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Crown Response to the Abuse in Care Inquiry

COVERSHEET

Minister	Hon Erica Stanford	Portfolio	Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions
Title of briefing	Meeting Pack – 17 September 2024 Ministerial Group – Crown Response to the Abuse in Care Inquiry	Date to be published	30 September 2025

Withholding grounds

Information within this document has been withheld as if it had been requested under the Official Information Act 1982. Where this is the case, the reasons for withholding have been listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

- section 9(2)(f)(iv) to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials
- section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions.
- section 9(2)(h) to maintain legal professional privilege

Some documents have been withheld in full under section 18(d) of the OIA as they are already publicly available:

- Update paper titled 'Update on work to establish a redress package for survivors of torture at the Lake Alice Unit' is available at: [Proactive release of information on redress for Lake Alice survivors of torture | Crown response to the Abuse in Care Inquiry](#)
- Cabinet Paper titled 'Final Report of the Abuse in Care Inquiry (Whanaketia): Initial response' is available at: [Proactive release of information about Government's initial response to Whanaketia the final report of the Abuse in Care Inquiry | Crown response to the Abuse in Care Inquiry](#)
- Cabinet Paper titled 'Omnibus Bill to Support the Initial Response and Amending the Oranga Tamariki Act 1989 regarding search powers in secure residences and other matters' is available at: [Proactive release of information about law changes to better protect people in care | Crown response to the Abuse in Care Inquiry](#)
- Paper titled 'Draft Apology Text' final version is available at: [Prime Minister apologises for abuse in care | Beehive.govt.nz](#)



Meeting pack – 17 September 2024

Ministerial Group – Crown Response to the Abuse in Care Inquiry

Membership:

- Hon Erica Stanford as Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions (Chair) and as Minister of Education;
- Hon Dr Shane Reti as Minister of Health and Minister for Pacific Peoples;
- Hon Paul Goldsmith as Minister of Justice;
- Hon Louise Upston as Minister for Social Development and Employment and Minister for Disability Issues;
- Hon Judith Collins KC as Attorney-General;
- Hon Mark Mitchell as Minister of Corrections and Minister of Police;
- Hon Tama Potaka as Minister for Māori Development and Māori Crown Relations: Te Arawhiti;
- Hon Matt Doocey as Minister for ACC, Minister for Mental Health, and Minister for Youth;
- Hon Karen Chhour as Minister for Children and Minister for the Prevention of Family and Sexual Violence; and
- Hon Casey Costello as Associate Minister of Health and Associate Minister of Police.

Hon Nicola Willis, as Minister of Finance and Minister for the Public Service is an invitee.

Meeting pack:

- Aide-memoire: agenda and items for discussion;
- Update Paper: Update on work to establish a redress package for survivors of torture at the Lake Alice Unit
- Letters from Ministers regarding portfolio responses to Royal Commission
- Draft Cabinet Paper: Final Report of the Abuse in Inquiry, Whanaketia: Initial Response
- Draft Cabinet Papers: Omnibus Bill to Support the Initial Response and Amending the Oranga Tamariki Act 1989 regarding search powers in secure residences and other matters
- Draft Apology Text
- Discussion paper: Initial information on a redress payment framework

- 9(2)(h) [redacted]
- 9(2)(h) [redacted]
- 9(2)(h) [redacted]

- Update paper titled '*Update on work to establish a redress package for survivors of torture at the Lake Alice Unit*' withheld under s 18(d) as this is already publicly available: <https://www.abuseinquiryresponse.govt.nz/about-us/official-information/information-releases/cabinet-papers-and-minutes/proactive-release-of-information>

- Cabinet Paper titled '*Final Report of the Abuse in Care Inquiry (Whanaketia): Initial response*' withheld under s 18(d) as this is already publicly available: <https://www.abuseinquiryresponse.govt.nz/about-us/official-information/information-releases/cabinet-papers-and-minutes/proactive-release-of-information-about-final-report-of-the-abuse-in-care-inquiry-whanaketia-initial-response>

- Cabinet Paper titled '*Omnibus Bill to Support the Initial Response and Amending the Oranga Tamariki Act 1989 regarding search powers in secure residences and other matters*' withheld under s 18(d) as this is already publicly available: <https://www.abuseinquiryresponse.govt.nz/about-us/official-information/information-releases/cabinet-papers-and-minutes/proactive-release-of-information-about-law-changes-to-better-protect-people-in-care>

- Paper titled '*Draft Apology Text*' withheld under s 18(d) as the final version is already publicly available: <https://www.beehive.govt.nz/speech/prime-minister-apologises-abuse-care>

- Last three attachments withheld in full (including titles) under s 9(2)(h)



Aide-memoire

Agenda and items for discussion

For: Ministerial Group – Crown Response to the Abuse in Care Inquiry

Date: 13 September 2024

Security level:

Purpose

1. This pack provides the Ministerial group for the Crown Response to the Abuse in Care Inquiry (the Ministerial Group) with an agenda and papers to support its discussion at 5pm on Tuesday, 17 September 2024.

Agenda

	Item	Timing
1.	Lake Alice (Restricted item – Crown Law, MoH and CRU officials only)	20 minutes
2.	Letters from Ministers and associated Cabinet papers <ul style="list-style-type: none">- Initial view of agency response deliverables- Omnibus Bill	20 minutes
3.	Initial decisions to support options for a redress payment framework <ul style="list-style-type: none">- Seeking endorsement of two aspects of payments to be made as part of redress systems – payments' purpose and objectives	20 minutes
4.	Planning for national apology <ul style="list-style-type: none">- Early draft of the apology- Planning for the day	15 minutes
5.	Other business <ul style="list-style-type: none">- Recent and upcoming litigation – response and approach- Ministers advising on any litigation underway in their portfolios with a focus on, or the significant involvement of, survivors of abuse in care- Establishment of Survivor Redress Design Advisory Group and proactive release of Redress Design Group proposals	15 minutes

Item 1: Lake Alice

2. This item provides information for further discussion about the delivery of redress for torture at the Lake Alice Child and Adolescent Unit

Item 2: Letters from Ministers and associated Cabinet papers

3. Three appended draft Cabinet papers which reflect the outcome of letters provided by Ministers on responding to the recommendations of the Royal Commission.

4. The first paper on the final report of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission) discusses the content of Whanaketia and the broad shifts it proposes; a proposed approach to accepting the findings; and an initial triage of the recommendations. This includes a set of recommendations that can be implemented by 12 November 2024 and a set of recommendations that can be agreed by 12 November and implemented soon after that. This paper was circulated for Ministerial consultation on Monday 9 September. The appended version has been updated, in track changes, to reflect the outcome of letters provided by Ministers.
5. The second and third papers seek policy decisions on a small number of legislative change proposals that are proposed for introduction and first reading on the day of the public apology (12 November). These papers will be merged prior to lodgement for the Social Outcomes Committee.
6. Both papers are scheduled for lodging on 19 September, for consideration at Social Outcomes Committee on 25 September.

Item 3: Initial decisions to support options for a redress payment framework

7. The Ministerial Group is considering key parameters for the redesign of redress in a stepped process. The next parameter is the development of a common payment framework for redress, which could potentially be applied across claims agencies and potentially other Crown redress processes such as those operated by school boards of trustees.
8. Payments are a significant proportion of a redress system's overall cost. Given the potential financial implications, it is important the Minister of Finance and the Ministerial Group has sufficient time to consider the different elements of a payment framework before options are taken forward to Cabinet.
9. The discussion paper for this item seeks endorsement of payments' purpose and objectives, and agreement to cross-agency work to prepare draft payment structure options that address the endorsed purpose and objectives. Advice on the payment structure options will include an assessment against the objectives, potential cost estimates, and consideration of the balance of resources for payments versus support services.

Item 4: Planning for national apology

10. This item seeks initial feedback from Ministers on the current draft text for the apology to be made to survivors by the Prime Minister on 12 November event. This is appended under item 4.
11. The draft apologies text is provided to Ministers in parallel to consideration by the PMO so that Ministers have an opportunity to highlight any initial responses to the draft. Full consultation with Ministers and agencies will be undertaken on the draft apologies text as part of the Cabinet paper being prepared for SOU committee scheduled for 16 October 2024.

12. A first draft of the apology was circulated amongst agencies in May this year for their review. At the same time, Crown Law also reviewed the draft to identify both what liability risks it might give rise to and to identify any legal risks that needed to be mitigated through re-drafting. In response to liability questions, 9(2)(h) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
13. The CRU incorporated all feedback received. Aspects of the current draft remain highlighted for ongoing consideration or as placeholder text to incorporate decisions that Cabinet is considering in parallel. This is particularly to enable reflection of decisions that Cabinet makes on redress and on legislative changes, and to incorporate an outline of any specific responses to the Royal Commission's findings and recommendations that are ready to be announced by 12 November.
14. The draft text will be updated following receipt of the Prime Minister's views on the appended draft. Crown Law will then be asked to review the draft text again to ensure any remaining liability risks are identified and can be mitigated. The next draft of the text will be included in the Cabinet paper being prepared for SOU committee scheduled for 16 October 2024, and which Ministers and agencies will be consulted on.
15. An A3 that sets out planning for the apology events surrounding the delivery of the apology itself, both at Parliament and concurrent events in Auckland, Wellington and Christchurch, will be tabled at the meeting.

Item 5: Other Business

Recent and upcoming litigation

16. Ministers have been invited to outline for the Group any litigation occurring in their portfolios that have a focus on, or the major involvement of, survivors of abuse in care. Aide memoires from Crown Law, Oranga Tamariki and the Crown Response Unit have been provided on recent litigation.

Release of Redress Design Group proposals

17. Discuss the proactive release of the Redress Design Group proposals the week of 23 September.

Hon Paul Goldsmith

Minister for Arts, Culture and Heritage
Minister of Justice
Minister for Media and Communications
Minister for State Owned Enterprises
Minister for Treaty of Waitangi Negotiations



10 September 2024

Hon Erica Stanford

Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions
Parliament Buildings
Wellington 6160

Dear Erica

Response to the Ministry of Justice-led recommendations of the Royal Commission of Inquiry into Abuse in Care

I am writing to inform you of my proposed response to the recommendations from the Royal Commission of Inquiry into Abuse in State Care and the Care of Faith-based Institutions (the Royal Commission) being led by the Ministry of Justice (the Ministry). This includes recommendations from the Royal Commission's 2021 Redress Report, *He Purapura Ora, he Māra Tipu: From Redress to Pūretumu Torowhānui* and its Final Report, *Whanaketia – through pain and trauma, from darkness to light*, released in July 2024.

I note that decisions to progress work on these recommendations does not necessarily mean that they will be implemented exactly as recommended by the Royal Commission.

Six recommendations are, or will be, meaningfully underway before the public apology

The following recommendations will be meaningfully underway at the time of the Prime Minister's public apology to survivors of abuse in care, on 12 November 2024:

- *Final Report Recommendation 26* – amend the Crimes Act 1961 to specifically include disability within the definition of a vulnerable adult. This amendment can be included in the omnibus bill proposed for introduction on the night of the public apology.
- *Final Report Recommendation 31* – establish a list of specialist lawyers available to provide legal advice on abuse in care cases. Note this is a duplication of Redress Report recommendation 81. My officials are working with the New Zealand Law Society (NZLS) to identify the most appropriate host for a list.
- *Final Report Recommendation 27* – amend the Sentencing Act 2002 to recognise the vulnerabilities of victims of abuse in care as aggravating features. This will be incorporated into the Sentencing Reform Amendment Bill scheduled for introduction this month.

- *Redress Report Recommendation 78* – amend the Limitation Act 1950 and Limitation Act 2010, to remove limitation provisions for abuse in care survivors. Work to consider whether to progress this recommendation will start in October.
- *Final Report Recommendation 119(a)* – amend the New Zealand Bill of Rights Act 1990 to introduce a stand-alone right to security of the person, to better align with the International Covenant on Civil and Political Rights. 9(2)(f)(iv)
- *Final Report Recommendation 25* – the government should support and invest in judicial-led initiatives, such as Te Ao Mārama – Enhancing Justice for All, that recognise and address the harm caused by abuse and/or neglect in care.

