngata whaikaha Māori can access high quality and meaningful care and rehabilitation, in ways which support them to lead meaningful lives.

This strategy acknowledges the need to ensure our processes are culturally and environmentally safe, while recognising the need to anticipate the changing nature of traditional disability supports and build resilience for the future.

It establishes priority areas for action so we can achieve the co-designed goals and reduce the barriers or inequities that are preventing disabled people and tāngata whaikaha Māori from achieving better outcomes.

This strategy had its genesis as part of the response to the 2021 ‘Oversight’ enquiry by the Chief Ombudsman, but it is significantly broader in scope. It sets out a comprehensive plan across all aspects of the Framework and references the obligations we have not only as Te Tiriti o Waitangi Partners, but also to our obligations as parties to the United Nations Convention on the Rights of Persons with Disabilities and the incorporation of Enabling Good Lives principles and approaches.

On behalf of Whaikaha my sincere thanks to all of the disabled people and those within the High and Complex Framework who contributed to this Strategy.



Amanda Bleckmann

**Deputy Chief Executive**

## A note about terminology in disability and the High and Complex Framework

Language around disability is important. Whaikaha - Ministry of Disabled People is focussed on transforming the disability system to better recognise the strengths and aspirations of disabled people, tāngata whaikaha Māori and their whānau. We received feedback during the engagement process that some of the current language used in the High and Complex Framework (the Framework) is not consistent with the way Whaikaha – as a new Disability Ministry – wishes to describe aspects of the Framework. The language used in this document reflects current terms to avoid confusion. There is ongoing work between Whaikaha, sector stakeholders, disabled people and their families to agree language that better reflects our future direction.

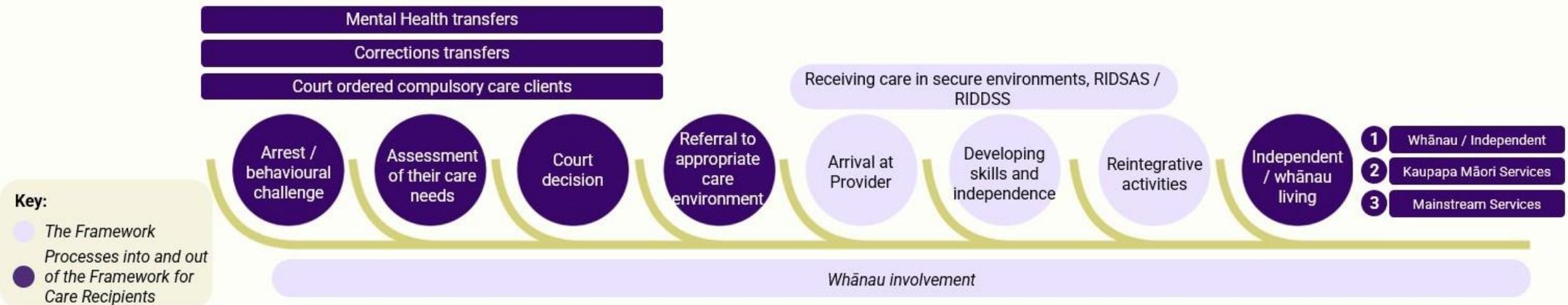
The term Whaikaha and tāngata whaikaha Māori acknowledge the whakaaro of Kaumātua Maaka Tibble, a Ngāti Porou disability advocate and founding member of the disability Leadership group 'Whāia Te Ao Mārama' to elevate disabled people's strength: Tāngata whaikaha means people who are determined to do well.

# The High and Complex Framework

The Framework provides services to intellectually disabled people who have needs that cannot be met within prison or the wider community.

The Framework provides for the compulsory care and rehabilitation of care recipients in the criminal justice system and is primarily a framework to administer the Intellectual Disability (Compulsory Care and Rehabilitation) Act (ID(CC&R)), by providing a diversionary pathway for offenders with intellectual disabilities who have been found unfit to stand trial on, or be convicted of, an imprisonable offence.

