

Hon Andrew Little

Minister for the Public Service

Responding to the Royal Commission into Historical Abuse in Care's redress findings – report back on immediate projects to improve survivors' experience of seeking redress

Date of issue: 31 May 2023

These documents have been proactively released:

- Cabinet paper: Responding to the Royal Commission into Historical Abuse in Care's redress findings – report back on immediate projects to improve survivors' experience of seeking redress, 14 December 2022, Office for the Public Service;
- SWC-22-MIN-0252, Cabinet Social Wellbeing Committee Minute, 14 December 2022, Cabinet Office; and
- CAB-22-MIN-0589, Cabinet Minute, 19 December 2022.

The following information has been withheld, due to not being part of responding to the Royal Commission into Abuse in Care:

- The names of other Cabinet Social Wellbeing Committee minutes (from different portfolios) from the Cabinet Minute CAB-22-MIN-0589.

Chair  
Cabinet Social Wellbeing Committee

## **RESPONDING TO THE ROYAL COMMISSION INTO HISTORICAL ABUSE IN CARE'S REDRESS FINDINGS – REPORT BACK ON IMMEDIATE PROJECTS TO IMPROVE SURVIVORS' EXPERIENCE OF SEEKING REDRESS**

### **Proposal**

1. This paper seeks decisions on the next stages of work for a set of immediate projects to improve the experience of seeking redress for survivors of abuse in care: the design and implementation of an interim listening service, records improvements, and a public (national) apology and accompanying tangible actions.

### **Executive summary**

2. The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission) delivered its report on redress in December 2021. The report recommended immediate areas of work to help improve survivors' current experience of redress. Cabinet agreed in July 2022 [CBC-22-MIN-0035 refers] for the Crown Response to the Abuse in Care Inquiry (the Crown Response) to progress at pace on the design and implementation of an interim listening service, records improvements, rapid payments, and to begin work on the preparation of a public apology. This paper outlines progress, including insights from survivor engagement (see Appendices One and Two), and proposes next steps and decisions on these immediate areas of work.

### *Listening service*

3. Work has been progressing to respond to the Royal Commission's listening function recommendations, to provide an avenue for survivors to share their experiences once the Royal Commission concludes. Based on this work, I recommend Cabinet agree to the establishment of an interim listening service, reflecting the opportunity it presents to support healing for survivors.
4. I propose that the interim service is housed within the Department of Internal Affairs (DIA) and built off the infrastructure developed for the Royal Commission's current survivor accounts process, with some adaptations. This allows for a safe, cost-effective, and pragmatic solution to the stand up of an interim service from July 2023. The operation of the service would be overseen by an independent Board that has a strong Māori and survivor voice and is appointed by the Governor-General on the recommendation of the Minister for the Public Service.
5. The proposed purpose of the interim service is to provide a forum in which survivors can share their experiences in care in a trauma-informed and culturally responsive setting to facilitate healing. To support this, the interim service would provide access to supports before, during, and immediately after survivors share their experiences, provide information about and referral to existing claims and records processes, and act on any safety concerns.
6. The interim service would use the experiences shared to inform State agencies, non-State care institutions, and the general public's understanding of the nature and impacts of abuse. The service would not be responsible for undertaking any investigations, seeking to establish the truth of survivors' experiences, or making any recommendations relating to redress. It would not have any monitoring or oversight functions.

7. To minimise any 'wrong doors' for survivors, the proposed interim service would be available to people who were abused in State care or non-State institutions. This would be consistent with the current scope of the Royal Commission's survivor accounts process. The service would be focused on people who experienced historical abuse and neglect (prior to 1999), but also accessible to people with more recent (post-1999) experiences. The service would be primarily available to direct survivors, but also open to hearing the experiences of whānau, to recognise the wider impacts of trauma.
8. There are opportunities to develop the Royal Commission's survivor accounts process to increase access and support. The Crown Response has identified areas where further information could be provided about current claims and records processes, including integrating a 'handshake' process to connect survivors to claims and records services. To increase confidence in and awareness of an interim service, the listening service would establish relationships with hapū, iwi, Māori and Pacific health and social service providers, Disabled People's Organisations, and other disability advocacy groups.
9. The establishment of an interim listening service will enable survivors to contribute to the development of proposals for a more permanent listening function as part of the high-level design process of a new independent redress system [SWC-22-MIN-0214 refers]. This will help the Crown to meet its Treaty of Waitangi obligations as the survivor-focused design process will help facilitate Māori survivors to shape proposals for a more permanent listening function.

### *Records*

10. Cabinet agreed for the Crown Response to identify areas where immediate improvements to records processes could be made, to better enable survivors to request, receive, and understand their care records, and have an improved sense of control over their personal narrative.
11. Care leavers consistently highlight the value they place on their care records for filling important gaps in their knowledge about why they were in care and what happened while in care, to help them build their sense of identity and belonging, to help them when seeking redress, and to exercise their rights to records access and control. Survivors of abuse in care, in addition, have experienced trauma, and how their records requests are responded to is important for minimising the risk of further harm. Records quality and access issues have specific additional impacts for some groups of survivors, including Māori, Pacific, Deaf people, disabled people, and rangatahi.
12. After testing through engagements with survivors and record holders, five initiatives have been identified for improvements that can be progressed prior to the new redress system and without legislative change. These initiatives are:
  - a. the development and implementation of a shared set of principles to guide record holders on trauma-informed and rights-based processes;
  - b. a new website on care records, to provide a central source of information on how to request records from the many different agencies and organisations that hold records, and advice on what such requests may involve;
  - c. a records support service, where survivors can access support to help navigate requesting and receiving records, to mitigate the potentially harmful impacts of accessing records;
  - d. bringing forward a records retention and disposal project, to protect and preserve key records through a review of disposal authorities; and
  - e. further cataloguing, indexing, and digitising of care records to improve survivor access to a broader range of existing records, enabling records holders to respond to survivors' records requests more easily and thoroughly.

13. I recommend Cabinet endorse work on the first, second, third and fourth initiatives, subject to Budget 2023 funding. I am also seeking Cabinet's endorsement for further work to be done on a records support service, with a view to seeking funding for the service through Budget 2024.
14. Collectively, these initiatives for improvement address most aspects of the Royal Commission's records-related recommendations.

*Public apology and accompanying tangible actions*

15. The Crown Response has been engaging with survivors, the National Iwi Chairs Forum, senior Māori leaders, and disability advocacy groups on approaches to a public apology and accompanying actions to tangibly demonstrate the Crown's contrition.
16. I am seeking Cabinet agreement to the delivery of a public apology in August 2023, so it can be delivered as soon as possible after the Royal Commission's final report is received in June 2023. As this timing will likely fall during the pre-election period, there will need to be a final decision in early 2023 on whether a public apology can be made in August 2023.
17. I will be seeking cross-party involvement in the design and delivery of the proposed public apology, to recognise the enduring impact abuse in care has had across different Government terms. This will be important to demonstrate to survivors the shared commitment the Crown has to address the redress needs of survivors and the prevention of further abuse.
18. I also consider that the public apology should be accompanied by a set of tangible actions that will demonstrate the Crown's commitment to survivors and their whānau.
19. If Cabinet endorses this approach, I propose Cabinet agree to delegate decisions to joint Ministers on the design and content of the apology and accompanying tangible actions. This would include myself (as Minister for the Public Service), the Minister for Māori Crown Relations, Minister for Arts, Culture and Heritage, Minister for Disability Issues, Minister for Whānau Ora, Minister for Māori Development, and Minister for Pacific Peoples.
20. As there are funding decisions required for this financial year, in order to enable a public apology in August 2023, I am seeking Cabinet agreement to authorise myself (as Minister for the Public Service) and the Minister of Finance to make those decisions.

*Rapid payments*

21. A rapid payment approach for agencies operating current historic claims processes has been agreed by relevant Ministers. The Ministry of Social Development (MSD) has started rolling out a specific version of the approach first, which is focused on ill and elderly claimants, and those who have been waiting the longest to have their claims considered.

*Budget 2023*

22. Preliminary estimates of costs associated with the interim listening service, records and apologies proposals are up to a total of \$54.898 million for the 2022/23, 2023/24, and 2024/25 financial years. These are indicative estimates only that are still being refined and there are scaling options within each initiative. It is proposed that these options are considered by the joint Ministers for the public apology (see paragraph 19) and by Budget Ministers for the interim listening service and records initiatives.
23. The table below sets out the indicative costs for the interim listening service, records, and apologies and accompanying tangible actions, noting again there are scaling options within each of these initiatives.