Two recommendations will be incorporated into forthcoming Ministry reviews

Consideration of the following recommendations will be included in future reviews:

- *Final Report Recommendation 30* – amend the Victims' Rights Act 2002 to advise survivors of the ability to seek redress and support available. This will be incorporated into a future review of the Victims Rights Act.
- *Final Report Recommendation 37* – review the Legal Services Act 2011 to remove barriers to civil proceedings. I will consider this for inclusion in the review of the legal aid scheme, indicatively scheduled for 2025. The progression of the legal aid scheme review is subject to advice I will receive from officials in October. Should that advice result in any significant changes to the proposed progression of recommendation 37, I will advise your Office.

Three recommendations will be incorporated into the long-term work programme

The Ministry's continuous improvement work will consider:

- *Final Report Recommendation 38* – amend the Evidence Act 2006 to enhance communication assistance and access to alternative ways of giving evidence. I do not anticipate that this will be a dedicated work-stream but instead the recommendation will be considered as part of the Ministry's ongoing regulatory stewardship work and any future review of the Evidence Act.

Two further recommendations are on the Ministry's long-term work programme and will be considered as priorities allow:

- *Final Report Recommendation 29* – amend the Criminal Records (Clean Slate) Act 2004 to ensure that survivors are not unfairly excluded from eligibility under the Act.
- *Final Report Recommendation 119(d)* – review the Human Rights Act 1993 to consider human rights protections in care settings as part of a wider review of the Act. This will also incorporate consideration of 119(e), relating to effective implementation of the relevant rights, including positive duties.

Three recommendations will not be progressed

I have decided not to progress the following two recommendations:

- *Redress Report Recommendation 79* – review obstacles to civil litigation, including a survivor's right to litigate or relitigate a case that has been settled or a judgment has been issued on, and direct the Law Commission to recommend any additional corrective steps.

As I have already directed officials to progress work addressing obstacles to civil litigation identified by the Royal Commission, including recommendation 37 (addressing financial barriers) and recommendation 78 (reviewing the Limitation Acts), I do not consider dedicating resource to identifying additional obstacles is needed at this time.

- *Redress Report Recommendation 75* – create in legislation a right to be free from abuse in care and a non-delegable duty to ensure all reasonably practicable steps are taken to protect this right, and direct liability for a failure to fulfil the duty.

I consider the intent of this recommendation will be adequately addressed through progressing the Royal Commission's Final Report recommendations relating to human rights legislation. 9(2)(f)(iv)

In addition, I consider that no further work should be progressed on:

- *Redress Report Recommendation 80* – review and consider raising the rates available for abuse in care work. Changes were made to legal aid through Budget 2022 that address this 2021 recommendation. A 12 percent increase in hourly rates came into effect on 1 July 2022. In addition, an increase in eligibility rates, increase in debt repayment thresholds, removal of interest and removal of the \$50 user charge came into effect on 1 January 2023.

These changes applied across civil proceedings, not solely to abuse in care work. To reflect the complexity of some cases, including abuse in care cases, legal aid providers may request funding for additional hours. The Legal Services Commissioner also has the discretion to increase the hourly rate for legal aid providers "in complex cases where a special set of skills or experience is required."

In light of this, and the work that I anticipate will be progressed on recommendation 33 (education and training for legal professionals), I consider recommendation 80 has been adequately addressed at this point. As noted above, I will shortly consider the scope of the triennial review of the legal aid scheme and there may an opportunity to look further at legal aid rates as part of that review.

My officials are supporting two other portfolio-related recommendations

The following recommendations are directed to the judiciary/court and legal profession. The Ministry, while not leading the response, will support the judiciary and NZLS in their consideration of these recommendations.

- *Final Report Recommendation 36* – the courts should prioritise civil proceedings regarding care or abuse and neglect in State or faith-based care to minimise litigation delays. 9(2)
[REDACTED] (f)
[REDACTED] (iv)
- *Final Report Recommendation 33* – ensure that legal professionals and judges receive education and training on the Royal Commission's findings and related subjects (e.g. trauma-informed investigative and prosecution processes and human rights concepts). Note that this recommendation duplicates and builds on Redress Report recommendation 81. This recommendation has been referred to the Office of the Chief Justice and the NZLS and we will continue to engage with them to support its progression.

Justice officials will continue to support the multi-agency aspects of the Crown response, including on recommendations for which there are Justice portfolio implications.

I look forward to working with you as we continue efforts to develop a meaningful response to the Royal Commission's recommendations for survivors of abuse in care.

Yours sincerely



Hon Paul Goldsmith
Minister of Justice

Office of Hon Matt Doocey

Minister for ACC
Minister for Mental Health
Minister for Tourism and Hospitality
Minister for Youth
Associate Minister of Health
Associate Minister of Transport



09 SEP 2024

Hon Erica Stanford
Lead Coordination Minister for the Government's Response to the Royal Commission's
Report into Historical Abuse in State Care and the Care of Faith-based Institutions
Parliament Buildings
Wellington

Dear Erica,

Royal Commission of Inquiry into Abuse in State Care (and Faith-based Institutions)

I would like to assure you that I am committed to progressing the Government's response to the recommendations of the final report of the Royal Commission of Inquiry into Abuse in Care, *Whanaketia – through pain and trauma, from darkness to light (Whanaketia)*.

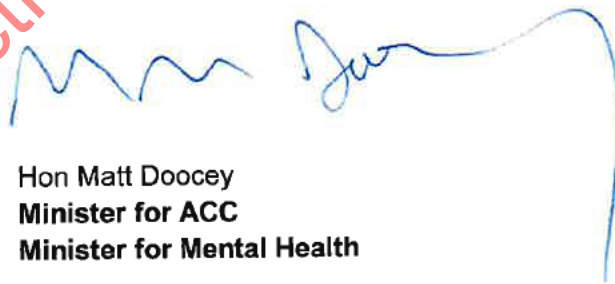
As Minister for both ACC and Mental Health I have responsibility for a number of recommendations in the final report, and to lead and support the change that is required to ensure that survivors receive redress and people in care are safe and protected.

In relation to my ACC Portfolio, while I do not consider that the recommendation relating to ACC should progress, there is still a role for the Ministry of Business, Innovation and Employment (MBIE) and ACC to play in continuing to support the Government's response.

In relation to my Mental Health Portfolio, I am pleased to advise you that the Ministry of Health and Health New Zealand have already progressed, and continue to progress, work to support the response to *Whanaketia*.

Further details are set out in **Appendix 1** – ACC Portfolio, and **Appendix 2** – Mental Health Portfolio.

Yours sincerely,



Hon Matt Doocey
Minister for ACC
Minister for Mental Health

Appendix 1 – ACC Portfolio

The final report of the Abuse in Care Royal Commission of Inquiry (the Royal Commission), *Whanaketia: Through pain and trauma, from darkness to light*, has one recommendation on the Accident Compensation Scheme (ACC Scheme):


Recommendation 11

If the government does not progress the Inquiry's recommended civil litigation reforms (Holistic Redress Recommendations 75 and 78 from the Inquiry's interim report, He Purapura Ora, he Māra Tipu: From Redress to Puretumu Torowhānui):

- *the government should reform the accident compensation (ACC) scheme to provide tailored compensation for survivors of abuse and neglect in care and other appropriate remedies*
- *survivors should be fairly and meaningfully compensated for all direct and indirect losses flowing from the abuse and neglect they experienced in care and that are covered by the new puretumu torowhānui system and scheme*
- *the application process should be survivor-focused, trauma-informed and delivered in a culturally and linguistically appropriate manner.*

This recommendation essentially repeats the content of previous recommendations in the Royal Commission's interim report *He Purapura Ora, he Māra Tipu | From Redress to Puretumu Torowhānui* (the Redress Report, published in December 2021): to re-instate the right to sue for personal injury for abuse in care, or to instead consider empowering a new redress scheme to award compensation, or expanding ACC Scheme cover and entitlements for abuse in care. In *Whanaketia*, the Royal Commission criticises government decisions to defer consideration of these Redress Report recommendations.

9(2)(f)(iv)



9(2)(f)(iv)

MBIE and ACC have skills and experience in the different choices and trade-offs involved in an entitlement-based support scheme, as distinct from the safety net approach of the social welfare system, and the population health focus of the health system. Both agencies have also been involved in ensuring interactions work effectively between separate schemes,

when supporting previous work by the New Zealand Defence Force to establish the Veterans' Support Scheme.

The goal would be to design a scheme that complements but does not duplicate the AC Scheme – in the same way the Veterans' Support Scheme does for veterans. There are a number of models we could consider for such a scheme, involving new or existing agencies and operational functions across government.

MBIE has advised me that it can support cross-agency work on policy design for a redress scheme. This work is being led by the Crown Response Unit. We understand this work is on a timeframe where there will be meaningful progress before the apology on 12 November, but with further work and decisions continuing beyond this date.

ACC will continue to engage with the overall cross-government response, although it currently has a strong organisational focus on responding to declining rehabilitation performance.

As you are aware, MBIE is also providing advice on high level options to respond to the needs of Lake Alice survivors of torture, including the steps, timing and resourcing required to progress these options.

ACC's operational role

Whanaketia recommends that government supports and adequately invests in programmes for children, young people and adults who are in care, or are at risk of being placed in care, to increase knowledge about abuse and neglect, and build skills and tools to help individuals to protect themselves.

ACC will continue to work with the Crown Response Unit on how ACC can best support these recommendations. This could include sharing insights from ACC's work on sexual violence prevention. ACC has a range of sexual violence prevention initiatives that focus on strengthening cultural identity and social connectedness, to stop violence and harm before it happens. This includes working with community organisation such as faith-based institutions and local councils to build an understanding of the drivers of sexual violence and strengthen the protective factors to prevent sexual violence.

Whanaketia recommends that all State and faith-based entities providing care (directly and indirectly) ensure appropriate policies and procedures are in place to respond to complaints, disclosures or incidents of abuse and neglect. ACC will engage with Crown Response agencies to ensure its processes align with broader work on complaints and disclosures.

I will continue to engage with ACC on how survivors of abuse in care are being supported for their physical and mental injuries through the AC Scheme. ACC informs me that, when identified, claims from survivors of abuse in care are allocated to a claims manager with specialist experience as quickly as possible.

Appendix 2 – Mental Health Portfolio

The Ministry of Health and Health New Zealand have significant work underway to support the response to *Whanaketia*. There are 79 recommendations that have been identified as requiring Health's input to varying degrees. Some of this work was already complete when the final report was presented to Parliament, other work is still underway.

Work that is already completed

Ngā Paerewa Health and Disability Standards – Contributes to the response of recommendation 39

Ngā Paerewa Health and disability standards (Ngā Paerewa) came into effect on 28 February 2022. The updated Standard sets out the steps service providers need to take to ensure they are providing safe, quality services, and outlines what people can expect from the services they receive. Ngā Paerewa has strengthened key areas including restraint and seclusion, infection prevention and control, obligations under Te Tiriti, and the lived experience of patients, residents and whānau. People are empowered to make decisions about their own care and support and be active participants in the service to achieve their goals, with a stronger focus on outcomes for people receiving support.

Providers of fertility services, primary maternity services that provide overnight postnatal care, hospices, overnight hospital inpatient services (public and private), age-related residential care, residential addiction, mental health, and disability services are required to comply with Ngā Paerewa.

Protection measures against pain compliance and restraint – Aligned with Recommendation 72

In 2023, the Ministry of Health issued revised guidance on the use of seclusion and restraint under the Mental Health (Compulsory Assessment and Treatment) Act 1992 (the Mental Health Act). These guidelines now include a stronger emphasis on person-centred and culturally appropriate approaches to safely reduce the use of seclusion and restraint in mental health services.

Safe Practice Effective Communication is a national training course that supports the best and least restrictive practice in mental health inpatient units. The course does not support the use of pain compliance techniques for service users of any age and teaches alternative ways of working to minimise restraint. It is my understanding that all mental health and hospital-level intellectual disability services require ward staff to do complete the training, with the exception of one forensic mental health service that is in the process of implementing it.

Measures to minimise and eliminate the use of seclusion – Aligned with Recommendation 74

Mental health services are working towards the elimination of seclusion over time. To support this, a nationwide collaborative project between the Health Quality and Safety

Commission and the mental health sector was launched in 2019. The use of seclusion in health and disability facilities is only permitted if a person is subject to one of two statutory systems: the Mental Health Act or the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (Intellectual Disability Act).