Although this is the primary reason for the Framework, it may also support those who have not been formally charged with a crime, or those held under wider legislative means (referred to as 'civil clients'). This population is also made up of care recipients who are in the process of transitioning out of the Framework.



## What is the Strategic Statement?

This Strategic Statement provides a summary of the work completed to develop a comprehensive plan to transform the future of the Framework and improve the lives and wellbeing of care recipients and staff.

In July 2021, the Ombudsman released *'Oversight – an investigation into the Ministry of Health's stewardship of hospital-level secure services for people with an intellectual disability'* (**The Report**). The Report noted that the Framework does not always meet the needs of the people it aims to support. The Report recognised challenges including, people's living environments, infrastructure, and workforce shortages. This Strategic Statement outlines the vision for the future as shared with us by those living and working within the Framework and describes the steps and actions to take to realise the vision.

***This is only the beginning:*** Partnerships with Māori and with people living within the Framework will continue to be developed and embedded into the work of Whaikaha.

*'Nothing about us without us'*  
–Māori Advisory Group  
discussion



*‘Develop an approach that can enable more than it disables’*

*– Māori Advisory Group*

## Why now?

This Strategic Statement was developed in response to lessons from the past, to plan for a better future. The key drivers for the development of this Strategic Statement are:

- 1. Enabling Good Lives (EGL) Approach 2011 - Whaikaha** was established to support the transformation of the disability system in line with the EGL Vision and its eight guiding principles which set out how to apply the social model of disability.
- 2. Waitangi Tribunal Claim December 2019** - This tribunal claim focused on the Framework’s failure to meet the needs of Māori. The inquiry is ongoing but emphasises the need to elevate the Māori voice and prioritise a true Partnership.
- 3. The Ombudsman Report July 2021 – ‘Oversight’** – highlighted the key capacity challenges and the inadequate support for care recipients to live a life with all their rights upheld, and as much independence as possible. This Strategic Statement is in response to the recommendation that Whaikaha “develop a comprehensive strategic plan for the High and Complex Framework, in collaboration with providers”.
- 4. The Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (ID(CC&R))** provides for the compulsory care and rehabilitation of intellectually disabled people in the criminal justice system. This legislation works together with the Criminal Procedure (Mentally Impaired Persons) Act 2003 (CP(MIP)) and the Mental Health (Compulsory Assessment and Treatment) Act 1992 (MHCAT) to set out the processes for both civil clients and those who go through the justice system.

Below are the key milestones that have contributed to how the HCF has evolved over time:



## The Future of the High and Complex Framework

The vision is informed by those who are affected by or have lived experience living and working within the Framework, and their aspirations for the next 20 years.

### **The vision is:**

*All care recipients and their whānau are supported to live safe, fulfilling lives where they can make meaningful decisions as leaders of their care journey and their voices are elevated in decisions regarding the Framework system and its services.*

*‘Being a strong leader is the most important job for me’*

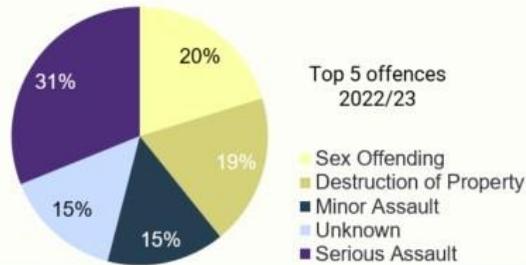
*–Tāngata whaikaha Māori representative*



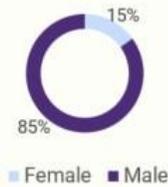
# Experiences

People living within the Framework are a small population whose intellectual disability intersects with their offending behaviours. They have support needs that are different and greater than those in mainstream services.<sup>1 2 3 4</sup>

The ID(CC&R) Act includes a definition of someone who has an intellectual disability and the criteria for their entry into the Framework