**Table One: Indicative costs for the interim listening service, records, and apologies and accompanying tangible actions**

Project	Funding (\$, million)				
	2022/23	2023/24	2024/25	Outyears	TOTAL
Interim listening service	2.377	12.036	11.927	0.000	26.340
Records	0.000	8.769	5.520	0.000	14.289
Apologies and accompanying tangible actions (including Memorial)	1.530	4.579	7.560	0.600	14.269
Total	3.907	25.384	25.007	0.600	54.898

**Cabinet agreed a significant shift is needed in providing redress for survivors of abuse, and included a focus on areas for immediate action**

24. In December 2021, in response to the Royal Commission's redress report *He Purapura Ora, he Māra Tipu, From Redress to Puretumu Torowhānui*, Cabinet agreed [SWC-21-MIN-0204 refers]:
- the Royal Commission's work showed an urgent and clearly demonstrated need for a significant shift from settlement-based claims processes to an integrated support-based approach to redress; and
  - to develop an independent survivor-focused redress system, informed by the Royal Commission's findings and recommendations, with a clear vision, purpose and characteristics that ensure the system is compassionate, equitable and meets survivors' needs.
25. In July 2022, Cabinet agreed [CBC-22-MIN-0035 refers] for the Crown Response to progress at pace three immediate projects:
- establishing a listening service to provide a safe, confidential avenue for survivors to share their care experience once the Royal Commission concludes in June 2023;
  - making improvements to records processes for survivors to more easily request, receive, and understand their care records and to have an improved sense of control over their care narrative; and
  - developing rapid payments under existing historic claims processes, particularly for ill and elderly claimants, to address long wait times for the settlements of claims.
26. Cabinet also agreed for the Crown Response to begin work on the preparation of a public apology by the Governor-General and Prime Minister for abuse in care, to be finalised and delivered after the Royal Commission has provided its final report in June 2023. An update on the apologies work is included in this report back.
27. Cabinet invited me to report back on these immediate projects to be considered as part of an integrated Budget 2023 redress initiative.

**The Crown Response has been examining the Royal Commission's recommendations relating to an interim and permanent listening function for survivors of abuse in care**

28. The Royal Commission's redress report contained the following recommendations relating to the establishment of a listening service:
- the Crown should fund an interim listening service for survivors of abuse in care in the period between the end of the Inquiry and the establishment of the redress system. This

should include referral and assistance to access existing services where required [recommendation 94]; and

- b. the permanent redress system should offer a listening service to survivors so they can talk about their experiences of harm and, if survivors wish, use information disclosed to the listening service in support of their claim for redress [recommendation 27].

29. The Crown Response has undertaken the following work to understand the value of an interim service after the Royal Commission concludes, what survivors would expect of it and how it could be delivered:

- a. reviewing survivor testimonies to the Royal Commission;
- b. engaging with survivors and survivor advocates who have been involved in previous listening services. Survivors were extremely generous in sharing their knowledge and experiences and identifying opportunities for improvement;
- c. reviewing the design and delivery of previous listening services to understand lessons learned;
- d. reviewing other international inquiries' recommendations that relate to a listening function; and
- e. engaging with key agencies about the interface of a listening service with related redress services and options for the delivery of the service.

30. Key findings from this work are set out in the table below.

**Table Two: Indicative costings for an apology and accompanying tangible actions**

Key findings	
Survivor motivations for sharing experiences	<ul style="list-style-type: none"> <li>• To have experiences believed and acknowledged.</li> <li>• To increase public understanding of abuse in care.</li> <li>• To prevent harm from happening again.</li> <li>• To help hold individuals and institutions to account – facilitated through police referrals and public reporting.</li> </ul>
Value of an interim listening service	<ul style="list-style-type: none"> <li>• Considered by most survivors to be a critical component of a new redress system and an important opportunity for healing.</li> <li>• At the same time, wellbeing for some survivors will not necessarily be enhanced through this experience, particularly when they have ongoing issues with access to care records and claims processes and/or therapeutic support, and remain disconnected from whānau, whakapapa and culture.</li> <li>• There are a number of survivors waiting to share their experiences with the Royal Commission, who may not be heard before it concludes.</li> </ul>
Characteristics	<ul style="list-style-type: none"> <li>• Independent, confidential, non-judgemental, transparent, flexible, accessible, and responsive to the different needs of survivors.</li> <li>• Listening services have the potential to be re-traumatising for survivors, as well as distressing for people working in those services. Services need to be designed with considerable care with clear, timely and robust processes, access to crisis response services, and well-trained and well-supported staff.</li> <li>• Services needs to avoid unintentionally raising survivors' expectations about what is available through existing claims and records processes and the proposed new redress system.</li> </ul>
Listener attributes	<ul style="list-style-type: none"> <li>• Sympathetic and skilled people who understand the nature and context of abuse.</li> <li>• Shared cultural backgrounds.</li> <li>• Lived experience of disability.</li> <li>• 'Eminence' is less important for survivors.</li> </ul>

31. More insights from the Crown Response's engagement with survivors on an interim listening service and improvements to records are included in Appendix One.

### Proposals for a new interim listening service

32. On the basis of the insights outlined above, I recommend Cabinet agree in principle to the establishment of an interim listening service for survivors by July 2023, subject to Budget 2023 decisions.
33. I further recommend the interim listening service is built off the model and infrastructure already established by the Royal Commission for its survivor accounts process, to enable a pragmatic, safe, and cost-effective stand up of the service within the required timeframes.
34. The interim listening service would be available to survivors from July 2023, when the Royal Commission concludes. I envisage the service would operate through to the establishment of the new redress system (expected to be mid-2025, subject to the design process). This approach enables consideration to be given to the design and delivery of a permanent listening function through the high-level redress design process that will be run February–June 2023 [SWC-22-MIN-0214 refers]. This enables Māori survivors and other survivor groups to help develop suitable options. Once that work concludes, Cabinet can make decisions about whether to continue the operation of the interim listening service in its proposed form or whether to adjust or replace it with a different model.
35. I note the term ‘interim listening service’ is used by the Royal Commission in its redress report and is used by the Crown Response for continuity purposes. The Crown Response recognises some survivor groups feel this terminology excludes Deaf and disabled survivors and the methods they may choose to share their experiences. If Cabinet agrees to the establishment of this interim service, work will be completed in the detailed design phase to identify a more suitable name.

#### *Purpose*

36. The purpose of the interim listening service would be to:
  - a. provide a forum in which survivors can share their experiences of abuse in care in a trauma-informed and culturally responsive setting in order to facilitate healing;
  - b. continue to increase State agencies, non-State care institutions, and the general public’s understanding of the nature and impacts of abuse in care; and
  - c. provide access to information about claims and records processes.

#### *Scope*

37. The interim listening service should be designed to minimise any ‘wrong doors’ for survivors, recognising the need for many survivors to share their experiences of abuse, irrespective of the context their abuse occurred. I therefore consider the service should be:
  - a. available to people who were abused in State care or non-State institutions. This would be consistent with the current scope of the Royal Commission’s survivor accounts process;
  - b. focused on people who experienced historical abuse and neglect (prior to 1999), but also accessible to people with more recent (post 1999) experiences; and
  - c. focused on direct survivors, with an emphasis on outreach to survivor groups who have not accessed previous listening services to the same extent as other groups, for example Māori, Pacific people, and people with intellectual and learning disabilities. The interim listening service would also be accessible to whānau members, as trauma and its impacts can be collective.

#### *Functions, services, processes, and survivor experience*

38. The following services would be delivered through the interim listening service:



- a. community engagement through whānau, hapū, iwi, Māori and Pacific health and social service providers, and Disabled People's Organisations and disability advocacy groups to build awareness of and confidence in the service<sup>1</sup>;
  - b. connecting with the survivor to understand and then meet their wellbeing and support needs prior, during, and immediately after a listening session;
  - c. delivery of listening sessions with survivors, including the production of a recording of the sessions;
  - d. identifying and acting on any safety issues and provision of crisis response where required;
  - e. collecting and public reporting of insights and possibly case studies;
  - f. collation and provision of information for survivors about how to access and what to expect of current claims and records processes, including 'hand-shaking' survivors directly to services where needed<sup>2</sup>; and
  - g. referral to existing ongoing supports where necessary, for example counselling and other hauora services. Note as this is an interim solution that does not include the full range of supports that may be available through the proposed new redress system, careful consideration needs to be given to how survivors are supported to access existing community services for ongoing support as this will not be a function of the interim service.
39. Key adaptations to the Royal Commissioners survivor account process are, the focus will be on 'listeners' who have relevant trauma-informed skills, experience and training, and service kwhprocesses will have the flexibility needed to be more responsive to the different needs of survivors and their whānau. Officials also propose the new service undertake a co-design piece with disability groups to ensure the service is accessible, safe and valuable for survivors who have barriers to communication.
40. In addition to these services, a records support service is a strong priority for survivors. If Cabinet endorses further work on the proposed records support service (paragraphs 78–81), officials will provide advice on whether the records referral service within the interim listening service could be expanded to house a full records support service as part of Budget 2024.
41. The service would not be responsible for:
- a. undertaking any investigations or seeking to establish the truth of survivors' experiences;
  - b. making recommendations relating to monetary redress;
  - c. responding to complaints about care experiences; and
  - d. any monitoring or oversight of current care settings.
42. The Crown Response is continuing to work with the Royal Commission and DIA to develop options on where survivor narratives from the Royal Commission could be hosted. There may be an opportunity for the interim listening service to obtain these records, which would demonstrate the Crown's commitment to a more joined-up way of operating. This needs to be worked through and put to survivors in a way that does not breach their trust in the Royal Commission or the proposed interim listening service, and which is consistent with privacy

---

<sup>1</sup> The Royal Commission and survivors consider that for survivors to decide to come forward and share their experiences with the new service, a proactive model of community engagement needs to be prioritised. Survivors highlighted the importance of engaging face-to-face to promote the service, its purpose, and parameters. This is particularly important among communities that have had lower uptake to date of previous listening services and the Royal Commission survivor accounts process, including Māori and Pacific survivors and survivors with people who are isolated or who have barriers to communication.