The regulatory requirements for the use of seclusion have been strengthened in recent years by:

- Guidelines for the use of seclusion and restraint under the Mental Health Act published in April 2023
- Guidelines for the use of seclusion under the Intellectual Disability Act introduced in 2020
- Ngā Paerewa Health and Disability Services Standard
- The monitoring of the use of seclusion by district inspectors, who are appointed to uphold the rights of people under the Mental Health Act and Intellectual Disability Act, and the Director of Mental Health
- Annual reporting on the use of seclusion by the Ministry of Health

Work that is underway and expected to be completed in 12 months or less

Lake Alice redress – Aligned with recommendation 6 and 7

The Government is considering options for redress for survivors who experienced torture at the Lake Alice Psychiatric Hospital Child and Adolescent Unit. However, this will come too late for some survivors who do not have long to live due to terminal illness. The Ministry of Health is working to provide payments to contribute towards end-of life care and/or funeral costs for a small number of survivors of the Lake Alice Unit who have a terminal illness and six months or less to live. These payments are available until redress for torture is finalised, at which point the payments will be reviewed.

Mental Health Bill – Aligned with multiple recommendations

The Mental Health Bill has been drafted and has undergone Ministerial consultation, which closed on 23 August 2024. It is anticipated to progress to the Cabinet Legislation Committee in September 2024 for introduction into Parliament shortly after.

The bill intends to shift mental health legislation towards a more rights-based and recovery approach to compulsory mental health care. There are parts of the bill that will address some of the recommendations of *Whanaketia* that relate to care and treatment in mental health facilities, including aligning with the Commission's Care Safety Principles.

Redress design and development – Aligned with multiple recommendations

The Crown Response Unit is working through the design and development of the redress system for survivors. The Ministerial Group on the Abuse in Care Royal Commission of Inquiry (the Ministerial Group) has provided feedback on six eligibility parameters which define the scope of redress coverage. I will continue to work with the Ministerial Group and the Ministry of Health in the development and design of the redress system.

Mental Health Infrastructure Programme – Aligned with Recommendation 73

The 2020 National Asset Management Programme report, which assessed the state of infrastructure built by the 20 former district health boards, found that 70 percent of mental health facilities do not meet therapeutic and safety requirements.

Health New Zealand delivers the Mental Health Infrastructure Programme which links together 16 mental health and addiction infrastructure projects. A total of \$997.3 million of public and private funding has been allocated across the 16 projects to build modern, fit for purpose mental health facilities. The design of the new facilities reflects input from service users and communities and supports the delivery of contemporary models of mental health care which emphasise privacy, dignity, wellbeing and the safety of patients and staff.

The programme has completed three projects to date and a further eight are in progress.

Changes in workforce regulatory settings – Aligned with recommendation 57

The Ministry of Health is looking at options to improve the regulatory settings for New Zealand's health workforce, including by making changes to the current Health Practitioners Competence Assurance Act 2003. This includes consideration of an alternative form of regulation that would be suitable for lower risk services, such as professions that are currently self-regulated or unregulated. The Ministry of Health is considering levels of regulation that would avoid imposing unnecessary regulatory and financial burden, while ensuring sufficient oversight, quality and safety. Consideration of this model is still in its early stages, and further analysis and consultation is required before any decisions are made on whether it is suitable to progress. As care workforces cover both health and social services, the Ministry of Health is working closely with the Ministry of Social Development in this area.

Further work in the next 12 months and beyond

The Ministry of Health and Health New Zealand have advised me that more time is needed to consider the funding and resourcing that may be required for any future work to respond to the recommendations in *Whanaketia*. There are work programmes and measures already in place in the Ministry of Health and Health New Zealand that may partially respond to some of the health-specific recommendations of *Whanaketia*. However, the extent to which these activities address the recommendations is unknown at this time and will need to be considered in upcoming discussions between Health New Zealand and the Ministry of Health.

The Crown Response Unit has completed an initial high-level triage of the recommendations from the final report and opportunities to progress responses to recommendations that can be readily agreed. This analysis will be brought to Ministers and Cabinet in mid-September for formal decisions on the direction for recommendations for early progression and to commission work on recommendations which may be more complex and far-reaching.

Once formal decisions are made for progressing recommendations, the Ministry of Health and Health New Zealand has advised me that they will be able to advise on the actions that can be taken to progress the health-specific recommendations.

Pending Cabinet approval, the Crown Response Office will be established within the Public Service Commission. The establishment of an Office responds to recommendation 123 of the final report. The Office will have the mandate to drive action across Government agencies, ensuring this work is treated as a priority. The Ministry of Health and Health New Zealand anticipate that it will drive action in response to the recommendations of *Whanaketia*.

Proactive release - open and transparent government

Hon Nicola Willis

Minister of Finance
Minister for the Public Service
Minister for Social Investment
Associate Minister of Climate Change



9 August 2024

Hon Erica Stanford
Minister Responsible for Co-ordinating the Crown Response to the Abuse in Care Inquiry

Dear Erica

Thank you for your continued hard work on the Crown Response to the Royal Commission on Abuse in Care. I am writing to you in my capacity as the Minister of Finance following the meeting with the Prime Minister and Crown Response Ministers on 26 August. At this meeting, we discussed the significant breadth of the Final Report's recommendations and the need to be considered in our approach, identifying which actions can be delivered in coming months, and which ones will need more time.

Whilst as Finance Minister I do not have any specific recommendations that fall within my Finance portfolio, I am taking the opportunity to outline how the Treasury can support the development of redress options. I am firm in my belief that we must support survivors with respect and care, and this includes careful consideration and due process in making decisions. Cabinet has agreed to four core objectives for redress options, including managing affordability, risks, and liability. It is important that support for survivors remains deliverable and sustainable, and this means that the system must be fiscally responsible.

I recognise that there are inherent uncertainties in estimating the fiscal impact of redress. One driver of this uncertainty is the complex interaction of design choices, such as eligibility, timeliness, and evidence thresholds, and how these impact on the overall fiscal cost. Work on redress should be informed by analysis of these interactions and their fiscal impacts, so that potential redress options and related trade-offs are clear. Deliverability and implementation are integral considerations to ensure that the end service is efficient and provides survivors with meaningful support. This means deliverability and implementation should be part of redress option development from the outset, with consideration given to supports that are already being delivered in the system.

Treasury officials are able to continue working with the Crown Response Unit on this important work. Treasury can support with understanding the fiscal impacts of potential options and trade-offs, advice on the payments framework and advice on overall funding options for a future system, including impacts on future Budgets. There will need to be a systematic approach to redress option development, with clear frameworks, overarching governance and timeframes that recognise the significance of this work. This includes careful attention to due process and ensuring adequate time for consideration of significant proposals, including feedback and advice on Cabinet papers.

I want to thank you again for your work in co-ordinating the Government's response to the Royal Commission's findings and recommendations to this point and over the coming months.

Kind regards

Hon Nicola Willis
Minister of Finance

Office of Hon Nicola Willis

Minister of Finance
Minister for the Public Service
Minister for Social Investment
Associate Minister of Climate Change



9 September 2024

Hon Erica Stanford
Lead Coordination Minister, Government's Response to the Royal Commission's Report into
Historical Abuse in State Care and in the Care of Faith-based Institutions
Parliament Buildings
Wellington 6160

Dear Erica

RE: Public Service Portfolio contribution to the Crown response to the inquiry into abuse in care

At a meeting on 26 August 2024, the Prime Minister, Rt Hon Christopher Luxon, asked ministers to write to you to set out the steps being taken in their portfolios to respond to the recommendations from the inquiry into abuse in care. This letter sets out immediate actions I am taking to address the inquiry's recommendations in my Public Service Portfolio, and signals other work underway or planned that will contribute to, and help enable, a strong Crown response.

Public Service Portfolio

As Minister for the Public Service I have responsibilities around the design, performance and capabilities of the public sector system. The Royal Commission report recommendations relevant to the Public Service portfolio include institutional arrangements to deliver on the response, proposals to strengthen care safety, and the organisation and oversight of redress functions for survivors. Some of these recommendations are able to be advanced promptly, while others will require further work with other relevant Ministers and agencies to scope and decide on the best course of action. The findings of the report also speak to a need to ensure promotion and monitoring of integrity in the public service. This is an important and ongoing focus for the Public Service Commission.

Immediate actions being taken

Establishing a Crown Response Office - led by a dedicated chief executive

As you are aware, an early step we have taken (via our recent joint Cabinet paper) relates to the Royal Commission's recommendation to establish an Office, within a central agency, to lead and coordinate the Crown response (recommendations 123-124). On 2 September 2024, Cabinet agreed to establish a Crown Response Office (the Office) hosted by the Public Service Commission (PSC) and authorised the recruitment of a Functional Chief Executive to lead the Office [CAB-24-MIN-0331 refers].

Actioning this recommendation now will help to ensure a coordinated Crown response work programme and implementation approach, with the Functional Chief Executive (FCE) reporting directly to you and providing dedicated and strong leadership for the Crown response. Hosting the Office with the Public Service Commission will provide clear separation from delivery agencies involved in the care system and ensure this work has the necessary emphasis and oversight, as reflected in the Royal Commission's recommendations.

PSC is working to establish the new Office, including taking steps to ensure a smooth transition of functions and staff from the Crown Response Unit. To formally establish the FCE role, I will shortly bring to Cabinet the necessary Orders in Council under the Public Service Act 2020 and return to Cabinet with an appointment paper, following a recruitment process led by PSC. I will continue to work closely with you around these aspects of the response.

Chief executives joining-up to deliver the Crown response

Another step we are taking now is resetting chief executive arrangements to support the response. Chief executives will be accountable for specific actions in response plans. These plans will be coordinated and monitored through the Office and will be part of those chief executives' performance expectations. The new focus is about driving action on recommendations, ensuring a strong and coordinated response across public service agencies with clear lines of accountability for delivery. To facilitate this, I have asked the Deputy Public Service Commissioner, Rebecca Kitteridge, to chair, with the support of the Functional Chief Executive, a group of chief executives with key responsibilities across the Crown response. The chief executive's group will provide for the focus and coordination needed to deliver a timely and well considered response. I have asked that all Ministers be informed of the progress being delivered by this forum through regular sharing of meeting outputs. I expect the PSC will also continue to leverage its performance management levers to drive action and support chief executive accountability for delivery of the response.

Personal accountability for public servants involved in abuse in State care

In parallel to the Government response to the Royal Commission report recommendations, I have asked the PSC to provide assurance that claims of individual public servant misconduct made by the Royal Commission are adequately addressed as these raise issues of trust, confidence, and integrity in the Public Service. To support this, the PSC is engaging with care agencies and Police to identify public servants about whom concerns have been raised, with a specific focus on those who have been accused in the final report of either abusing people in the care of the State, or of covering up such abuse. Where any such public servants are identified, PSC will work with the relevant agency to ensure that these allegations are addressed appropriately by the agency to ensure personal accountability for public servants involved in abuse in State care. I have asked for fortnightly updates on the progress of this work.

Other work underway

Advising on machinery of government-related proposals

As noted earlier, there are areas where further work is needed before action can be fully considered or taken. This includes recommendations around the design, form and location of possible new functions. For example, the Royal Commission recommends a new cross-sector Care Safe Agency, consolidation of some existing system oversight functions, and a new independent agency to deliver the redress system. These proposals need to be worked through in detail and in partnership with other agencies - recognising that institutional arrangements and agency form hinge on detailed design work around roles and functions. The Public Service Commission will continue to support this work and lead machinery of government components including around recommendations 41-43, 85-87, and the redress recommendations. I am happy to work with you to ensure this work is progressed at pace.

Leveraging the integrity work programme

The Royal Commission report highlighted systemic failing across the Public Service. It is vital we retain and build trust and confidence in the Public Service, including by ensuring that public servants work with integrity. The PSC has set expectations including through guidance (eg, He Aratohu, Integrity and Conduct guidelines), model standards (eg, Workforce Assurance model standards which focus on ensuring any serious integrity issues are disclosed when employing people in the Public Service), and empowering legislation (eg Protected Disclosures (Protection of Whistleblowers) Act 2022) developed or updated in recent years to promote and uphold integrity within and across public service agencies. There is more to do to embed these through resources, initiatives and using performance levers available to the PSC to ensure integrity issues are promptly identified and addressed. This is a key focus for the PSC integrity work programme going forward and I have requested monthly updates on the progress of this work.