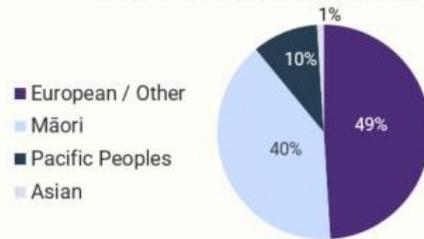


**57%** Entered through referral / compulsory entry which includes a small number under the Mental Health Act  
**43%** Are civils transitioning



**85% (196 care recipients) are male**

**40% of the HCF population are Māori and 49% European / Other**



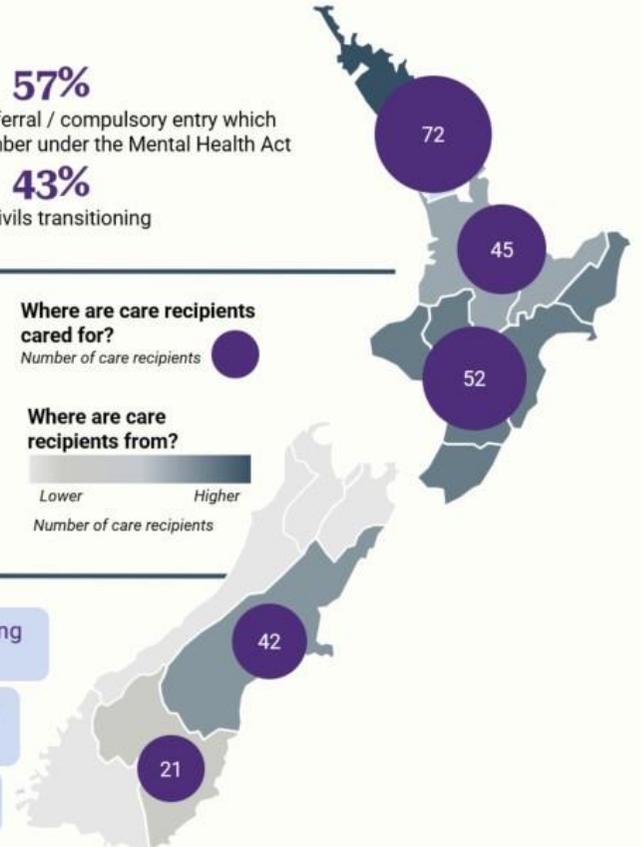
The percentage of Māori within the Framework population is significantly higher when compared with ~17% in the general population

**Where are care recipients cared for?**

Number of care recipients

**Where are care recipients from?**

Lower Higher  
Number of care recipients



Care recipients would like to:

'Live independently and be reconnected to whānau'

'Work full-time'

'Go back, have [their] own place. Get married, have kids, have a safe life and [be] crime free'

But are required to navigate:

Old friends and influences including substance availability

Possible unemployment, transportation and housing instability

Core problems that haven't changed

<sup>1</sup> Gender Data source: national NASC database Socrates. Note this does not capture gender diverse people.

<sup>2</sup> But are required to navigate mainstream services - Data source: O'Callaghan. 2012. Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003: Recidivism and Affecting Factors. Massey University, Auckland, New Zealand.

<sup>3</sup> Clients with an unknown offence code either fall into long term civil clients that did not offend when entering the service, or the code was not recorded. (Many of these clients have been with FCS form many years and recording the offence code was not required when they entered to RIDCA service).

<sup>4</sup> In this context mainstream services refers to the services commissioned by Whaikaha for service users eligible to access Disability Support Services through NASC and EGL sites nationally.

# Engagement Approach

To understand where the system is at, and what needs to change, a key part of this work was to listen to those who live and work within High and Complex Framework services, so that changes reflect their aspirations.