<sup>2</sup> This represents an enhancement to the current Royal Commission survivor accounts process which does not provide any information about or referral to claims services in order to protect its independence



requirements. Officials will report back on these options in the service’s detailed design and implementation phase.

**Delivery approach**

- 43. An existing organisation would be best suited as the location for the interim listening service given the tight timeframes and the fact that this is an interim solution. The Minister of Internal Affairs and I recommend that the service is housed in DIA given that department has not had a role in the design or delivery of care services, is already hosting Royal Commission infrastructure, and its role in hosting two previous listening services (the Confidential Forum for Former In-Patients for Psychiatric Hospitals and the Confidential Listening and Assistance Service).
- 44. The independence of a listening service is key for survivors, and I propose the establishment of an independent Board to oversee the interim service in order to provide this assurance for survivors. Appointments to the Board would be made by the Governor-General on my recommendation. The Board would include 3-5 members, including a Chair, and strong Māori and survivor representation. All members would have knowledge and understanding of the context and nature of abuse in care.
- 45. The Crown Response is continuing to work with DIA on a terms of reference or an equivalent establishment document to guide the service.

**Budget implications**

- 46. Indicative costs associated with the interim listening service are set out in the table below. These costs include up to 63 FTEs, drawing on existing resources within the Royal Commission that are currently deployed in its survivor accounts process, as well as IT, property, communications, engagement and governance costs. The Crown Response is seeking funding for the service through Budget 2023, which will include different scaling options that can be considered by Budget Ministers.
- 47. For an interim listening service to be fully operational by 1 July 2023, it will need to begin to be stood-up in this financial year, likely at some point in April 2023. This will be particularly important given the need to transition staff (who will finish working in the Royal Commission’s survivor account process over the next four months) across to the interim listening service to ensure ongoing access to services. I recommend that Cabinet agree to authorise myself (as Minister for the Public Service), the Minister of Finance and the Minister of Internal Affairs to make decisions on how to meet these in-year costs. As part of that process we would also make decisions around any potential pre-Budget announcements on the interim listening service.

**Table Three: Indicative costs of an interim listening service**

Project	Funding (\$, million)				
	2022/23	2023/24	2024/25	Outyears	TOTAL
interim listening service	2.377	12.036	11.927	0.000	26.340

**Demand for an interim listening service**

- 48. Over the last four years, 3,293 survivors have accessed the Royal Commission’s survivors account process. It is difficult to model demand for a listening service beyond the life of the Royal Commission, particularly given the significant uncertainties about how many people experienced abuse in care and how external factors such as community engagement and media reporting influence survivors’ decisions to share their experiences. Survivor representatives have advised to expect the initial uptake of the interim service to be slow as awareness and confidence builds. At the same time, the numbers of historic abuse claims

received by claims agencies indicate likely continued high demand. If the listening service is viewed by survivors as supportive and safe, demand is highly likely to increase. The Crown Response is proposing to manage this uncertainty by seeking a portion of the funding for the new service as a contingency.

**Proposal to delegate the detailed design and implementation of the interim listening service to a relevant set of ministers**

49. If Cabinet agrees to the listening service proposals, the Crown Response will commence work alongside the Royal Commission and DIA on the detailed design and implementation of an interim service.
50. For further design decisions and implementation, I propose the Crown Response and DIA report directly to myself (as Minister for the Public Service) and the Minister for Internal Affairs in March 2023.

**Officials have been considering the recommendations from the Royal Commission in relation to the creation of and access to records for survivors**

51. In July 2022, Cabinet agreed for the Crown Response to progress work to make it easier for survivors to request, receive, and understand their care records, and for survivors to have an improved sense of control over their care narrative.
52. Options analysis has been carried out drawing on a range of information, including survivor testimony, the Royal Commission's recommendations, national and international care records initiatives, and engagement with current care providers, faith-based records holders and a cross-agency working group.
53. The Crown Response has directly engaged with a number of survivors and advocates. While there are issues common to many survivors, the engagement process included a focus on understanding the distinct care records issues and needs for Māori, Pacific, Deaf, disabled, faith-based, and rangatahi survivors.
54. The Crown Response has also had initial engagements with key advocacy, advisory and regulatory leads, including the Offices of the Ombudsman and the Privacy Commissioner, Archives New Zealand, VOYCE Whakarongo Mai, Iwi Chairs Forum, the Pacific Data Sovereignty Network, the Archives and Records Association of New Zealand, Deaf Aotearoa, and People First.

**Why records matter and current issues with records access, control, and narrative**

55. Survivors have consistently highlighted the high value they place on records about their time in care. These records fill important gaps in what survivors know about why they were in care and what happened to them while in care. They are also an important source of information about family members, belonging, and identity. For many survivors, access to records is their first step in seeking redress.
56. Lack of trust in the institutions that harmed them has meant that some survivors have chosen not to seek access to their care records. For many who have come forward, the experience of trying to find, access and make sense of records has been re-traumatising. Finding out what records are held and where, and then trying to access them can be a lengthy and complex process, made worse by the fact that a significant number of historic care records have been destroyed or lost.
57. Where a survivor can access their care records, the records sometimes contain unexpected and distressing information such as that they have siblings, are of a different ethnicity, or were taken into care due to abuse by a family member. This shock can be compounded by

the inclusion of derogatory or racist terminology, an unbalanced focus on negative aspects about a survivor and inaccurate, missing, or heavily redacted information.

58. For Māori survivors, and consequently their whānau, hapū and iwi, inaccurate, missing, or withheld ethnicity or whakapapa information has contributed to a loss of connection to whānau, marae, iwi, and culture. Pacific survivors have also been impacted by poor recording of identity data, for example, being wrongly recorded as Māori or simply non-Māori, or as 'Pacific' instead of specifically 'Samoan' or 'Tongan'. For individual survivors and their aiga, this has made it difficult to retain language and culture or pass these onto descendants.
59. Deaf and disabled communities also have distinct and diverse issues with and needs for accessing information in records. Communication barriers and reliance on others can impact on peoples' access to information, particularly when information is filtered through support people. Many records are also in inaccessible formats such as hand-written or typed paper. Further, the power imbalance and safety risk when requesting information can be higher for some disabled communities, as the support they can draw on may be small and people may still rely on current care services.
60. From initial engagements with records holders, it is clear there have been improvements in practices in some key areas across State and faith-based organisations. This includes improvements to how records are created in the first place, including with the recent introduction of new recording requirements as part of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018, strengthened practice around records retention, better provision of information about psychological and emotional supports available to survivors, better engagement with requesters when they request and receive their records, and faster timeframes for responding to records requests.
61. At the same time, some agencies are continuing to struggle with demand and resourcing, particularly where records access is part of a wider claims process and requires review of large files. Inconsistencies also continue in how agencies respond to records requests, records redactions, and requests for corrections to those records. Additionally, most current processes for requesting, receiving, and understanding information do not have built-in options for Māori or Pacific values based approaches, services, and settings.

### **Options and opportunities for improvement**

62. Given the multiple issues present in the current records system there is a wide range of opportunities to continue to improve how records are created and the experiences of survivors in accessing those records. Some recommendations for improvement would need to be system-wide, and may require legislative, policy and technology changes, for example around centralising storage of all care records. Work at this scale will be considered during the high-level and then detailed design for the new independent redress system.
63. Officials have identified significant opportunities to make early, targeted improvements to records access. These opportunities were drawn from survivors, advocates, and Royal Commission descriptions of experiences with records. A set of early opportunities were tested against critical success factors and key feasibility considerations<sup>3</sup> and with survivors and survivor advocates. Using insights from engagements, officials have identified five feasible initiatives that are expected to have a positive impact for survivors. A summary of insights from engagement with survivors is included in Appendix Two.
64. Three of these initiatives are considered priorities for progression, having the greatest potential to improve records access for survivors, a new:

---

<sup>3</sup> Critical success factors included: opportunity for survivor input to design, Te Tiriti o Waitangi principles, being trauma-informed, and potential benefit for survivors. Feasibility considerations included potential value for money, affordability, achievability and supplier capacity and capability.