Yours sincerely



Hon Nicola Willis
Minister for the Public Service

Proactive release - open and transparent government

Hon Mark Mitchell

Minister of Corrections
Minister for Emergency Management and Recovery
Minister of Police



10 September 2024

Hon Erica Stanford
Lead Minister for RCOI into Historical Abuse in State Care and in the Care of Faith-based Institutions

Dear Minister

New Zealand Police and Department of Corrections response to the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (RCOI)

As you know, the Prime Minister has asked all relevant Ministers to update you as Lead Coordination Minister on our respective agencies' responses to the RCOI. In particular:

1. Work each agency already has underway,
2. Work each agency can complete in the next 6-10 weeks before the apology date, and
3. Work each agency can meaningfully have underway before the 12 November apology.

Updates from New Zealand Police and the Department of Corrections are provided below.

Part One: New Zealand Police

The following updates are based on the understanding that:

- » No additional funding will be made available for Police to respond to the RCOI, and this will need to be delivered and prioritised from within business-as-usual resources, having regard to other Police priorities and demands (including recent announcements on proposals to realign Police's corporate workforce, as part of the organisation's Financial Sustainability Programme).
- » Police will lead, or provide significant support to, the response to the following 13 RCOI recommendations, with other recommendations requiring minimal Police input:
 - Recommendation 3 – Apology (Lead and Support)
 - Recommendation 6 – Investigation (Lead)
 - Recommendation 24 – Prosecution Guidelines (Support)
 - Recommendation 33 – Training (Lead)
 - Recommendation 34 – Police Manual (Lead)
 - Recommendation 35 – Specialist Unit (Lead)
 - Recommendation 88 – Gloriavale (Support)
 - Recommendation 112 – Public Campaign (Support)
 - Recommendation 130 – Police Response to RCOI (Lead)

- Recommendation 131 – Police Response to RCOI (Lead)
- Recommendation 133 – Annual Report on Implementation (Lead)
- Recommendation 134 – Annual Report on Implementation (Lead)
- Recommendation 136 – Progress review in 2033 (Support).

Work Police already has underway

Police's current focus to respond to the RCOI involves the following activities:

- » Supporting development of the national apology and preparing Police's apology (rec 3)
- » Regular engagement with the Crown Response Unit and partner agencies to ensure a coordinated response.
- » Responding to requests for information from the Crown Response Unit, partner agencies, Ministers, the public, and media.
- » Responding to investigative demand.
- » Reviewing RCOI recommendations and deepening the understanding of implications for Police.
- » Identifying and confirming the business-as-usual resources that will be allocated to respond to the RCOI.

Work Police can complete in the next 6-10 weeks before the apology date

Based on the earlier-stated assumptions, Police anticipates that by the apology date it will have:

- » Confirmed that Police's Inquiry Support team (two constabulary staff who coordinate responses to most external inquiries involving Police, including the Royal Commission into COVID-19 Lessons Learned, supporting requests from the Criminal Cases Review Commission, recommendations from the Poutasi Review of the Children's System and work of the Independent Children's Monitor) will be responsible for the Police response to the RCOI as a whole.
- » Allocated specific business owners and leads to each of the 13 Police-related RCOI recommendations, so implementation work can begin within business-as-usual capacity.
- » Continued to take all practical steps to ensure ongoing safety of children, young people, and adults in care at Gloriavale (rec 88)
- » Continued to meet business-as-usual investigative demand and provide associated support and assistance to survivors of abuse in care (rec 6)
- » Worked with the Crown Response Unit regarding agency and Police response to the RCOI in order to progress recs 130 and 131.
- » Initially briefed all Police District Crime Managers on the RCOI findings and implications, particularly regarding the potential for further investigative demand.
- » Provided context to all staff on the Police apology and provided a dedicated channel for internal advice and guidance (likely the Inquiry Support function).

Work Police can meaningfully have underway before the apology date

Aside from the above, prior to the 12 November apology, Police does not expect to have any other work meaningfully underway this calendar year given the complexity and scope of that work and the constraint of operating within business-as-usual resources.

By 31 March 2025, however, Police expects individuals allocated to each of the recommendations will have started initial thinking around plans or approaches for the following pieces of work; which, if implemented as per the recommendations, appear to require significant organisational change including development and design of training programmes:

- » Opening/re-opening investigations where torture may have occurred (rec 6)
- » Raising awareness of Police's intent to investigate appropriate cases (rec 6)
- » Ongoing provision of support and assistance to survivors of abuse in care (rec 6)
- » Training and education of Police staff on:
 - Torture (rec 6)
 - RCOI findings (rec 33)
 - Trauma-informed investigative and prosecution processes (rec 33)
 - All forms of discrimination (rec 33)
 - Engaging with neurodivergent people (rec 33)
 - Human rights concepts including international obligations (rec 33)
 - Prosecution guidelines once this work has been completed by the lead agency (rec 24)
- » Reviewing the many hundreds of *Police Manual* chapters to ensure compliance with all RCOI-related obligations (rec 34)
- » A specialist unit to investigate and prosecute those responsible for historical or current abuse in care (rec 35)
- » New information management requirements to facilitate the Police response to the RCOI, including retention of records related to abuse in care
- » New system enhancements to ensure capture and back-capture of cases involving historical or current abuse in care (including costs and implications) to support the RCOI response. This includes possible options to enable centralised visibility of the information received through various communication channels that may be used by survivors if there is an expectation that Police will be required to report on volumes.
- » Input into the recommended nationwide social and educational campaign to help identify and respond to abuse and neglect if this work has commenced by the lead agency (rec 112)
- » Guidance on the management of Care Records – Disposal authority (rec 89 Redress Recommendations outlined in He Purapura Ora, he Māra Tipu).

Next steps for Police

Without more detailed scoping work and analysis being completed, initial assumptions are that completing all the above work in line with the recommendations and within business-as-usual resources will be a three-to-five-year programme of work.

I anticipate continuing to receive updates from Police on RCOI-related work and will keep your Office apprised of any key risks or concerns. My expectation is that I will receive a detailed briefing from

Police closer to the national apology outlining progress which has been made, and any risks or issues with the Police response.

Part Two: Department of Corrections

Corrections is highly supportive of the work of the Royal Commission, and my officials are actively involved in the Crown's response. This includes providing information on how survivors in prison can access support. In addition, Corrections ensured copies of the report were available in each prison.

I note that the Royal Commission's Terms of Reference specifically excluded prisons and private prisons as a state care setting. Accordingly, Corrections' role in the Crown's response to the Royal Commission's recommendations is aligned with not being defined as state care (or care agency) within this context.

I am advised that Corrections is not identified as a lead agency to respond to any of the Royal Commission's recommendations, though there are a set of recommendations in which Corrections is formally identified as a support agency for being:

- » legislative amendments to the Sentencing Act 2002 [*Recommendation 27 refers*]; and
- » records-initiatives, due to Corrections administrative responsibility for historical youth penal institutions [*Recommendations 81, 82 and 83 refer*].

While Corrections does not have a lead role in delivering on recommendations by 12 November 2024, they will support the work of other agencies accordingly.

Corrections will also continue to support cross-agency work associated with the Crown's response to the Royal Commission, including redress redesign.

Please feel free to contact me with any questions or if further information is required at this stage.

Yours sincerely



Hon Mark Mitchell
Minister of Police

Hon Tama Potaka

Minister of Conservation
Minister for Māori Crown Relations: Te Arawhiti
Minister for Māori Development
Minister for Whānau Ora
Associate Minister of Housing



Hon Erica Stanford
Lead Coordination Minister for the Government's Response to the Royal Commission's
Report into Historical Abuse in State Care and in the Care of Faith-based Institutions
Parliament Buildings
Wellington

Tēnā koe Erica

This letter sets out the actions I am taking in my portfolios to support the Crown response work programme. The work of the Royal Commission of Inquiry (the Inquiry) is of enormous significance to my portfolio responsibilities because of the large numbers of Māori who have been impacted on through being removed from their whānau and hapū over decades.

Māori Development and Whānau Ora

Within my Māori Development and Whānau Ora portfolios, I have set two priorities for Te Puni Kōkiri that will support the provision of services to tamariki Māori and their whānau.

The first priority focuses on ensuring the adequacy of the state sector's services to and with Māori, including an explicit focus on improving the availability of data and evidence to inform needs-based targeting. The monitoring function of Te Puni Kōkiri will be a key mechanism for ensuring agencies are "held to account", thus influencing the provision of services to whānau. Te Puni Kōkiri is currently working with other government agencies to identify key areas for monitoring outcomes for Māori.

The second priority is to enable Whānau Ora as a public service model for improving outcomes for New Zealanders with distinct needs. The Whānau Ora model has the flexibility, through its regional and local networks, to address areas of government concern and to target those whānau who have complex needs and are amongst the most vulnerable. A key element of this work, therefore, is consideration of how Whānau Ora and Social Investment complement one another.

In relation to the specific recommendations from the Royal Commission, Te Puni Kōkiri will support work on recommendations 114 and 115 (**appendix 1**). To support these recommendations, Te Puni Kōkiri is working closely with the Social Investment Agency to build a stronger evidence base for Whānau Ora to support future social investment initiatives.

Recommendation 116 proposes that an independent entity is established with commissioning and monitoring functions. The recommendation proposes that existing functions be transferred to this entity - including preventative services from Whānau Ora commissioning entities. This is a significant and potentially far-reaching recommendation. Te Puni Kōkiri is working alongside other Crown Response agencies to understand the implications of progressing this recommendation.

As a Crown Response agency, Te Puni Kōkiri can also support other recommendations as needed, particularly where these concern Māori wellbeing and development.

Māori Crown Relations – Te Arawhiti

In my role as the Minister for Māori Crown Relations, I am conscious of the importance for the Crown response to take into account the considerations and findings in relation to the Treaty of Waitangi / Te Tiriti o Waitangi. Through the Māori Crown Relations: Te Arawhiti portfolio, officials are available to provide guidance to ministries and agencies developing responses to the Abuse in Care Royal Commission of Inquiry report: *Whanaketia*, particularly where there are Treaty of Waitangi / Te Tiriti o Waitangi implications.

Lastly, while my officials can provide advice on matters relating to specific Treaty / Tiriti recommendations and the United Nations Declaration on the Rights of Indigenous Peoples, these matters should be managed by the Crown Response Unit, as these recommendations encompass the entirety of the coordinated Crown Response.

I appreciate the opportunity to contribute to this kaupapa and I remain committed to ensuring that the voices and needs of Māori and all those impacted by abuse in state care are prioritised in our collective efforts. I look forward to collaborating with you and our Ministerial colleagues to advance these recommendations in a manner that honours the stories of survivors and their whānau, and leads to a system where tamariki and vulnerable adults can be safe and thrive.

Mauriora



Hon Tama Potaka
Minister for Māori Crown Relations: Te Arawhiti
Minister for Māori Development
Minister for Whānau Ora

APPENDIX 1

Rec #	Text of recommendation	Te Puni Kōkiri involvement
Rec 114	<p>The government should:</p> <ul style="list-style-type: none"> a. accelerate and prioritise current policy and legislative work to enable children, young people and adults in care and their whānau to more effectively participate in decisions that affect them, and to bring the strength of communities into decision-making b. review legislation, policy, investments, operational practice and guidelines related to the care of children, young people, and adults in care to identify opportunities to enable children, young people and adults in care and their whānau to more effectively participate in decisions that affect them, and to bring the strength of communities into decision making. 	<p>Supporting role to address and implement the recommendation.</p> <p>Te Puni Kōkiri has a work programme that encourages whānau-centred approaches which supports Government agencies across the Public Service to taking a localised and whānau-centred approach to commissioning and funding opportunities. A very important aspect of this is to support and enable whānau, and therefore tamariki to participate and lead their own outcomes.</p>
Rec 115	<p>The government should prioritise and invest in work to support contemporary approaches to the delivery of care and support, including devolution, social investment, whānau-centered or community-led approaches, such as Enabling Good Lives and Whānau Ora, and avoid the state-led models that contributed to historical abuse and neglect in care.</p>	<p>Supporting role to address and implement the recommendation.</p> <p>Aligns with Whānau Ora, Ngā Tini Whetū and Whānau Centred Facilitation Initiative.</p>

Hon Judith Collins KC

Attorney General
Minister of Defence
Minister for Digitising Government
Minister Responsible for the GCSB
Minister Responsible for the NZSIS
Minister of Science, Innovation and Technology
Minister for Space



Hon Erica Stanford
Lead Coordination Minister for the Government's Response to the Royal Commission's Report
into Historical Abuse in State Care and in the Care of Faith-based Institutions

By email: E.Stanford@ministers.govt.nz

Dear Erica

THE RECOMMENDATIONS OF THE ABUSE INQUIRY RELEVANT TO THE CROWN LAW OFFICE

As requested by the Prime Minister, I have listed in the attached table the recommendations of the Abuse in Care Royal Commission of Inquiry that relate to the operations of the Crown Law Office. In addition, I have noted if those recommendations have been implemented.