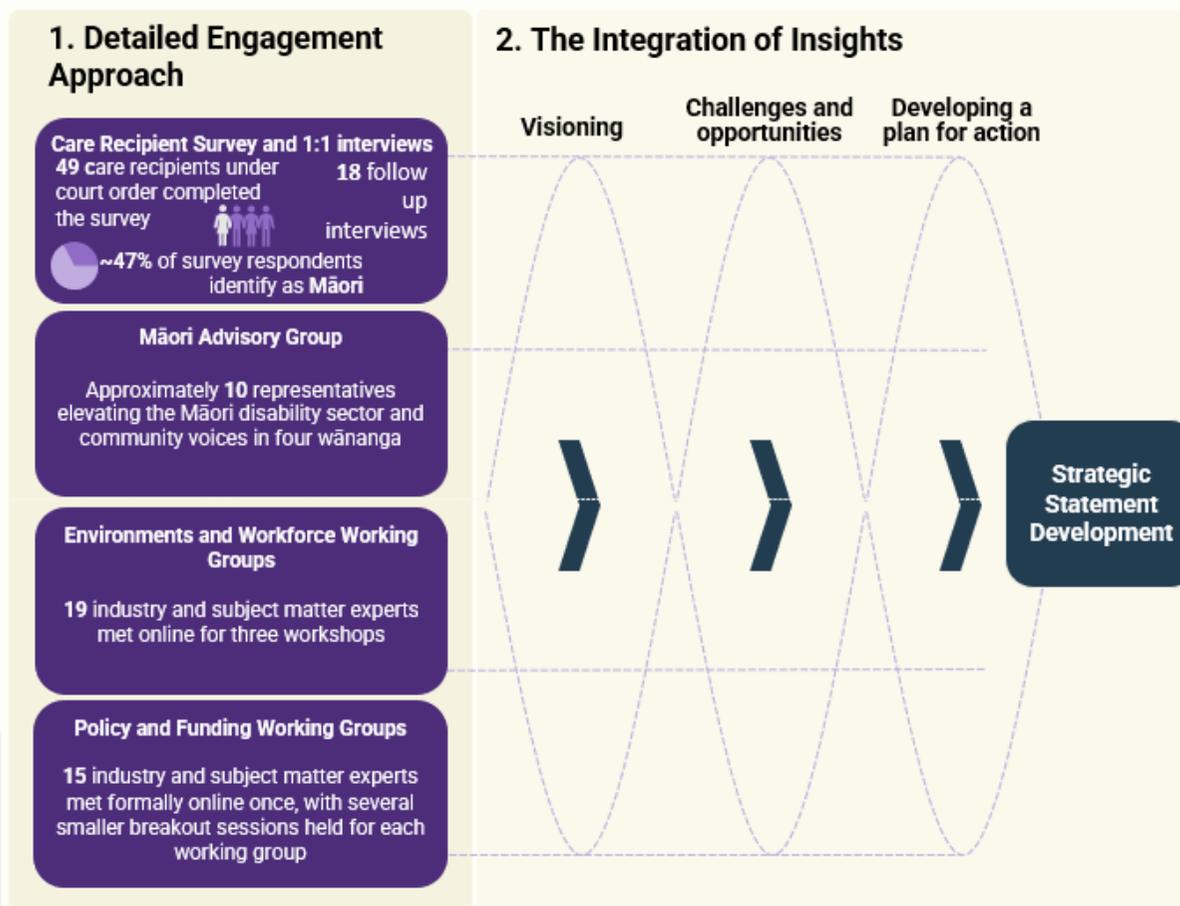
This Strategic Statement was developed with stakeholders' views at its core.

Engagement included:

- Care recipient surveys and 1:1 interviews
- Four workshops with the Māori Advisory Group focusing on elevating tāngata whaikaha Māori needs throughout the Framework and
- Three workshops with Environments and Infrastructure, Workforce, Policy and Operations, Funding and Commissioning sector experts.

*'I want to live independently, work, and be reconnected to my family'*

– Care Recipient



Stakeholder insights were collated and woven into the Vision and plan for action.