- a. set of shared principles to guide how organisations currently respond to records requests, including how to make redactions;
  - b. website providing centralised information on how and where to access records from both state and non-state institutions; and
  - c. tailored service for survivors who need support with records access.
65. Two other initiatives extend and bring forward work around the cataloguing, indexing, digitising, and retention of care records.
  66. Collectively, the initiatives for improvement address most aspects of the records-related recommendations in the Royal Commission's redress report and reflect the framework of 'access', 'control' and 'narrative' from the July 2022 paper on the immediate projects (see Appendix Three).
  67. More detail on each of the five initiatives is set out below.

*Initiative One – Guidance principles on providing access to records*

68. Survivors need access to records for a host of reasons including to fill information voids they cannot fill in other ways. Often records are redacted to protect the privacy of others, but this can leave survivors without access to critical information and feeling distressed and suspicious, particularly when practice varies considerably over time and between records holders, as is currently the case.
69. Current redaction approaches are primarily focussed on legislative limitations to information sharing and could give more weight to Māori or Pacific data sovereignty principles and other records-related rights, e.g. the UN Convention on the Rights of the Child. The Office of the Privacy Commissioner considers guidance on redaction could be particularly useful to help ensure agencies are not being overly risk averse in the redactions they make, particularly with respect to redactions to protect information about others.
70. This work entails the development and implementation of shared principles to guide record holders towards trauma-informed and rights-based access and management of care records. The work is drawing on similar principles from other jurisdictions, as well as reflecting Te Tiriti o Waitangi and Pacific peoples' perspectives. As recommended by the Royal Commission, the principles would be collaboratively developed to be used by a wide range of record holders including non-government institutions.
71. This work involves an initial focus on the development of shared redaction guidance to support more consistent and transparent redactions practice across agencies and organisations, followed by work on a wider set of guidance on the handling of records using human-centred approaches that recognise the unique information needs and rights of both survivors and care leavers<sup>4</sup>. Work will then be undertaken with agencies, regulators, and sector bodies to ensure the principles are applied consistently, including the development of training material.
72. The estimated implementation date for the initial shared guidance on redaction is early 2023, with the aim to develop and commence the implementation of wider principles by June 2023. This project does not require changes to legislation, can be delivered largely within current baselines and is underway now.

---

<sup>4</sup> For example, by defining information access and correction rights, articulating the importance of providing options and support for records receipt, and guidance on how to balance information rights and summarising of content; and

*Initiative Two: Central website on care records*

73. Depending on where and when they were in care, survivors may need a range of records from several organisations, each with different processes and varying levels of timeliness and support. Records are variously accessed through Oranga Tamariki and NGO care providers, Te Whatu Ora districts, the Ministry of Social Development, School Boards of Trustees, the Ministry of Education, the Ministry of Health, Archives New Zealand, individual parts of faith-based organisations and former care providers. These processes are difficult to understand and navigate, particularly for survivors without legal representation or advocates.
74. A new website would provide a central source of information and advice on how to request records and what it may involve. This would make it easier and safer for survivors, care leavers, whānau and support people to exercise their rights to access and control records
75. Detailed collaborative design with survivors would determine the specific information required by survivors, which could include information on:
  - a. how to request records held by State and faith-based organisations;
  - b. State and faith-based care institutions' histories, what types of records and information exist, and what is known about records that have not survived,
  - c. what to expect from the experience and what assistance and supports are available; and
  - d. their rights to access and correct information under the Privacy Act 2020, and what to do if their rights are not being enabled.
76. Work can begin immediately on collecting existing information content, as the website would not store or publish the records themselves. It would be easy to implement an initial version that could then be iteratively updated. The information can reach a high number of people in a wide range of locations. A similar site exists in Australia named Find and Connect and lessons from that project have informed this proposal.
77. A website could be implemented by late 2023 or early 2024, subject to availability of funding and procurement processes. The design, build, promotion, and ongoing maintenance of the website would require new funding. Resource is also required to ensure agencies are able to respond to the additional demand it may generate, e.g., in relation to requests to correct records or provide them in accessible formats. To support its credibility, the website should be hosted separate to care agencies, but there could be opportunities to leverage existing technical infrastructure within other agencies to manage costs.

*Initiative Three – Records support service*

78. In addition to the need to navigate multiple request processes, as set out above, historic records are problematic and carry high risk of causing further harm to survivors on receipt, due to distressing content, language, and gaps in information and the fact that they are still held by the organisations that survivors hold responsible for their harm. Most current request, receipt and support processes do not reflect the distinct values, barriers and impacts important to specific survivor communities.
79. The proposed service would go beyond the hand-shake referral service that would be built into the proposed interim listening service and would provide tailored assistance throughout the information request process. This assistance would come in the form of a service for survivors, their whānau and support people, with dedicated and skilled staff, independent of care agencies. Depending on the extent of the service implemented these staff could:
  - a. help survivors direct their requests for information to the right organisations;
  - b. if they wish, and with their informed consent, lodge requests and receive and collate information on their behalf;

- c. work with them to help them understand the content of the records; and
  - d. provide them with information on relevant existing support services that can help them with the psychological and emotional impacts of the information.
80. The service would help make requesting, receiving, and understanding information easier and safer, particularly if it is a relational service incorporating tikanga Māori, Pacific values, and rights-based access. As with the proposed interim listening service, community engagement will be necessary to ensure equitable access to the service and the website. It may take time to build trust in these services, especially for Māori, Pacific, Deaf and disabled survivors.
81. If Cabinet endorses further work on this initiative, officials will accelerate high-level and detailed design work, with a view to seeking funding for a new service in Budget 2024. This work will include engagement with the Design Group leading work on the high-level design of the new redress system.

*Initiative Four – Records retention and disposal project*

82. The Royal Commission has found that some survivors have been deprived of key personal information and evidence to support their rights because records have been destroyed or lost. After the Royal Commission closes there are concerns organisations may start destroying records that are of value to survivors and care leavers. The Royal Commission recommended that the Crown consider temporary protections on public records until an urgent review of disposal authorities relating to care records is completed.
83. Work that addresses these recommendations has already begun. Some retention periods on care records have been extended and other key care records cannot be disposed of even if there were not a current disposal moratorium on records relevant to the Royal Commission, because they are not covered by a current disposal authority. Archives New Zealand is considering what temporary records protections will remain after the end of the Royal Commission in June 2023. Decisions will be communicated earlier than June 2023 to prepare organisations.
84. Planning is underway for substantive work on the review of long-term disposal authorities. Subject to funding availability, there is an opportunity to bring this work forward from 2025 to 2023, and do it more efficiently as a collaborative, time-bound and project-managed effort between Archives New Zealand and organisations holding public care records.
85. Engagement with survivors and care leavers on these decisions will enable them to influence some of the controls on these records and contribute to ensuring key sources are available to support individual and societal narratives.

*Initiative Five – Cataloguing, indexing, and digitising of care records*

86. It is made even more difficult to find out if records exist and what information they contain and then access those records, if they are not well catalogued, indexed or digitised. This is particularly true for care records other than personal files, such as institutional registers, day books, etc. These records can contain information on children, staff, and the running of the institution which can contextualise and support survivors understanding of their experiences in care.
87. The scale of the work needed is significant and is a long-term challenge for the sector. There is an opportunity, however, to make immediate progress by extending fixed-term funding, due to end this financial year, that was appropriated to support agencies to respond to the Royal Commission's requests for digitised information.



88. This initiative would involve further cataloguing, indexing, and digitisation of relevant public archives at Archives NZ (via an existing temporary Royal Commission response team), with an option of extending this capability and capacity in future to assist with care records held in other organisations.
89. This could improve survivor access to a broader range of existing records, enabling records holders to respond to survivors' records requests more easily and thoroughly. This would enhance the quality of the other initiatives of the website, support service, and disposal work.

**Development and implementation approach**

90. The overall development approach, subject to Cabinet approval, is to undertake collaborative design processes with survivors, record holding organisations (including non-government) and relevant regulatory and advisory groups across the different initiatives.
91. Funding for some of the implementation and for the detailed design and implementation will be sought through the Budget 2023 process. The records programme will align implementation with other immediate projects, such as the proposed interim listening service and apologies work, and with the response actions of each agency, to ensure they can mutually support and strengthen the impacts and outcomes.
92. The Crown Response will lead the design, planning and implementation of the three priority initiatives, with Archives New Zealand leading to other two initiatives. It is proposed the records programme continues to report its progress and provide information and advice on implementation planning to the Minister for the Public Service and the Minister of Internal Affairs.

**Timing and budget implications**

93. Indicative costs associated with the five records initiatives are set out in the table below. There are scaling options associated with each of these initiatives that can be considered by budget Ministers as part of the budget process.