For completeness I note that many of the Inquiry's recommendations will require significant policy work by relevant agencies. Crown Law may contribute to this policy work, but it will not be the lead agency.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Judith Collins'.

Hon Judith Collins KC

Attorney-General

Final report recommendations	Status	Comment
#1 As an immediate priority, the government should implement the 95 recommendations in the Inquiry's interim report on redress, together with the recommendations of the design group, subject to any further recommendations made in this report.		See 'Redress report recommendations' table below.
#3 Public acknowledgments and apologies for historical abuse and neglect in the care of the State should be made to survivors, their whānau and support networks by public sector leaders, including the Solicitor-General.	Accepted, to be completed	The Solicitor-General will prepare and deliver a public acknowledgement and apology following the delivery of the Prime Minister's public apology on 12 November 2024, in consultation with survivors, as recommended. Engagement with survivors is to be via existing relationships within the CRU.
#22 The Solicitor-General should amend the suite of prosecution guidelines to: <ul style="list-style-type: none"> a) Include a requirement that prosecution decisions are consistent with relevant human rights and international law obligations. b) Include a requirement that those making assessments on the credibility of a complainant's evidence recognise the potential for their own bias. c) Include, as a public interest consideration for prosecution, that 	Accepted, in part	<p>Crown Law is about to complete an extensive and substantive review of the Solicitor-General's Prosecution Guidelines which was commenced in 2021. The extensive process of consultation engaged many people and groups who work in or experience the criminal justice system. Most of the recommendations made by the Royal Commission have been addressed in the review and the substance of the Royal Commission's concerns is met. Where the recommendations are not wholly met this is due either to the approach taken to drafting, or because in the context of a general prosecution tool applying to all public prosecuting agencies, singling out specific requirements or factors is not considered workable. I note the following in respect of each recommendation:</p> <ul style="list-style-type: none"> - #22(a): The substance of the recommendation is met. The Guidelines are drafted to support prosecutors' compliance with the law, including all relevant human rights law. It is not workable in guidance of this

<p>the offence was committed against a person in care.</p> <p>d) Strengthen obligations to engage appropriately (that is, more than consult) with complainants on prosecution decisions, including when assessing the likely effect of prosecution on a witness's physical or mental health.</p> <p>e) Establish a review process for complainants who allege offences falling under Parts 7 or 8 of the Crimes Act where a decision has been made not to prosecute. (Detail of recommendation in points (i) – (vi)).</p>		<p>type to specify compliance with New Zealand's international human rights obligations and other relevant international law obligations.</p> <ul style="list-style-type: none"> - #22(b): The recommendation is met. The guidelines address prosecutor bias and recognise the risk of bias in credibility assessments. - #22(c): This recommendation is partially met. The public interest test is not explicit that harm in State care weighs in favour of prosecution. Instead it provides general guidance about how victims' circumstances should be taken into account. For both victims and suspects the guidelines require consideration of the relevant context of offending. The vulnerability of a victim in State care and the harm caused to them will be relevant. - #22(d): This recommendation is met. The guidelines set out best practice for engaging with complainants, including adopting a trauma informed approach. We have provided especially detailed and enhanced guidance for sexual violence cases. - #22(e): This recommendation is partially met. The guidelines provide a detailed process for reviewing decisions in cases involving sexual violation. In respect of all other offences in Parts 7 and 8 the guidelines do not expressly require a review process. They do, however, have a general requirement for a clear explanation for a decision not to prosecute, and they recognise that prosecuting agencies may review prosecution decisions in certain circumstances.
<p>#23 Solicitor-General should issue specific guidelines to prosecutors on how to approach cases involving individuals who are Deaf, disabled and/or experience mental distress.</p>	<p>Accepted, in part</p>	<p>This recommendation is partially met. There is no specific, stand-alone, guidance on this topic. However, we have integrated specific considerations of how to approach cases involving disabled people or those experiencing mental distress in relevant guidelines.</p>

#24 The government should invest in training for prosecutors on these guidelines.	Accepted, to be completed	This recommendation is met in that training is to be conducted by Crown Law on the new Prosecution Guidelines, though within existing baselines.
#33 The Ministry of Justice, Te Kura Kaiwhakawā Institute of Judicial Studies, NZ Police, the Crown Law Office, the New Zealand Law Society and other relevant legal professional bodies should ensure that investigators, prosecutors, lawyers, and judges receive education and training from relevant subject matter experts on: <ul style="list-style-type: none"> a) the Inquiry's findings b) trauma-informed investigative and prosecution processes c) all forms of discrimination d) engaging with neurodivergent people e) human rights concepts. 	Accepted, in part	<p>This recommendation is met in part.</p> <p>Crown Law does not investigate complaints but its work on diversity and inclusion is relevant to the education of its staff in discrimination, dealing with people from diverse backgrounds and experiences, making unbiased decisions and recognising human rights dimensions of the work it does.</p>

Redress report recommendations	Status	Comments
#82 The Crown should draw up a model litigant policy to replace the Attorney-General's civil litigation values.	Not accepted	<p>This recommendation cannot be accepted at this stage as it is contingent on significant policy choices for Government. It is the Crown – not the lawyers representing the Crown – that is the “litigant” in relevant proceedings.</p> <p>9(2)(h)</p>

#83 State agencies, along with their lawyers, should act consistently with the model litigant policy in responding to all abuse in care claims, whether lodged through the courts or the scheme.		See above.
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Hon Louise Upston

Minister for the Community and Voluntary Sector
Minister for Disability Issues
Minister for Social Development and Employment
Minister for Child Poverty Reduction



Hon Erica Stanford
Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institution
E.Stanford@ministers.govt.nz

Dear Erica

At the meeting of the Crown Response to the Abuse in Care Inquiry Ministerial Group on 26 August 2024, you asked for an indication of the status of actions that would help progress the recommendations of the final report of the Royal Commission into Abuse in Care (Whanaketia).

This letter sets out actions in relation to the Disability Issues portfolio that can be completed or agreed and significantly underway by the public apology event on 12 November 2024. This will be during a busy period of organisational and functional change for the Ministry of Disabled People – Whaikaha (MDP) and Disability Support Services (DSS) as described later.

Disabled people need to be central to the cross-government response

Deaf and disabled people, tāngata whaikaha Māori and Pacific disabled people (disabled people) have been significantly over-represented in care, and as survivors of abuse in care. It is important that the Government takes the necessary time to effectively engage disabled people in its response.

I therefore see a significant opportunity for my Disability Issues portfolio to contribute to many of the recommendations in Whanaketia, particularly through:

- Cross-government disability system leadership, stewardship, engagement, policy development and information sharing; and
- Improvements to the quality of Disability Support Services (DSS), which will shortly transfer to the Ministry of Social Development (MSD), including strengthened safeguarding, better management of complaints, improved access to people's records, and improved critical incident investigations, data and monitoring.
- Supporting other agencies to establish effective approaches that allow for the longer time frames often required when engaging with disabled people.

Changes for DSS and MDP

The period leading up to the public apology will be a busy time for the MDP and MSD following the recent Cabinet decision to transfer responsibility for DSS to MSD and establish MDP as a stand-alone Government department.

I have made it clear to officials that the Crown response to Whanaketia is a high priority, and that I expect that all relevant contributions will be factored into the work of both agencies over this period, and advanced wherever possible.

Recommendations that can be completed by 12 November

Leading up to 12 November, I see the Disability Issues portfolio mainly contributing to recommendations led by other agencies, for example with the Ministry of Justice on changes to the Crimes Act to specifically include disabled people in care in the definition of a vulnerable person (recommendation 26).

I note recommendation 54 includes designating a safeguarding and I will ask MSD to ensure a lead is nominated for DSS.

Recommendations I can commit to or have meaningfully underway by 12 November

Initial dissemination of the findings and recommendations of Whanaketia to disability networks and community has been completed (recommendation 113). However, disability groups and networks are indicating that many in the disability community are finding it hard to access and understand a report of the size and complexity of Whanaketia.

MDP will work with disabled peoples' organisations and other groups to increase the awareness of and access to relevant parts of the report in alternate formats (Braille, Easy Read, NZ Sign Language, large print, captioning etc), building on the work of the Royal Commission and the Crown Response Unit (CRU).

Work underway that will contribute to relevant recommendations

The 38 Care Safety recommendations are a significant focus for the MDP, particularly in relation to DSS, and align strongly with work already underway to improve the quality of DSS and safeguarding (particularly recommendations 50-56).

New safeguarding measures are being established, such as an independent peer monitoring service for disabled people in residential care, which will be contracted this month.

I plan to make further decisions about the quality framework for DSS services after the independent review recommendations have been implemented. This will provide an opportunity to align this work with the Royal Commission recommendations.

The MDP participates in the redress design workstream of the CRU. The MDP will work with the Ministry of Health and MSD to develop a position on redress

relating to DSS including claims and payment, as this was not considered in the establishment of the MDP in 2022. Any management of DSS-related claims that is the responsibility of MSD following this, will be in the context of the wider framework for redress adopted by Government.

Considerations for the medium-term response

As you know, the Government will need to give careful thought to some of the Royal Commission's recommendations, particularly in relation to proposals such as a Care Safety Act, National Care Safety Strategy, and commissioning agency.

As disabled children and adults are a large proportion of the people in all care settings, the MDP could be well placed to take a leading role in the cross-government aspects of the care safety work, drawing on its extensive disability community networks for engagement. This work could do a lot to improve quality of life for some of the most vulnerable disabled adults and children. This includes finding opportunities to draw on the Enabling Good Lives vision and principles where appropriate (see recommendations 15, 39, 115 for example).

The MDP, working with other agencies, could also lead or support social and educational campaigns to help recognise and respond to abuse and neglect, attitudes and beliefs contributing to harmful and discriminatory experiences in care, public awareness campaigns related to inclusion and valuing diversity, and promoting supported decision making (for example recommendations 111, 112, 114).

The MDP could support the Ministry of Justice review of the overarching human rights framework and lead on any disability rights improvements that the review identifies (recommendation 119).

In conclusion

My key focus to the end of the year is to stabilise the disability support system and implement the recommendations of the Independent Review into DSS. However, I am committed to the Crown response to the Royal Commission's report through the Disability Issues portfolio. The recommendations and findings of the Royal Commission have significant implications for the disability support system across government. We need to take time to consider these and how to implement them in a way that provides the greatest improvement to services and outcomes for disabled people.

Sincerely



Hon Louise Upston
Minister for Disability Issues



29 August 2024
Hon Erica Stanford
Lead Coordination Minister
Crown Response to the Abuse in Care Inquiry

Dear Minister

Ministry of Social Development contribution to the Crown Response short, medium- and long-term work programme

Thank you for your ongoing leadership of the Crown Response Ministerial Group. The Crown's response to the report, findings and recommendations of the Royal Commission of Inquiry into Abuse in Care (the Royal Commission) will require an all-of-government approach.

I have received advice from my officials at the Ministry of Social Development (MSD) who have identified areas of relevance in my portfolio. In this letter, I have outlined the work that MSD can contribute to the Crown response in the short-term, medium-term and long-term.

You will receive a separate letter with advice from Whaikaha officials, outlining the contribution I will make through my Disability Issues portfolio. Disability Support Services (DSS), and policy and quality assurance functions related to DSS services and other supporting functions, which currently sit within Whaikaha, will move to MSD in the coming months. My officials will work through what this means for any actions relevant to the Crown response work.

Short-term deliverables

In advance of the planned public apology in November, I have asked my officials to progress work on:

Strengthening oversight of the Oranga Tamariki System

Cabinet has recently agreed to policy decisions that will make structural changes to the governance of the Independent Children's Monitor (the Monitor) and the Children and Young People's Commission (the Commission) through amendments to the Oversight of Oranga Tamariki System Act 2022 (Oversight Act) and the Children and Young People's Commission Act 2022 (Commission Act) respectively.

In November, I will be introducing legislation to enact upcoming changes to oversight of the Oranga Tamariki system to:

- increase the independence of the monitor by transforming it from a departmental agency hosted by ERO to an Independent Crown Entity (ICE) with a small part time board
- give more visibility to the role of Children's Commissioner by reverting to a single Commissioner by disestablishing the Board but maintaining ICE status

This legislation will take effect on 1 July 2025.