# What was heard through engagement

To achieve the desired Vision, engagement provided a range of insights that can be summarised into five key strategic areas of change:

## Creating capacity in the system

Addressing workforce and infrastructure barriers in the system through flexible, future focused solutions.

### *New approaches required:*

- Develop accurate forecasting models and innovative solutions to adding bed capacity
- Employ whole of system approaches to attracting, recruiting and retaining staff
- Invest in current and future infrastructure to provide adequate capacity

## Streamlined transitions

Care recipients have a consistent experience between services, with streamlined transitions between facilities & out of care.

### *New approaches required:*

- Develop payment methods that better recognise the real cost of delivering care to give providers the certainty needed to plan ahead
- Implement a nationally consistent service continuum
- Build the capacity and capability of whānau to support their whānau member through and out of the Framework

## Visibility and transparency

Systems for monitoring & reviewing operations are visible & accessible for all users, & support collaborative relationships.

### *New approaches required:*

- Develop an outcomes framework for measuring and tracking performance to improve tāngata whaikaha Māori and care recipients' wellbeing
- Re-establish the roles and responsibilities for all parties who share responsibilities for the Framework
- Review and re-commission the Framework to make sure it is fit for purpose into the future

## Supporting greater autonomy

People living within the Framework are supported by their whānau, staff and the wider community to realise their wellbeing goals.

### *New approaches required:*

- Increase opportunities for all care recipients and their whānau to have greater autonomy and make meaningful decisions over their care services
- Invest in facility design and funding, and explore technology options to enable greater whānau and community connection
- Elevate the voices of care recipients and their whānau in decision-making

## Safe, effective practice

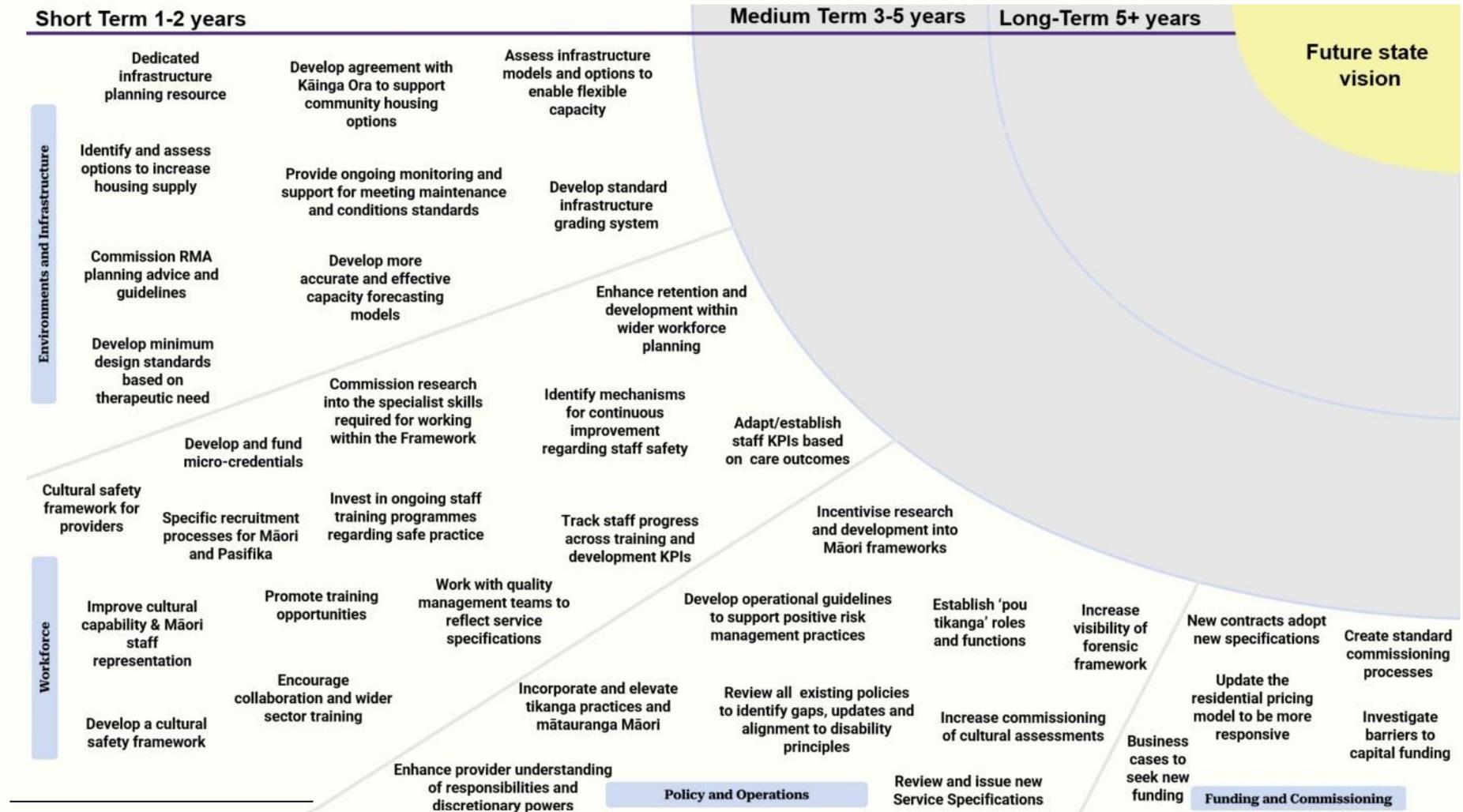
Staff are supported with policies and guidance that enables best practice, culturally responsive care.