**Table Four: Indicative costs of the records initiatives**

Initiative	Funding (\$, million)				
	2022/23	2023/24	2024/25	Outyears	TOTAL
Records website	0.000	1.905	1.312	0.000	3.217
Shared principles and guidance	0.000	0.000	0.000	0.000	Nil
Records retention and disposal	0.000	0.850	0.148	0.000	0.998
Digitisation of care records	0.000	2.999	3.115	0.000	6.114
Records support service	0.000	0.214	To be established through detailed design	0.000	0.214
Costs related to co-ordination and other agency costs	0.000	2.759	0.902	0.000	3.661
<b>TOTAL</b>	<b>0.000</b>	<b>8.769</b>	<b>5.52</b>	<b>0.000</b>	<b>14.289</b>



**The Royal Commission recommended the Crown make a public apology at the most senior level and accompany it with tangible actions to support survivors of abuse in care**

94. The Royal Commission’s redress report made the following recommendations on public apologies:
- a. the Crown and relevant faith-based institutions and indirect State care providers should publicly acknowledge and apologise for the tūkino inflicted and suffered, at an individual community and national level, including a public apology to survivors by the Governor-General, Prime Minister and heads of relevant faith-based institutions and indirect State care providers and specific public apologies, where appropriate, to specific groups harmed [recommendation 10]; and
  - b. the Crown, Māori Collective, Purapura Ora Collective and relevant institutions should determine the content of public apologies and related matters, such as when and where they are made, in collaboration with survivors and in conformity with the principles of good apologies [recommendation 11].
95. The Royal Commission also recommended tangible actions to support reconciliation between the Crown and survivors, as detailed below.

Recommendation	Description
Memorials and reconciliation	Acknowledgements and apologies should be accompanied by tangible demonstrations of goodwill and reconciliation, with memorials, ceremonies, archives to preserve survivors’ accounts, removal of memorials to perpetrators, and so forth.
Unmarked graves	Government should consider funding a national project to investigate unmarked graves.
Raising awareness	Government should actively raise awareness of abuse in care, effects, responses and how to seek help.
Funding ongoing awareness raising actions	Government should fund ongoing: <ul style="list-style-type: none"> <li>• New Zealand-specific research on effects and causes of abuse</li> <li>• social campaigns on abuse in care</li> <li>• events to acknowledge abuse in care.</li> </ul>

96. I have directed officials to work towards the planned delivery of a public apology in August 2023. The apology should be delivered as soon as possible after the Royal Commission’s final report is received in June 2023, to ensure that all the harms uncovered by the Royal Commission are addressed and to demonstrate our commitment to survivors by apologising promptly. However, as this date is near the general election, it will likely fall in the pre-election period of restraint. Therefore, there will be a point where a final decision will be made on whether the public apology can be delivered in August or not.
97. Engagement with survivors highlighted the importance of ongoing cross-party support for apologies and accompanying tangible actions. On that basis I will be seeking cross-party involvement in the design and delivery of a public apology. This will recognise abuse in care has occurred over many different Government terms and over many decades and will demonstrate a joint commitment to addressing the redress needs of survivors and the prevention of further abuse.

**The Crown Response is engaging with key stakeholders on what a public apology could look like, what it could say, and accompanying tangible actions**

98. Officials have completed targeted engagement with survivors and other stakeholder groups on the public apology and potential accompanying actions. This includes:
  - a. initial conversations with representatives of the National Iwi Chairs Forum;
  - b. ongoing wānanga with a group of senior Māori leaders who have provided tikanga expertise to the Crown on previous national apologies and supported the design of significant events such as Matariki, focussed on the tikanga of a public apology and support for a reconciliation process between the Crown and Māori survivors; and
  - c. targeted engagements with survivors and their advocates to provide diverse perspectives, including Māori, Pacific, and Deaf and Disabled People’s perspectives.
99. Meetings with leaders from faith-based organisations involved in the abuse in care inquiry are also planned to assess faith-based organisations interest in participating in a public apology event hosted by the Crown.

**Proposals for the high-level design of public apologies and tangible actions**

100. On the basis of the engagement completed to date and taking account of the recommendations from the Royal Commission, I am seeking Cabinet endorsement to a public apology delivered in Wellington – where the Crown is based, with the option of concurrent regional events, which could be hosted by locally-based Ministers or Members of Parliament (including cross-party), where people could gather and watch the apology which would be both televised and livestreamed.
101. During engagement with the Crown Response, survivors and senior Māori leaders expressed the critical importance of tangible actions accompanying apologies as a demonstration of the Crown’s sincerity and commitment to reconciliation. I recommend Cabinet support this approach. This could include a small number of national and/or local memorials in partnership with survivors, local communities and Iwi at key sites and locations, a public archive of survivor stories and research funding to build public awareness and understanding of survivors’ experiences and help prevent further abuse, and scholarships for survivors and their whānau.
102. If Cabinet agrees to this overall approach, I propose that Cabinet delegate decisions on the next stages around detailed design, to myself (Minister for the Public Service), the Minister for Māori Development, Minister for Pacific Peoples, Minister for Māori Crown Relations, Minister for Disability Issues, Minister for Whānau Ora and the Minister for Arts, Culture and Heritage. These decisions will include options for the location and design of the national apology event, content to be included in the national apology and any tangible actions to accompany a national apology.
103. Indicative costs for these components are set out in the table below, noting there are choices around scaling and phasing that will be provided to joint Ministers for their decisions early in 2023.

**Table Five: Indicative costings for an apology and accompanying tangible actions**

Initiative	Funding (\$, million)				
	2022/23	2023/24	2024/25	Outyears	TOTAL
Apologies team (CRU) and other costs	0	0.524	0.348	0	0.872
Public Apologies	1.530	1.097	0.000	0	2.627

Memorials – Panel, design, ceremonies, and healing of land	0	1.020	0.519	0	<b>1.539</b>
Memorial construction - CAPEX	0	0	3.116	0	3.116
Depreciation and Capital Charge	0	0	0.150	0.6	0.750
Survivor experiences, public awareness and research	0.000	1.734	1.557	0	<b>3.291</b>
Scholarships	0.000	0.204	1.870	0	<b>2.074</b>
<b>TOTAL</b>	<b>1.530</b>	<b>4.579</b>	<b>7.560</b>	<b>0.600</b>	<b>14.269</b>

104. Note, most of these costs are incurred in Budget 2023/24 and Budget 2024/25, however, there is a small amount of funding urgently required in this financial year to enable a national apology in August. I am seeking Cabinet agreement to authorise myself (Minister for the Public Service) and the Minister of Finance decisions around how to fund these in-year costs.

**A rapid payment approach for agencies operating claims processes for abuse in State care has been agreed**

105. The Royal Commission made recommendations to improve current abuse claims processes. A joint briefing setting out a proposed high-level approach for rapid payments has been agreed by the relevant Ministers (the Minister for the Public Service, the Minister for Children, the Minister for Social Development and Employment, the Minister of Health, and the Associate Minister of Education). MSD is rolling out a specific version of the rapid payment approach first, which is focused on ill and elderly claimants, and those who have been waiting in the claims queue longest. The Ministry of Education will roll out its own version of the rapid payments approach soon after that. The Ministry of Education is seeking funding for the rapid payments approach through the Crown Response Budget 2023/24 bid and will provide advice on implementation options directly to me as the Minister of Education.

106. The Ministry of Health and Oranga Tamariki are not implementing the approach due to the lack of claim queues and the nature of their cohorts, but will remain joined up with the Ministry of Education and MSD about the phased implementation.

**Giving effect to the Treaty of Waitangi**

107. There is a strong Treaty interest in the proposals in this paper, as Māori are significantly over-represented among survivors. Treaty of Waitangi analysis has been completed for both the interim listening service and the records project.

*Interim listening service*

108. This option demonstrates active protection by enabling Māori survivors to access a safe listening service in the interim, while also guaranteeing meaningful and safe engagement through the survivor-led design process that has strong Māori representation. This process will provide options to Māori survivors, to identify and determine ways in which a future listening function could operate. The Crown demonstrates partnership through supporting Māori survivors to identify options and solutions which serve them and their communities. There may be further opportunities identified through the survivor-led design process to further support and enable by Māori, for Māori options and tino rangatiratanga.



109. Māori survivors make up 39% of the total registrations to the Royal Commission’s survivor accounts process. As Māori are significantly overrepresented in care, the Crown Response are proposing the interim service undertake community engagement with Māori survivors, whānau, hapū, iwi, and iwi social service providers to gain trust and confidence in the service. The service will provide options to Māori survivors about how and where they wish to share their experiences. There are also opportunities to improve and increase equity of access by providing further information in te reo Māori.
110. The interim listening service will be accessible to whānau, where survivors wish, to recognise the impacts of trauma and place individuals within a broader collective to help facilitate healing

*Records*

111. The proposed initiatives all focus on options that can empower and enable Māori survivors, their whānau, iwi and hapū, with the information needed to exercise their rights and make decisions about how to proceed with their request for records. Improvements can contribute to upholding the rights of Māori survivors and whānau, including to whakapapa, whanaungatanga and tikanga.
112. During design and development, options will be explored for enabling access to existing geographically distributed support services, including those run by Māori for Māori, including iwi-based services. The design will need to recognise the variety of choices people may make in terms of where they access their information (e.g. places with familiarity and meaning, such as marae) and with whom (e.g. with certain whānau members or support people).
113. If support information is made available in te reo Māori, this will remove barriers and increase equity of access. If Māori are involved in the development of the principles, there is opportunity for principles to highlight whānau-based and marae-based access that incorporates tikanga-based processes and whanaungatanga, and to incorporate Māori data sovereignty principles and collective information interests.