I have spoken with MSD officials, and they consider that proposed legislative changes to the Commission and the Monitor, alongside a review of the relevant legislation, will align with some of the Royal Commission's recommendations (recommendation 85 – 87), and will not prevent any future responses to other recommendations on oversight arrangements (such as recommendation 41 to establish a new Care Safe Agency that involves monitoring, complaints, and registration functions).

Funding a range of relevant support and prevention initiatives

MSD already funds a range of prevention initiatives and services for people who use or are impacted by family violence or sexual violence (FVSV).

MSD also contracts with specialist providers who work with victims/survivors of sexual violence, including Sexual Violence Crisis Support services and peer support services for Male Survivors of Sexual Abuse. In addition, MSD also contracts providers who support adults with Concerning Sexual Ideation or Harmful Sexual Behaviour. These services are supported through MSD's FVSV help portal (help seeking websites).

There is an opportunity to target MSD's existing prevention and early intervention initiatives for 2024/25 to encourage help-seeking behaviour in line with the Crown's response and apology. This may further increase demand for FVSV services which is likely to increase regardless surrounding the public apology.

I have been advised by officials that a proposed October Baseline Update carry forward of funding, if approved, could be used to support targeted prevention activity for 2024/25 (one year only). I can advise in the coming months the scale and approach this could take.

A consequence of raising awareness is that more people may seek help, which could increase demand for services across MSD's FVSV response services. This is most relevant for recommendation 122 seeking adequate prevention programmes, specialist support and online information for people at risk of perpetrating abuse or neglect. Not all initiatives in scope of these recommendations sit within MSD.

Providing redress to survivors of abuse in care

MSD continues to provide redress for survivors and will continue to have an important role in the ongoing redress design work. There are an additional 95 recommendations, of which the Crown is considering as part of the parallel redress design work, these recommendations are included by reference in the final report's first recommendation.

Strengthening accreditation

Te Kāhui Kāhui works on behalf of six government agencies to accredit or approve social service providers against the Social Sector Accreditation Standards. A number of the Standards reflect aspects of recommendations 56-64 in the Royal Commission report.

Te Kāhui Kāhui is currently improving the visibility of requirements for Child Protection Policies, safety checking and vetting of people who work with or care for children and vulnerable people. This work is supported by the redevelopment of guidance and tools for providers that will enable them to comply with these requirements.

In addition, Te Kāhui Kāhui assessors are completing additional training to strengthen their assessment practice. Te Kāhui Kāhui is also exploring certified child protection training for assessors to help them recognise and respond when visits to providers raise concerns about the safety of children and vulnerable people.

Medium-term deliverables

In the medium term, I have asked my officials to progress work on:

Managing the risk of harm from social service workers

MSD policy is leading scoping work to explore the mechanisms in place to support safety in the delivery of social services.

I will be receiving advice shortly on existing mechanisms in place to manage the risk of harm from social service workers. I consider that this work could contribute to the Crown's response to the Royal Commission's findings about care safety, and to parts of some recommendations (for example, recommendations 57-64).

Reviewing how redress payments are considered for MSD benefits, payments and welfare services

I have received advice on how redress payments are considered as income or cash assets for any benefits, payments, or welfare services provided through MSD, including Work and Income and social housing.

I consider that current legislation is sufficient for the exemption of most redress payments as income and cash assets for MSD administered assistance. This work will not be complete in time for the proposed November omnibus bill as there are important equity, legislative and policy issues to consider. I have asked my officials to explore how redress payments are treated for

supplementary and hardship assistance as part of the work already underway to redesign redress.

Long-term deliverables

There are, of course, a range of other recommendations that MSD has an interest in, noting the establishment of these recommendations will require a complete and thorough analysis and will likely be progressed in the longer-term. Many of these require a multi-agency approach.

Strengthening care safety

I have asked my officials to continue to work closely with the Crown Response Unit as they undertake analysis of the system shifts that the Royal Commission recommends and the relevant actions to achieve these. For example, the consideration of whether a Care Safe Agency should be established and what its functions should be (recommendation 41).

I understand that the Public Service Commission has suggested that this consideration of the benefits and risks of a Care Safe Agency could take place in early 2025. Preparatory work to understand existing functions, gaps and duplications will require multiple agencies to contribute.

I remain committed to supporting the Crown's response to the Royal Commission's report, findings and recommendations and note that much of the long-term work is long term because it relates to system shifts and requires input from multiple agencies. I understand that there is an expectation that Crown Response Unit will continue to work with agencies to incorporate their input and expertise into advice and support good agency consultation processes. I have asked my officials to continue to work closely with the Crown Response Unit and other agencies.

Sincerely



Hon Louise Upston

Minister for Social Development and Employment

Hon Dr Shane Reti

Minister of Health
Minister for Pacific Peoples



12 SEP 2024

Hon Erica Stanford

Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions
e.stanford@ministers.govt.nz

Dear Erica

Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions

As Minister of Health, I am pleased to advise you that the Ministry of Health and Health New Zealand have significant work underway to support the response to the recommendations of the final report of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission), *Whanaketia - through pain and trauma, from darkness to light (Whanaketia)*.

I can assure you that I am committed to leading the health system's response to the recommendations of *Whanaketia*. Priority of the response to *Whanaketia* to-date has been on redress and mental health, however, there are recommendations that address the wider health system and opportunities for further work. Some work was complete when the final report was presented to Parliament on 24 July 2024, while other work is still underway.

This letter outlines health portfolio-specific responses to the recommendations and should be read with the letter provided to you by Hon Matt Doocey, which details health actions that sit in his Minister for Mental Health portfolio, specifically:

- a. Lake Alice redress – *Aligned with recommendation 6 and 7*
- b. Redress design and development – *Aligned with multiple recommendations*
- c. Ngā Paerewa Health and Disability Standards - *Contributes to the response of recommendation 39*
- d. Protection measures against pain compliance and restraint - *Aligned with Recommendation 72*
- e. Mental Health Infrastructure Programme – *Aligned with recommendations 73*
- f. Measures to minimise and eliminate the use of seclusion - *Aligned with Recommendation 74*
- g. Mental Health Bill – *Aligned with multiple recommendations*

Additionally, while focus of the recommendations of *Whanaketia* are mainly on past treatment in State care, including mental health and disability and faith-based settings, the nature of the recommendations focused on preventing abuse and neglect could well be applied to broader health and disability care settings, which were not part of the scope of the Royal Commission, such as aged care and compulsory substance addiction facilities.

Whanaketia has placed clear responsibility on the Government and the health system to put an end to the environments and systems that enabled abuse to occur in State care. I recognise that in my role, as the Minister of Health, I have a responsibility to ensure that the health system addresses these environments and systems so that the abuse brought to light by the Royal Commission will cease in the future.

I look forward to working with you as this important work is continued, and I am committed to supporting the Minister for Mental Health to progress recommendations related to his portfolio to ensure that the whole health system responds appropriately to *Whanaketia*.

Yours sincerely



Hon Dr Shane Reti
Minister of Health

Proactive release - open and transparent government

Appendix – Health Portfolio

The Ministry of Health (the Ministry) and Health New Zealand (Health NZ) have significant work underway to support the response to the 138 recommendations of the final report of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission), *Whanaketia - through pain and trauma, from darkness to light (Whanaketia)*.

Work that is already completed

1. *Ngā Paerewa Health and Disability Standards - Contributes to the response of recommendation 39*

As noted in the Minister for Mental Health's letter of 9 September 2024 to you, Ngā Paerewa Health and Disability Standards (the standards) came into effect on 28 February 2022. These updated standards provide the foundation for describing best practice and fostering continuous improvement in the quality of health and disability services. The standards set out the rights of people and ensures service providers know their responsibilities for safe outcomes. Providers are required to comply with the standards. The standards aim to empower people to make decisions about their own care and support and be active participants in the service to achieve their goals, with a stronger focus on outcomes for people receiving support.

Work that is underway and expected to be completed in 12 months or less

2. *Public acknowledgment and apology to survivors, whānau and support networks by public sector leaders - Contributes to recommendation 3b*

Following the Prime Minister's planned public apology on 12 November 2024, the Director-General of Health on behalf of the Ministry of Health (and other named public sector entities and leaders) will also deliver an apology to abuse in care survivors. The Crown Response Unit is working with public sector agencies to ensure consistency and alignment with that apology and that it meets the intent of this recommendation.

3. *Changes in workforce regulatory settings - Aligned with recommendation 57*

The Ministry is looking at options to improve the regulatory settings for New Zealand's health workforce, including by making changes to the current Health Practitioners Competence Assurance Act 2003. This includes consideration of an alternative form of regulation that would be suitable for lower risk services, such as professions that are currently self-regulated or unregulated.

The Ministry is considering levels of regulation that would avoid imposing unnecessary regulatory and financial burden, while ensuring sufficient oversight, quality and safety. Consideration of this model is still in its early stages, and further analysis and consultation is required before any decisions are made on whether it is suitable to progress. As care workforces cover both health and social services, the Ministry is working closely with the Ministry of Social Development in this area.

Further work in the next 12 months and beyond

I recognise that there is pressure from survivors and the public to commit to a fast, and fulsome response to *Whanaketia*. I am eager to meet these expectations and ensure that the health agencies are moving forward to respond to the recommendations.

I am advised by the Ministry and Health NZ that more time is needed to consider the funding and resourcing that may be required for any future work to respond to the recommendations in *Whanaketia*. There are work programmes and measures already in place in the Ministry and Health NZ that may partially respond to some of the health-specific recommendations of *Whanaketia*. However, the extent to which these activities address the recommendations is unknown at this time and will need to be considered in upcoming discussions between the Ministry and Health NZ.

As you will know, the Crown Response Unit has completed an initial high-level triage of the recommendations from the final report and opportunities to progress responses to recommendations that can be readily agreed by Cabinet in mid-September 2024. This will provide the direction for recommendations for early progression and to commission work on recommendations which may be more complex and far-reaching. Some recommendations will require input from health as a key stakeholder in the care system, and I expect that the Ministry and Health NZ will support this work.

Once formal decisions are made for progressing recommendations, officials will update me on the actions that can be taken to progress the health-specific recommendations. I anticipate that the new Crown Response Office within the Public Service Commission will drive action, given its mandate to drive action across government and ensuring this work is prioritised.

Office of Hon Erica Stanford

Minister of Education
Minister of Immigration
Lead Coordination Minister for the Government's Response
to the Royal Commission's Report into Historical Abuse in
State Care and in the Care of Faith-based Institutions



Hon Erica Stanford

Lead Coordination Minister for the Government's Response to the Royal Commission of Inquiry's Report into Historical Abuse in State Care and in the Care of Faith-Based Institutions

E.Stanford@ministers.govt.nz

Tēnā koe,

This letter provides information on the Ministry of Education's (the Ministry) contribution towards supporting the recommendations made as part of the Royal Commission of Inquiry into Historical Abuse in State Care and in the care of Faith-Based Institutions (RCOI).

The scope of the Ministry's actions outlined below focus on existing education settings and Ministry actions that align with the intent of several of the RCOI recommendations. This includes what can be accelerated or actioned in the coming weeks leading to the public apology event on 12 November 2024. Some recommendations have already been addressed or are reflected under current settings, while work is underway on other recommendations.

Education has a role to play in minimising harm in institutional environments and practices

The Ministry operates a number of education residential care facilities, including Residential Specialist Schools (RSS), which many of the recommendations made by the RCOI apply to. These RSS and education residential care facilities provide education to learners. These include:

- Westbridge Residential School, based in Auckland,
- Hallswell Residential College, based in Christchurch,
- Salisbury School, based in Nelson,
- There is one national school for deaf and hard of hearing students, Ko Taku Reo, which offers residential services in Auckland and Christchurch as well as day school provision, satellite classes and outreach services for students enrolled in local schools throughout the country, and
- The national school for Blind and Low Vision students (BLENNZ) also offers residential services in Auckland.

I have asked the Education Review Office to review these schools every year and have requested information from the Ministry on opportunities to improve monitoring of RSS and hostels. In the longer-term, I have made a commitment to close RSS and other educational residential care facilities.