### *New approaches required:*

- Provide training for all staff to develop the skills to provide culturally safe and affirming care
- Re-evaluate how to value tikanga and mātauranga Māori skills
- Develop best practice 'safe staffing' resource models
- Provide ongoing monitoring and support for environments to meet maintenance and condition standards

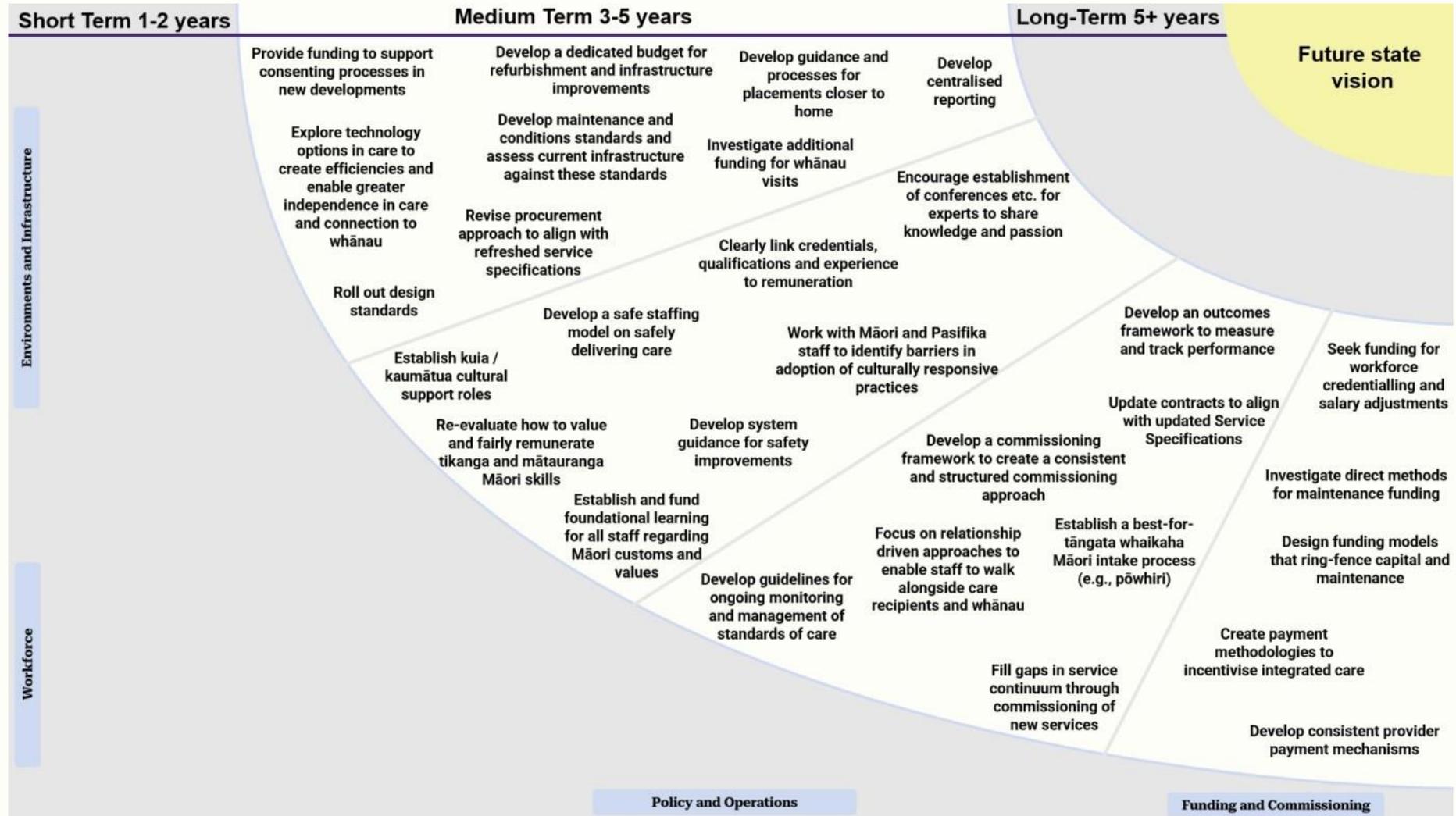
# Planning for the future

The detailed actions will be phased over a 5-year period, with many ongoing into the future<sup>5</sup>.