**Financial implications**

114. Preliminary estimates of costs are up to \$54.898 million for 2022/23, 2023/24, and 2024/25 financial years, these estimates include apologies, records, and an interim listening service. These are indicative estimates only that are still being refined.
115. The table sets out indicative costs of the interim listening service, records, and apologies and accompanying tangible actions, noting there are scaling options associated with each initiative.

**Table Six: Indicative costs of an interim listening service, records initiatives, apologies and accompanying tangible actions**

Project	Funding (\$, million)				
	2022/23	2023/24	2024/25	Outyears	TOTAL
Interim listening service	2.377	12.036	11.927	0.000	26.340
Records	0.000	8.769	5.520	0.000	14.289
Apology and accompany tangible actions (including Memorial)	1.530	4.579	7.560	0.600	14.269
Total	3.907	25.384	25.007	0.600	54.898

**Legislative implications**

116. There are no immediate legislative changes proposed.

**Regulatory impact**

117. Impact analysis is not required, since there is no proposal to amend, repeal or introduce new legislation at this time.

**Population implications**

118. As outlined in previous papers to the Committee on responding to the Royal Commission and its recommendations, Māori, Pacific peoples, Disabled People, Deaf people, and LGBTQIA+ people have all been significantly affected by abuse in care and are therefore a critical focus in the design of the immediate projects.
119. It is recognised that people will have intersecting and overlapping identities and perspectives that need to be considered as part of the design process. There is also a growing number of young people that are of Māori and Pacific heritage whose worldviews span te ao Māori and different Pacific nations' cultures.
120. In light of the overlapping identities and issues faced by diverse populations, the immediate project workstreams will consider and reflect other work under way across government, including Te Aorerekura, the Child Wellbeing Strategy, the Pacific Wellbeing Strategy, the establishment of Whaikaha and the national rollout of the Enabling Good Lives principles.

**Human rights implications**

121. The Royal Commission recommended that the redress system should be consistent with the commitments Aotearoa New Zealand has under international human rights law, including the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Convention on the Rights of Persons with Disabilities and the United Nations Convention on the Rights of the Child. These commitments include that effective redress must be available for human rights violations.
122. The proposed immediate projects, being survivor-focused, are intended to strengthen human rights, including individual's rights under the Privacy Act 2020 which seek access to and correction of their personal information and the right to redress through the establishment of an interim listening service. These projects are consistent with New Zealand's international obligations as well as the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

**Consultation**

123. This paper was developed by the Crown Response. The following agencies were consulted; ACC, Archives New Zealand, Crown Law Office, Department of Corrections, Ministry for Pacific Peoples, Ministry for Women, Ministry of Business, Innovation and Employment, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Social Development, New Zealand Police, Office of the Privacy Commissioner, Office of the Ombudsman, Oranga Tamariki, Public Service Commission, Te Arawhiti, Te Puni Kōkiri, Treasury, and Whaikaha – Ministry of Disabled People. The Department of the Prime Minister and Cabinet was informed.

**Communications**

124. The work of the Royal Commission and the Crown's response to its findings are of considerable interest to many. I am therefore working with the Minister of Finance around the timing of a media release on this work, given its link to Budget 2023 announcements. I envisage that any media statements will be focused on the four immediate projects being

progressed, makes clear reference to the Government's ongoing commitment to the development of a compassionate, independent, survivor-focused redress system and the Crown's overall redress programme.

### Proactive release

125. I plan to proactively release this paper, with the appropriate redactions, as soon as practicable, and taking into account the budget sensitive nature of the proposals in this paper. Once released, the paper will be published on the Crown Response website, with other agencies linking to the page as required.

### Recommendations

126. It is recommended that the Committee:

- 1) **note** in July 2022 the Committee invited the Minister for the Public Service to report back on the immediate projects, with an invitation sought for relevant proposals to be considered as part of an integrated Budget 2023 redress initiative [CBC-22-MIN-0035 refers];

#### *Interim listening service*

- 2) **agree**, in principle and subject to Budget 2023 decisions, to establish an interim listening service to commence operation once the Royal Commission concludes through to the establishment of a new redress system;
- 3) **agree** the primary purpose of the interim listening service is to provide a forum for survivors to share their experiences of abuse in care in a trauma-informed and culturally responsive setting in order to facilitate healing, as well as using those experiences to continue to strengthen the understanding of and actions to prevent abuse in care;
- 4) **agree** the interim listening service should be:
  - a) available to people who were abused in State care, as well as non-State based institutions;
  - b) focussed on people who experienced historical abuse and neglect (prior to 1999), but also accessible to people with more recent (post 1999) experiences; and
  - c) focused on direct survivors, with an emphasis on outreach to survivor groups who have not accessed previous listening services to the same extent, but also available to whānau members;
- 5) **agree** the interim listening service build off the model and infrastructure already established by the Royal Commission for its survivor accounts process, with some key adaptations to ensure the service is survivor-focussed, trauma-informed, culturally responsive, and accessible to diverse Deaf and disabled survivors;
- 6) **agree** the interim listening service be housed within the Department of Internal Affairs;
- 7) **agree** to the establishment of an independent Board to oversee the operation of the interim listening service that has a strong survivor voice and is appointed through the Appointments and Honours Committee;
- 8) **agree** the Crown Response and DIA report back to the Minister for the Public Service and the Minister of Internal Affairs on the detailed design and implementation phase of the listening service early in 2023;

- 9) **note** indicative costs associated with the interim listening service are up to \$26.3 million including personnel (including existing specialist resource from the Royal Commission), IT, property, communications, engagement and governance costs of which \$2.4 relates to the 2022/23 financial year;
- 10) **note** the Crown Response is seeking funding for the service through Budget 2022/23 and decisions around any scaling of this bid are expected to be considered by Budget ministers as part of the budget process;
- 11) **agree** to authorise myself (Minister for the Public Service), the Minister of Finance and the Minister of Internal Affairs to have power to act to make necessary funding decisions relating to expenditure for the interim listening service in the 2022/23 financial year;
- 12) **note** the Crown Response will use the survivor-led design process agreed by Cabinet in November 2022 [SWC-22-MIN-0214 refers] from February to June 2023 to advance the design of a permanent listening function as part of the new redress system;

*Records*

- 13) **note** historic and current processes for accessing records are complex and often create additional harm and trauma, rather than aiding healing or restoration. Survivors consistently emphasise the need for improvements as their records are vital to their identity, whakapapa and cultural understanding and understanding of their life history;
- 14) **note** there are also additional distinct impacts of records access experiences for some groups of survivors and care leavers, particularly those who are Māori, Pacific, Deaf, or disabled;
- 15) **agree** the following initiatives for implementation in 2023, subject to Budget 2023 funding:
  - a) design and implementation of principles on providing access to records  
**AGREE / DISAGREE**
  - b) new central website on care records, providing care leavers, survivors, whānau and their support people with practical advice on how and where to access their records, their rights to access and influence records, and on what to expect from the experience  
**AGREE / DISAGREE**
  - c) extending work on cataloguing, indexing and digitisation of care records to improve the findability of information in records and continuing digitisation of public archives of this type; and  
**AGREE / DISAGREE**
  - d) bringing forward a sector-based review of disposal authorities with the involvement of survivors and care leavers;  
**AGREE / DISAGREE**
- 16) **agree** to the accelerated design through 2023 of a new records support service for survivors, with a view to seeking funding through Budget 2024 for implementation from July 2024;
- 17) **agree** the Crown Response lead work on new records access guidance, a new website and the records support service;



- 18) **agree** Archives New Zealand and relevant agencies, with the support of the Crown Response, progress work on the other two initiatives;
- 19) **note** the indicative costs associated with the five records initiatives are up to \$14.289 million;
- 20) **note** the Crown Response is seeking funding for these initiatives through Budget 2023 and decisions around any scaling of this bid are expected to be considered by Budget ministers as part of that process;
- 21) **agree** Crown Response report back in June 2023 on progress with development and implementation planning of these priority initiatives, including the impact of any Budget decisions, to the Ministers of the Public Service and Internal Affairs;
- 22) **note** that in developing these initiatives further engagement and detailed design will be needed with a wide range of stakeholders including survivors, care leavers, records holding agencies including faith-based and NGOs and a range of regulatory, advisory and advocacy bodies;
- 23) **note** more fundamental and longer-term records changes, including the potential need for legislative change, will be considered as part of the design of the new future redress system;