RCOI recommendations and alignment of Ministry settings and actions

Recommendation	Progress	Comments
<p>65 – Process to respond to complaints, or to disclosures of abuse and neglect</p> <p><i>Specifically, part e. there are clear protections in place for whistleblowers and those making good faith notifications</i></p>	Complete	<p>The Ministry has clear policies and protections in place for whistleblowers and those making good faith notifications. These respond to part 'e' of this recommendation, which states the need for clear protections in place for whistleblowers and those making good faith notifications. Protections include confidentiality; immunity from civil, criminal, or disciplinary proceedings in relation to making the protected disclosure; and protection from on employer, or any other organisation, retaliating against a discloser or victimising them because they have made the disclosure. These protections are detailed on the Ministry's staff intranet, including further guidance for when we receive a protected disclosure.</p>
72 – Take steps to ban pain compliance techniques	Complete	<p>The Ministry's physical restraint legislation, rules, and guidelines fulfil these recommendations. The Education and Training Act 2020 does not permit the use of pain compliance techniques or seclusion in schools. Seclusion is banned under section 98 of the Education and Training Act 2020. Under Section 99, physical restraint can only be used when it is necessary to prevent imminent harm, and it must be "reasonable and proportionate in the circumstances". The Guidelines clarify that this means only applying as much force as necessary, for the minimum time necessary, and that restraints that involve "immobilising through pressure points and pain holds" are unsafe, cause harm and must never be used. The Education (Physical Restraint) Rules 2023, and the guidelines help explain these rules.</p>
73 – Ensure adequate frameworks to govern the use of restrictive practices	Complete	<p>Physical restraint can only be used when specific conditions are met and there is reasonable belief that there is no other option. Schools must report all physical restraint incidents. The Ministry also monitors the notifications of physical restraint and works with schools to look at ways to minimise the use of physical restraint.</p>
74 – Prioritise and accelerate work to minimise and eliminate solitary confinement	Underway	<p>Current education settings are consistent with this recommendation. Seclusion is banned in schools, with regional offices investigating any reports of suspected use of seclusion in schools.</p> <p>School Boards must complete assurance statements for ERO that confirm seclusion is not used in the school. In addition to this ERO has self-audit checklists for schools that refer to seclusion being prohibited.</p>

		I have asked the Ministry to reconfirm policies and procedures for RSS to ensure compliance with this recommendation
58 – Pre-employment screening and vetting, including considering a barring regime	Underway	The Ministry is undertaking work with partner agencies to improve safety checking under existing settings. This work is under the Children's Act 2014, which the Ministry jointly administers with Oranga Tamariki, which means that it only covers the safety checking of children's workers, not workers in other parts of the care system. Current cross-agency work to improve child protection could be leveraged to respond to recommendations relating to screening and vetting.
70 – Prioritise and accelerate work to close care and protection residences, and 71 - Models of care that do not perpetuate institutional environments	Underway	Although recommendation 70 largely applies to Oranga Tamariki and its Care and Protection residences, Education also operates a number of residential care facilities, including RSS, that this recommendation applies to. Education will have a role to play in minimising institutional environments and practices. I have made a commitment to close RSS and education residential care facilities. In the interim, I have asked officials for advice on opportunities to improve monitoring of RSS and hostels
72 – Take steps to ban pain compliance techniques & 73: Ensure adequate frameworks to govern the use of restrictive practices	Underway	Further resources are currently being developed to support staff training in identifying stress triggers, understanding unmet needs, and preventing, minimising, and responding to student distress. This is to ensure compliance with the rules. These resources will be able to be used as a group or individually depending on what schools opt to do. The Ministry aims to send out the resources for feedback to key stakeholders in mid-September, with the resources online by 30 November.
88 – the Government should take all practicable steps to ensure the ongoing safety of children, young people, and adults in care at Gloriavale	Underway	Actions responding to this recommendation are underway in education settings within the Gloriavale Community. Following the 2023 ERO special review of Gloriavale Christian School, the Ministry meets monthly with the school to monitor their progress in addressing ERO's findings. The school provides fortnightly reports to the Ministry on their progress. These progress reports include curriculum and learning, and wellbeing improvement strategies. ERO are currently undertaking a follow up review, as planned in their 2023 review report, of education within the Gloriavale community, including preschool, Gloriavale Christian School, homeschooling, and Te Kura. A review report will be released later this year. The Ministry will continue to work with the school and with other agencies involved in Gloriavale.

<p>113 – the government and faith-based entities should disseminate and publicise the findings and Recommendations of this inquiry in the widest and most transparent manner possible</p>	<p>Underway</p>	<p>The Ministry's actions to respond to this recommendation are underway. To support the findings and recommendations being disseminated and publicised, the Ministry:</p> <p>Published updates on the report publication, findings and next steps, on the staff intranet Te Tāhuhu,</p> <p>Contacted regional Directors with key messages and a list of schools named in the report prior to its release, to enable regional staff to talk to the relevant schools,</p> <p>Provided schools named in the report with key messages that they may choose to share in their newsletter or website,</p> <p>Notified school leaders through the School Leaders Bulletin of the release of the final report, links to the report and executive summary, and next steps. The Bulletin is the Ministry's central channel for communicating key information to school leaders, and</p> <p>Published information including links to the final report on its website.</p>
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Next steps for the Ministry of Education

The Ministry is taking part in cross-agency work led by the Crown Response Unit (CRU) to analyse and triage the RCOI findings and recommendations. Priorities for the Crown response include accelerating work on the redress recommendations and identifying other recommendations that can be actioned immediately to align with the timing of the apology.

This includes prioritising justice sector recommendations through an omnibus Bill that will amend selected pieces of legislation. The Ministry and the CRU are discussing adding an amendment to the Children's Act 2014 to this Bill which will extend the existing workforce restriction for core children's workers convicted of specified offences to people with known equivalent overseas convictions.

The Ministry has also proposed adding a second amendment to the Bill to align the coverage of the workforce restriction to the NZ Police's Child Sex Offender Register. The amendments seek to strengthen the system in place to reduce risk to children through people employed to care for them. They link to wider work on safety checking (Recommendation 58).

The recommendations and findings of the RCOI raise significant policy issues and financial implications for the Ministry, as it will do for many other departments. The Ministry will continue to review the RCOI recommendations to understand how to best respond to these in the coming months.

As many of the recommendations do not fall into individual Ministerial portfolios but apply across sectors, I have asked Ministry officials to continue cross-agency engagement, as well as internal action, to advance this work.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'E. Stanford'.

Hon Erica Stanford
Minister of Education

Proactive release - open and transparent government

Hon Karen Chhour

Minister for Children
Minister for the Prevention of Family and Sexual Violence



10 September 2024

Hon Erica Stanford
Minister (Lead Co-ordination)
Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions

Dear Minister Stanford

I am writing to outline Oranga Tamariki involvement in the Crown response to the recommendations made by the Royal Commission of Inquiry into Abuse in Care (the Royal Commission), including current work underway which could go some way to addressing particular recommendations, and new initiatives that could be advanced.

Of the 138 Royal Commission recommendations, it is currently proposed that two (recommendations 28 and 70) will be led by Oranga Tamariki, 44 will be jointly led by Oranga Tamariki with other agencies, and 44 will require only input from Oranga Tamariki.

While the intent of many of these recommendations can be accepted, I believe that further analysis is required before any of them can be fully accepted. The recommendations require a considerable work programme and not all of this work could be completed at the same time or in isolation, prioritisation of the work is an important part of ensuring sustained improvement.

9(2)(f)(iv)

More generally, I note Cabinet has now confirmed that the CRU will move to a Crown Response Office as part of the Public Service Commission to drive the implementation of the work programme. It is important that as this is developed, they consider how to allocate and prioritise the work programme to ensure this remains a government priority, has strong central agency leadership and there is clear accountability and ownership across this work. Oranga Tamariki cannot take action in isolation of the rest of the Children's System.

I am committed to addressing the issue of harm in care and resolving this alongside communities and partners. It is important to acknowledge that the care environment is different now from the experiences that survivors bravely shared of the inquiry period. For example:

- We now have much smaller numbers of children placed in care facilities. Most children in care are placed with whānau and this number has been growing over the years.
- The Residential Care Regulations 1996 sets out the rights of tamariki and rangatahi living in section 364 residential placements.
- We have a comprehensive feedback and complaints process, and grievance process, ensuring there is justice for tamariki and rangatahi who feel they have been mistreated in care and ensuring that care providers are continually improving their practice. The grievance process is set out in the Residential Care Regulations 1996 and provides young people with access to an independent Ministerial appointed panel.
- VOYCE - Whakarongo Mai provides a valuable function in giving tamariki and rangatahi an opportunity to share their care experiences and raise concerns with an independent entity.
- The National Care Standards Regulations 2018 sets out the standards tamariki and rangatahi can expect to see in their care placement, and the Independent Children's Monitor regularly assesses Oranga Tamariki's performance against these standards.
- Mana Mokopuna | Office of the Children's Commissioner also completes Optional Protocol to the Convention Against Torture inspections at every residence at least once a year, to identify malpractice that might reach the threshold for torture.
- There is a significant monitoring and oversight role across the Children's System that holds agencies to account and contributes to improved outcomes for children.
- Policy proposals to amend the Oranga Tamariki Act 1989 are under development to improve the safety of residences.

Oranga Tamariki and I are committed to doing better, we know we have a way to go, and we appreciate the work of the families, communities and partners that are enabling children in care to be safer, better supported, and cared for. Oranga Tamariki has improvements in place and underway to prevent harm to any child or young people in our care.

Oranga Tamariki currently has several work programmes underway that will contribute to the Crown response to particular recommendations. These include:

- Enabling Communities – work to support devolution of care services to communities
- Manaaki Kōrero – work to improve feedback, complaints, grievance, information, advice and assistance processes.
- Residences and Homes work programme – work to transform our residences and homes to ensure they are safe places where tamariki and rangatahi are supported to thrive and successfully reintegrate with their whānau and communities.
- Embedding the Practice System – this work includes the Oranga Tamariki Practice Approach, Workforce Strategy, Supervision Strategy, and work on caseload benchmarks and quality assurance.
- Frontline Technology Systems Upgrade – work to deliver a new frontline technology system to replace the current Oranga Tamariki system. The

technology changes will support Oranga Tamariki practice, save staff time, enable improved collaboration and information sharing with partners, and improve the safety and oranga of tamariki, rangatahi and their family or whānau.

- Enterprise Data Analytics Platform – work to deliver a cloud-based data warehouse and analytics solution that is safe, secure and private, and lays the foundations for our future internal and external data and information requirements.
- The Oranga Tamariki National Care Strategy - a long-term strategy for care, with key horizons to reach in the short and medium-term. The strategy will consider what is in place both prior to care and when transitioning from care and look at what is needed across the wider children's system. This means enabling wherever possible for tamariki to be safely cared for within their whānau and ensuring the wider system is set up to support whānau and long-term care arrangements when tamariki exit care.

This list is not exhaustive, and does not include Oranga Tamariki regular process, policy and procedure improvements which will also contribute to responding to some of the recommendations.

In addition to the current work programmes underway, there are new initiatives that could be advanced in response to the Royal Commission recommendations.

Interim Claims function


Following the Royal Commission Redress report in December 2021, there were several recommendations requiring agencies to develop and prioritise claims functions until a future redress system could be established.

Oranga Tamariki has developed a comprehensive claims framework and service prior to the wider redress system being established, however this was not established in a way that is sustainable.

Further consideration needs to be given to establishing a stand-alone interim claims function to progress claims of abuse in the short term prior to this moving to the future redress system. We are preparing information to support decisions on this function and the funding and resource required which could potentially be progressed by November.

Since the release of the Royal Commission report Oranga Tamariki has had an increase in contact from potential claimants and this work is expected to continue to increase over the short term and prior to the future redress system being implemented.

9(2)(f)(iv)



9(2)(f)(iv)

Without further in-depth analysis into what additional work will be needed to fully respond to the Royal Commission recommendations, the impact it will have on the Oranga Tamariki work programme and direction is unclear. 9(2)(g)(i)

The key performance indicators I have set for Oranga Tamariki are:

- Frequency of visits to children in care: the percentage of children in care who have been visited by their social worker at least once in the last eight weeks
- Timeliness around Reports of Concern: percentage of critical (within 24 hours) and very urgent (within 48 hours) Reports of Concern that are addressed within these timeframes
- Supporting caregivers: results of a rolling survey of Oranga Tamariki caregivers, which asks whether caregivers feel supported, would recommend becoming a caregiver, and whether they are thinking about stopping being a caregiver
- Improving complaint management and practices: the proportion of complaints audited that were handled in a way that fully met Oranga Tamariki standards
- Addressing youth offending: a 15 percent reduction in the total number of children and young people with serious and persistent offending behaviour.