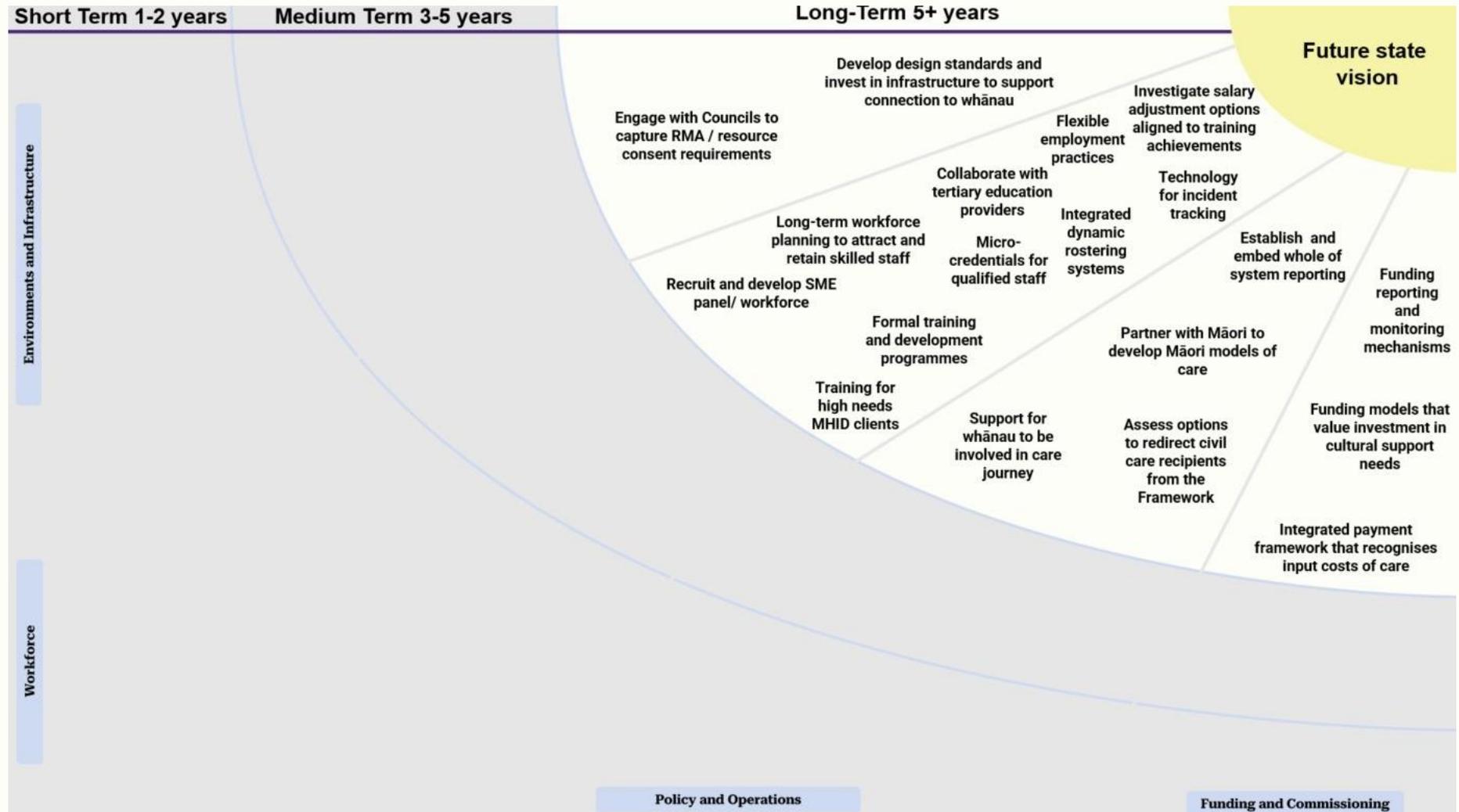


<sup>5</sup> This action plan provides a detailed list of the key actions Whaikaha will consider through implementation planning. Any actions requiring additional resource will be dependent upon the budget bid process

The medium-term actions (those that will take place in the next three-five years) will concentrate efforts into developing additional material while beginning to embed new content and processes into day-to-day operations.



In the long-term, Whaikaha will pivot efforts to measuring and communicating performance.



## Next steps

Three immediate 'Next Steps' must be actioned to commence implementation of this Strategic Statement:

### 1. Roles and responsibilities

The understanding of and compliance with roles and responsibilities, must be clarified to support a consistent future direction aligned to the Enabling Goods Lives principles at all levels. This work will include consultation with system stakeholders and communication to all staff members of roles, responsibilities, and organisational scope and remit.

### 2. Implementation Planning

Whaikaha will complete Implementation Planning by assigning responsibilities, completing detailed design, and establishing progress reporting mechanisms. Whaikaha will prioritise the required resources to mitigate the issues raised in '*Oversight*' and bring effect to the vision through the implementation plan.

A project approach will be adopted whereby working and steering groups will be formed, calling upon key stakeholders, including tāngata whaikaha Māori, care recipients, and Māori and Pacific representatives from the disability sector, to support the work program. Stakeholders will be actively involved in the operationalisation of the Implementation Plan.

### 3. Uplifting the voices of tāngata whaikaha Māori

Operational Design and Delivery at Whaikaha will support and align wider efforts within the Ministry to establish genuine and authentic Partnerships with Māori, including establishing shared organisational vision and values. Whaikaha must also implement actions to specifically address Māori inequities within the Framework. Whaikaha will work closely with Māori Partners to define what the Whaikaha Partnership should look like and how this will manifest within the Framework.

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