*Apologies and accompanying tangible actions*

- 24) **agree** to the delivery of a public apology in Wellington in August 2023, with the option of concurrent regional events, followed by, subject to Budget 2023 funding, a series of tangible actions to support reconciliation between the Crown and survivors;
- 25) **note** indicative costs of a public apology and accompanying tangible actions are up to \$14.269 million, including \$1.53 million in this financial year to enable an apology in August 2023;
- 26) **agree** to delegate decisions around the detailed design of the apology and accompanying tangible actions, including options relating to scaling and phasing, to myself (Minister for the Public Service), the Ministers of Māori Development, Pacific Peoples, Disabilities, Crown Māori Relations, and Culture and Heritage;
- 27) **note** the Crown Response is seeking funding for these initiatives through Budget 2023, taking account of decisions by joint Ministers around scaling and phasing;
- 28) **agree** to authorise myself (Minister for the Public Service) and the Minister of Finance to have power to act to make necessary funding decisions relating to expenditure for the public apology in the 2022/23 financial year;
- 29) **note** targeted engagement is underway with survivors and other key stakeholders, including senior Māori tikanga experts, to inform the high-level design of public apologies and accompanying tangible actions, to be brought to joint ministers for consideration in early 2023;

*Rapid payments*

- 30) **note** the Ministry of Social Development has commenced the roll-out of a new rapid payments approach focused on ill and elderly claimants and those who have been waiting in the claims queue longest and the Ministry of Education is planning to seek the approval of the Associate Minister of Education to its new approach before the end of this year; and

*Budget 2023*

- 31) **note** total funding for the implementation of the interim listening service, four of the records projects and the public apology and memorial activity will be included in a Crown Response bid as part of Budget 2023 and preliminary estimates of the costs are up to a total of \$54.898 million for the financial years 2022/23, 2023/24, 2024/25 and outyears.

Hon Chris Hipkins

Minister for the Public Service

BUDGET SENSITIVE

PROACTIVELY RELEASED UNDER THE COMMITMENT TO OPEN GOVERNMENT

**Appendix One: Interim listening service – insights from survivor engagement**

The following information contains key and common insights from the Crown Response’s engagement with survivors. Careful consideration has been made to represent the breadth and depth of information shared.

Common views shared across engagements	
<p><b>Motivations:</b></p> <p>Why would you or other survivors want to use a service like this in the future?</p>	<ul style="list-style-type: none"> <li>• Survivors spoke of the primary motivation being to facilitate healing:                             <ul style="list-style-type: none"> <li>○ “I felt like a massive weight had been lifted off me that I didn’t realise I’d been carrying. It kind of put into context issues in my life that I wouldn’t have attributed to the abuse I suffered.”</li> </ul> </li> <li>• Survivors spoke of their motivation to share their story in a confidential and survivor focussed forum:                             <ul style="list-style-type: none"> <li>○ “There needs to be a place for survivors to be able to go to, to tell their stories. Every survivor’s story is important, every survivor needs their story honoured. Once the Royal Commission is finished there will be no place for survivors to go to.”</li> <li>○ “When survivors’ mātauranga is imparted, their stories should be treated as a taonga.”</li> <li>○ “They would want to share their experiences because there might not be other people in their lives who have listened.”</li> </ul> </li> <li>• Survivors explained they would use the service to inform meaningful change on a systemic level. One survivor explained it may be seen as a forum to seek justice.                             <ul style="list-style-type: none"> <li>○ “The motivation to speak up if it evokes change. It takes a lot for people to share their lived experience, if there’s change that can come out of it, then maybe there’s something in it for people to step up, to share, to come into those spaces.”</li> </ul> </li> </ul>
<p><b>Trust and confidence:</b></p> <p>What would you need to know to help you decide to participate in a listening service?</p> <p>What is needed for you to trust the service? What would put you off?</p>	<ul style="list-style-type: none"> <li>• Survivors were clear that the service needs to be confidential, safe, and independent from the State (or at least care agencies) “for it to have credibility with survivors”.                             <ul style="list-style-type: none"> <li>○ “Safe so these kids do not have to fear retribution (being called a nark).”</li> <li>○ What [the listening service should] do, is we give them a reason to trust ... there’s no pressure, we’re skilled and the listening stays with us, it’s confidential, it’s safe and it will cost you nothing but your time. And our time is for you.</li> </ul> </li> <li>• Survivors spoke of the need for the service to actively reach out to survivors through to build trust and awareness by communicating and engaging within communities. This is particularly important for people who have lower trust in government, are not exposed to usual ‘advertising’ channels, have a pronounced sense of shame, and/or who have not had the networks of support to help them describe or makes sense of their experiences of abuse. These are particular issues for Māori, Pacific, LGBTQIA+, Deaf and disabled communities:                             <ul style="list-style-type: none"> <li>○ “What would put me off? If the service felt like the Crown; was being run by the Crown. Having it run by people sitting behind desk, not engaging, not going on front line, not speaking kanohi-ki-te-kanohi with survivors.”</li> <li>○ “Advertise that there is a service – use survivors who have used the service to promote the service. Not everyone has internet; use promotional material and distribute via places where survivors who have not come forward - homeless shelters, food banks, community-based services and centres.”</li> <li>○ “For that to be authentic it has to be quite a micro process – a blind person who’s been through the process talking to the blind community. That community sphere of influence is quite important.”</li> </ul> </li> <li>• Survivors expressed the service needs to be transparent around its purpose, around what the service does and doesn’t do, and what happens to the information survivors share – some will need to know there will be positive next steps to feel comfortable sharing their experiences:                             <ul style="list-style-type: none"> <li>○ “It would be good to clarify the purpose of the service, what’s in it for them and what they get out of it... What kind of listening is the service offering? ... And is the service prepared and set up to act on what is being listened to?”</li> <li>○ “Put me off? People promise one thing but do the other – consistency, honesty and openness build trust.”</li> <li>○ “Send survivors a paper that sets out the process for engaging in the service, so they know what’s wanted at each particular point: This is the process; this is what they want from me; this is the support I need while going through the process and before I access the service.”</li> <li>○ “Sometimes you share something, and it just goes into the ether, and you do not know where it goes, there’s no feedback loop – and that’s something precious that someone has shared.”</li> </ul> </li> <li>• Survivors explained that being able to speak with the same person each time they engaged with the service would build trust and rapport.</li> <li>• Survivors expressed the importance of the service being survivor-led, and having survivors within its oversight arrangements, as survivors trust survivors:                             <ul style="list-style-type: none"> <li>○ “Put survivors at the table as part of the service. They sit alongside as part of the listening service– they will be able to pick up any signs of stress etc.... and keep the survivors safe. They will provide a sense of safety; they will give some confidence to the survivors that they will be treated with respect – they will bring transparency and credibility”</li> </ul> </li> <li>• Survivors expressed that access to wellbeing supports, such as counselling, must be paramount and that the service must be delivered in a culturally sensitive way, enabling whānau involvement. Some emphasised that the Interim listening service must be available for whānau to use, reflecting the indirect harm they experienced.</li> <li>• Survivors spoke about how the way the service treated survivors would build trust:                             <ul style="list-style-type: none"> <li>○ “To know that the service will acknowledge them, listen to them, and not judge them. That they are valued, treated with respect and non-judgement.”</li> <li>○ “People get put off by the system itself – not seeing the face or the heart behind the system – feel like they’re talking to a robot or a machine and the system is just collecting your information.”</li> </ul> </li> </ul>
<p><b>Deciding how the story is shared:</b></p>	<ul style="list-style-type: none"> <li>• Survivors emphasised the service must be “survivor led, survivor focused” and enable survivors to decide how they wish to share their experiences. If a survivor asks for guidance, this needs to be done in a supportive way rather than through interrogative questioning that a claims process may need to ask. One group explained that within the current system claims and records processes operate in, re-telling one’s story is inevitable. An interim listening service should be transparent with survivors that they may need to provide more information if they want to make a claim.</li> <li>• Survivors emphasised that the service must be flexible in enabling survivors to share their experiences in different formats – e.g., through poetry, songs, art, in their own language, video recordings, and through bringing along journals they’ve kept.</li> <li>• Survivors emphasised the service should enable survivors to tell their experiences in their own time, allowing them to return to the service rather than having a one-off listening session.                             <ul style="list-style-type: none"> <li>○ “What if some people took ages to share? They might need a staggered approach – might test the waters, to test how much do I trust you to share my stuff with?”</li> </ul> </li> <li>• Survivors also raised that a service should be aware of the survivor’s level of comfort with how many people are in the room – “four people in the room was too much with CLAS.”</li> </ul>
<p><b>The Listener:</b></p> <p>What kind of person do you want to be sharing your experiences with?</p> <ul style="list-style-type: none"> <li>• Mana/eminence</li> <li>• Skills/techniques</li> </ul>	<ul style="list-style-type: none"> <li>• Survivors emphasised having choice about who they spoke with was important and “mana enhancing”.</li> <li>• Survivors emphasised the importance of the listeners being compassionate, trauma-informed, and having the right people skills and listening techniques. They need to be able to identify risk factors and pick up the signs that the survivor may need a break during a session:                             <ul style="list-style-type: none"> <li>○ “Be person centred ... to build that relationship and journey alongside the person – working at their pace, having care, respect, and empathy.”</li> <li>○ “They are highly qualified and have sound experience in supporting survivors manage their trauma.”</li> </ul> </li> <li>• Survivors would prefer to speak with a listener who has shared lived experience. For most, this was about someone who shared their cultural or disability background and understood their cultural context, as opposed to needing the listener to be a survivor. However, survivors also raised that the listener should be someone they don’t already know personally:                             <ul style="list-style-type: none"> <li>○ “Someone with common ground means you don’t have to explain simple terms (like ‘aging out’)”</li> </ul> </li> </ul>