These performance indicators have direct relevance to improving outcomes for children and contributing to a safer environment.

It is also important to note that the Royal Commission clearly states in the report that the recommendations need to be considered in their entirety and not considered in isolation of each other. Most of the recommendations require consideration by multiple agencies, and span adult and children's care services across multiple care domains. This means multiple agencies will be required to dedicate resource to enable proper consideration of the recommendations.

I have instructed Oranga Tamariki to continue to work through analysing the Royal Commission recommendations against current and future work requirements so that I am better placed to consider what can be achieved in my portfolio and relevant timeframes to progress this important work.

Yours sincerely



Hon Karen Chhour
Minister for Children

Discussion paper



Listening, learning, changing
Mā Whakarongo me Ako ka huri te tai
Crown Response to the Abuse in Care Inquiry

Initial decisions to support the development of a draft payment framework for redress for abuse in care

For: Ministerial Group – Crown Response to the Abuse in Care Inquiry

Date: 10 September 2024

Security level:

Decision required

1. This paper seeks the Group's endorsement of two aspects of payments to be made as part of a redress system for survivors of abuse in care – the payments' purpose and objectives– and agreement to cross-agency work to prepare draft payment structure options that address the endorsed purpose and objectives. These aspects will shape a subsequent draft payment framework for consideration by the Group.
2. Payments are a significant proportion of a redress system's overall cost. Given the potential financial implications, it is important the Ministerial Group has sufficient time to consider the different elements of a potential payment framework before options are taken forward to Cabinet.

Recommended approach

3. It is recommended the Ministerial Group:
 - a) **endorse** that, in terms of its purpose, a payment made as part redress is:
 - i. intended to provide a tangible acknowledgement of a survivor's experiences of abuse, that complements a personal apology available to the survivor and the full offerings of a redress system; and
 - ii. not intended to be full compensation for the potentially complex and life-long effects of the abuse, which are better address through the support services to be offered as part of redress;
 - b) **endorse** that, in terms of their overall objectives, the payments to be offered as part of redress should be:
 - i. fair and reasonable – providing an appropriate degree of recognition of the abuse suffered by survivors in different care contexts across time and within the context of the other supports, services and compensation available to survivors through redress and other systems;
 - ii. transparent and simple to understand – so survivors have a clear understanding of what is available and the basis on which payments are determined, to help reduce the risk of re-traumatisation, and support confidence in the integrity of the system;
 - iii. efficient to administer – to support timely delivery, minimise the proportion of resources needing to go into the administration of the payments, and also support confidence in the integrity of the system; and
 - iv. financially viable – to help ensure redress can be provided as long as needed; and

- c) **direct** that cross-agency work, coordinated by the Crown Response Unit working closely with key agencies, is undertaken to produce draft options for payment structures that address the endorsed purpose and objectives and focus on opportunities for moving towards a simplified tiered structure.

Context: Payments represent a key parameter in the overall redress to be offered

4. The Ministerial Group is considering key parameters for the re-design of redress in a stepped process. The Group's endorsed positions on each parameter will guide the options put forward in planned Cabinet papers in October and December 2024, that will then shape the detailed design and implementation of a new redress system.
5. The Ministerial Group has considered the overall functions for redress and eligibility parameters for who is covered by redress. There has been an initial consideration of how the redress functions are organised in terms of their level of integration and independence, with an endorsement of a common payment framework as an aspect of integration. Further consideration of the organisation of redress functions is needed at a future Group meeting alongside the high-level funding model for redress.
6. Based on the endorsed redress functions (please see paragraph 9 below), a series of key frameworks need to be developed. This discussion paper will shape the development of a payment framework for redress, which could potentially be applied ahead of a new system across claims agencies and potentially other Crown redress processes such as those operated by school boards of trustees..

Considerations for developing a redress payment framework

A payment framework should provide the overall structure for payments but is not meant to be a detailed process guide

7. The framework to be developed for Cabinet consideration is intended to provide the foundation for redress payments, setting out:
 - a. the purpose and objectives for payments;
 - b. how payments are structured – what they cover and for what value;
 - c. what standards apply in their determination;
 - d. how they should be treated; and
 - e. the overall assistance that should be provided in considering and receiving a payment.
8. The framework is not intended to be a detailed process guide for making payments. It sets the high-level parameters that are the basis for the detailed processes and guidance needed to make payments through the redress system. The development of the detailed payment processes and guidance will need to be completed as part of the detailed design and establishment of the redress system, to reflect all relevant aspects of the system once agreed by Cabinet.

A payment is intended to be only one part of redress, which should be reflected in the payment's purpose being to acknowledge rather than fully compensate for abuse

9. The Ministerial Group has endorsed five functions for a redress system:
 - a. provide a safe, supportive environment for survivors to share their experiences;

- b. facilitate acknowledgements and apologies by institutions for abuse in care;
 - c. provide financial payments that acknowledge abuse in care;
 - d. facilitate access to support services that enable survivors to restore their inherent dignity; and
 - e. share insights on systemic issues relevant to abuse in care and the harms experienced.
10. As can be seen from this list, payments are only one options within a wider redress system that is intended to provide survivors with choice in having accountability for the abuse they experienced and achieve a better quality of life. If survivors do not want to seek a payment, they could still access an apology or support services. Survivors could alternatively choose to defer a payment claim until they felt ready.
11. In line with the Abuse in Care Royal Commission of Inquiry's (the Royal Commission's) findings, as endorsed by the Redress Design Group, it is proposed that the payment's purpose is to acknowledge the abuse survivors have experienced and is not meant to act as compensation for the potentially complex and lifelong impacts of the abuse. The effects of abuse and neglect are intended to be addressed through the support services provided by the redress system, and an acknowledgement-based payment does not displace or replace survivors' needs for support facilitated through the system.
12. In addition to the redress system, the Royal Commission recommended that survivors should be able to more easily access the Accident Compensation Scheme or have easier access to the courts to seek compensation, if the survivor so wished. Consideration of the recommendations related to ACC and civil litigation settings is being coordinated by the Ministry of Business, Innovation and Employment and the Ministry of Justice, with an initial view change should not be made to expand the current settings. Separate advice on the Royal Commission's ACC and civil litigation recommendations will need to be provided to the Ministerial Group.
13. The alternative to an acknowledgement-based payment would be a full compensation payment. Determining compensation for specific experiences of abuse or neglect would require a complex and time-consuming investigation and assessment approach that has significant potential to retraumatise a survivor. A compensation payment would remove the need for a system to provide support services, since it is intended to provide full monetary recompense for the impacts of abuse on a survivor's life and would therefore allow a survivor to purchase whatever individual services they wished to receive, subject to market availability.

There are multiple potential objectives for redress payments, and it is proposed a short list is used to support the development of reasonable, workable payments

14. The assessment of payment framework options is potentially complex given the many objectives that can apply to any form of payment. To avoid a potentially overwhelming multi-factor assessment, a list of four objectives is recommended to guide the development and assessment of options – that the payments to be offered as part of redress should be:
- a. fair and reasonable – providing an appropriate degree of recognition of the abuse suffered by survivors in different care contexts across time and within the context of the other supports, services and compensation available to survivors through redress and other systems;

- b. transparent and simple to understand – so survivors have a clear understanding of what is available and the basis on which payments are determined, to help reduce the risk of re-traumatisation, and support confidence in the integrity of the system;
 - c. efficient to administer – to support timely delivery, minimise the proportion of resources needing to go into the administration of the payments, and also support confidence in the integrity of the system; and
 - d. financially viable – to help ensure redress can be provided as long as needed.
15. The four proposed payment objectives have the most direct impact on the overall experience and place of payments in the redress system, particularly as identified through national and overseas redress schemes and underscored by the Royal Commission. They also align with the overall objectives for redress agreed by Cabinet – delivering accountability, supporting improved outcomes, and managing affordability and risks.
16. Alternatively, replacement objectives could be selected from the following two lists, derived from initial work prepared by the Crown Response and added to by the Redress Design Group, or any other objectives the Ministerial Group considers critical.
17. The Crown Response prepared a discussion document (in consultation with agencies and subsequently endorsed by the Minister of Finance and Minister for the Public Service in the previous administration), to assist the Redress Design Group in preparing its high-level design proposals. The discussion document set out a combination of what was described by the Royal Commission and had been learnt from national and overseas redress processes, that the redress system should:
- a. provide fair and meaningful payments;
 - b. provide transparent, simple, and timely access to payments;
 - c. minimise the risk of retraumatising survivors;
 - d. be efficient to administer;
 - e. be equitable and financially viable over the long term; and
 - f. have integrity to maintain survivor and public confidence.
18. The Redress Design Group endorsed the objectives set out in the discussion document and recommended the following additions, that the redress system should:
- a. recognise survivors' distinctive tūkino (abuse, harm, neglect and trauma) and vulnerability;
 - b. recognise the effects of the survivors' tūkino on their whānau;
 - c. alleviate needs caused by, or related to, their tūkino;
 - d. encourage survivor to engage with other services and supports provided by the redress system and;
 - e. respect and realise survivors' human rights.
19. In considering potential alternatives, it should be noted a number of the objectives across the two lists are in tension with each other. In particular, there is an inherent tension between on the one hand the level of information and investigation needed to deliver a payment that recognises a survivor's specific and unique experiences and on the other hand the need to avoid re-traumatising survivors through the process and deliver them in a timely and efficient manner.

20. While the Redress Design Group endorsed the Royal Commission's proposal that redress should provide acknowledgement of abuse rather than compensation, its first three proposed additional payment objectives (paragraphs 18.a–c) blur the boundary between acknowledgement and compensation. For example, recognising subsequent harm, the effects on whānau and alleviating needs caused by abuse would be more appropriately dealt with through support services (which could include facilitating more streamlined access to ACC), and are part of decisions yet to be made about supports by the Ministerial Group.
21. The Redress Design Group's last two additional recommended objectives (paragraphs 18.d-e) speak to the broader purpose of the redress system and the full range of functions it offers, rather than to payments directly. Accordingly, the five additional objectives are not recommended for use as assessment tools for payment options.

The way payments are structured is important to give effect to their overall purpose and objectives, as well as having significant fiscal implications

22. There are three broad choices for payment structure to acknowledge abuse in care – a uniform flat payment, tiered payments with defined steps reflecting different levels of experience, or a finely graded payment reflecting combinations or lists of individual experiences.
23. The payment structure used in a redress system has significant impacts on its complexity and timeliness, impacting on survivors' experience of that system, and its overall cost, impacting its financial viability. The proposed payment objectives, per recommendation 3(b) above, should allow an appropriate balance to be struck between these different impacts.
24. Most current abuse claims processes in New Zealand operate a mix of tiered payments and finely graded assessments. While seeking to be meaningful, these approaches can be difficult for survivors to understand and sometimes complex to administer. There are resulting impacts on timeliness and the level of information needed from survivors, which can be retraumatising.
25. Australia's federal redress scheme (covering sexual abuse in a wide range of settings) is more akin to a finely graded assessment, using a formula-based approach taking into account different parameters to derive a final payment amount. This approach seeks to provide more meaningful payments but is complex to administer, with significant resource implications and is associated with fairly lengthy wait times.
26. Scotland's redress scheme (which covers multiple abuse types in different care settings) operates a tiered payment structure with five steps of fixed monetary values. This seeks to balance being meaningful with being simpler to understand and more efficient to administer. To date this scheme generally has lower resource demands and is more timely than New Zealand processes.
27. The Redress Design Group proposed a modified form of the Scottish approach that took into account both the abuse experienced and some aspects of the resulting harm. The Royal Commission did not recommend a specific payment structure but envisaged a payment approach that took into account different survivor experiences, and which sought to convey an appropriate level of meaningfulness in whatever payments were to be provided.

Next steps

28. It is proposed that, subject to the Ministerial Group endorsing a payment purpose and objectives, the Crown Response Unit works closely with key agencies (including the Treasury, Crown Law, and current claims agencies) to produce a set of payment structure options for the

Ministerial Group's subsequent consideration. Drawing on international experience and the recommendations of the Design Group, the options would likely focus on the opportunity of moving towards a simplified tiered payment structure.

29. Advice on the options would include an assessment against the objectives, potential cost estimates (taking into account both overall demand and the potential spread of tiered and graded payment options), and consideration of the balance of resources for payments versus support services (as the other element of redress that has significant resource and cost implications).

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