<ul style="list-style-type: none"> <li>• Shared lived experience</li> <li>• Cultural understanding</li> <li>• An advocate/ally</li> </ul>	<ul style="list-style-type: none"> <li>• Survivors emphasised the importance of listeners having cultural understanding and confidence – understanding their family structures and cultural contexts.</li> <li>• Survivors expressed that a listener with a degree of mana or eminence could help some trust that their story would contribute to systemic change. However, most spoke of eminence as being less important than other characteristics, with one survivor raising that having judges running a service could be triggering for those who were placed into care as children by judges.</li> <li>• While survivors were clear on the skills and experience a listener would need, some expressed concerns at whether there were enough workers available with these skills. Some emphasised the need for supervision and wellbeing support for listeners.</li> </ul>
<p><b>Capturing and sharing experiences:</b></p> <p>What are the different ways your story could be used to enable change (with your consent)?</p> <p>Who should it be shared with?</p>	<ul style="list-style-type: none"> <li>• Survivors were clear the sharing of their information (what, with whom, when, why, how much) needs to be in the control of the survivor. They expressed that “deciding what is shared should be left to the discretion of the service” and that, apart from live safety concerns, information should only be shared with consent.</li> <li>• Survivors supported sharing insights from survivor stories with ‘care’ organisations to effect change – to educate, inform and prevent further abuse and harm from happening – noting the need for this to be done in an anonymised way.             <ul style="list-style-type: none"> <li>○ “Very important for my story to be used to make a better future and to make changes that prevents the abuse and harm from continuing ... Knowing that my story may make a difference for someone else, lifts me from the dark space into the light, and into a more positive space.”</li> </ul> </li> <li>• Survivors supported sharing this information publicly to build out the narrative of abuse in care in New Zealand – to increase public understanding and awareness of the experiences of survivors of abuse.</li> <li>• Survivors recommended sharing information with universities and research groups could help improve the future education of social workers.             <ul style="list-style-type: none"> <li>○ “I’d love them to have access to a file of someone that has been failed by the system, to study that file, to study the decisions that were made, the practice and all of that. And let that be a guide on how not to do things and that will give them a very deep insight into the impacts on the individual – they will see this was what was done to that child, and this is the consequence.”</li> </ul> </li> <li>• Survivors acknowledged that even if the Listening Service reports on insights, this won’t necessarily improve the current care system.</li> </ul>

**Views specific to target groups (in addition to points raised above)**

<p><b>Māori</b></p>	<ul style="list-style-type: none"> <li>• Māori survivors emphasised survivor choice of location and setting was essential – that a courtroom style setting where the listeners sit above, and the survivors below demonstrates a power imbalance:             <ul style="list-style-type: none"> <li>○ “I would love to do this process at my marae ... for a lot of our whānau, their safe space wouldn’t be the marae, it might be their nan’s house ... wherever you feel comfortable.”</li> </ul> </li> </ul>
<p><b>Pacific</b></p>	<ul style="list-style-type: none"> <li>• Pacific survivors emphasised the need for confidentiality in the service, with some concerned that information could be shared without survivor’s consent with the Police or Oranga Tamariki, putting survivors and their whānau at risk. One survivor suggested that low numbers of Pacific survivors coming forward to earlier listening services is partly due to shame – suggesting there may be ways to share experiences anonymously by phone and/or need for broader community awareness raising of survivor experiences to try and remove barriers for survivors.</li> <li>• Cultural competency and having staff who they can relate to or are able to work with Pacific survivors is an important part of having a choice.</li> </ul>
<p><b>Deaf and disabled communities</b></p>	<ul style="list-style-type: none"> <li>• Disabled survivors emphasised the need for the service to be flexible to meet the needs of disability communities (i.e., Blind, Deaf, learning disability)</li> <li>• Additional considerations and supports are needed for some groups of disabled survivors, i.e., those with learning disabilities for whom talking doesn’t come easily:             <ul style="list-style-type: none"> <li>○ “You’ve got to slow things down to their level of understanding. Might do it for an hour and then they probably need a rest for 20 mins, then maybe come back”</li> <li>○ “There will be people who will need to be talked through ... This isn’t just about how people respond in a high-pressure situation about something deeply personal, it’s about their impairment and how that affects their ability to communicate.”</li> </ul> </li> <li>• Disabled survivors emphasised the need for the service to actively engage with disabled survivors – particularly those with learning disability who might not know that what they experienced was abuse, may live in ‘care’ services and may not know about the service. Advocacy and peer support (from organisations such as People First) was recommended.</li> <li>• Some people with learning disabilities expressed concerns they “be told off” by their Care provider if they used the Listening Service. Others talked about how they weren’t believed when they complained about the way they were treated in care – “Sometimes it will be good to talk with a stranger as my support people and family do not believe me.”</li> <li>• Deaf people emphasised the service would need to build the trust of Deaf survivors, who will be put off by a service who considers them disabled, doesn’t understand Deaf culture and history, or doesn’t allow them the flexibility to share their experiences in different ways.</li> <li>• Both Deaf people and disabled survivors raised that, while sharing their stories with others with shared lived experience is important, there are risks in a small country like Aotearoa NZ that they will be sharing their sensitive business with someone they know – the small pond issue</li> <li>• Professionals seeing disability as the ‘problem’ would turn Deaf and disabled survivors off the service – it is important that people working in the service are “disability confident” - having the right skills and not treating disabled survivors from different disability communities as ‘one homogenous group’.</li> </ul>
<p><b>Rangatahi</b></p>	<ul style="list-style-type: none"> <li>• Rangatahi survivors suggested to consider how the service could work with VOYCE Whakarongo Mai – who listen and advocate for rangatahi. They explained the need to make clear distinctions between the services and what they offer.</li> </ul>

PROACTIVELY RELEASED UNDER THE OFFICIAL INFORMATION ACT / OPEN GOVERNMENT



**Appendix Two: Records Improvements – Insights from Survivor Engagement**

The following information contains key and common insights from the Crown Response’s engagement with survivors. Careful consideration has been made to represent the breadth and depth of information shared.

<b>Common views shared across engagements</b>	
<p><b>Navigation support:</b><sup>5</sup> (Initiative Two and Three)</p>	<ul style="list-style-type: none"> <li>• Survivors spoke of the importance of having more information about what to expect from the records request process and from reading their records, including the potential for being re-traumatised:                             <ul style="list-style-type: none"> <li>○ “You might be disappointed, they might be limited, you might have stuff redacted, there might be offensive terms. That comes as quite a shock to people.”</li> </ul> </li> <li>• Survivors spoke of the benefit of having a person to help them navigate through the request process, rather than just having published guidance on how to make their request.                             <ul style="list-style-type: none"> <li>○ “I think if I had guidance on who I should talk to, where I should go, that would have been really helpful.”</li> <li>○ “There will be some people who don’t have the confidence to contact the organisation to seek records (particularly if they have suffered abuse at the hands of the institution).”</li> </ul> </li> <li>• Survivors spoke of the need for any navigation service to be accessible and to reach out to survivors through different channels – including social media and through survivor or community networks:                             <ul style="list-style-type: none"> <li>○ “Needs to be accessible to communities and information can easily be located online, aware lots of people don’t have access to internet, needs to be available and provided through different channels.”</li> </ul> </li> <li>• Survivors outlined that navigators would need to be trauma-informed, compassionate, and independent from records holders. They also need to “understand how organisations think – someone to champion and advocate who’s unambiguously on the side of the survivor to get answers.”                             <ul style="list-style-type: none"> <li>○ “I had a lovely person ... it felt like she was understanding and supportive – I didn’t feel like she was a machine. The first point of contact is always important.”</li> </ul> </li> <li>• Survivors suggested the navigation support being provided as part of, or alongside the Interim Listening Service – given that staff from that service may “have already established a degree of trust”. Some also raised that navigators would need to work closely with holistic support services to ensure survivors’ needs were met.</li> <li>• Adopted survivors raised concerns that introducing a navigator wouldn’t be helpful unless adoption legislation barriers to accessing their records were removed.</li> <li>• Survivors emphasised the need for faith-based organisations to be included. There was a strong sentiment among one group of survivors that navigators could provide feedback on how well different records holders provide access, given the insights they will have into how organisations are performing.                             <ul style="list-style-type: none"> <li>○ “It seems a shame if you don’t use that information... It’s an opportunity to make change – it’s not punitive.”</li> </ul> </li> </ul>
<p><b>Holistic support:</b> (Initiative Three)</p>	<ul style="list-style-type: none"> <li>• Survivors strongly supported holistic support being “basic and fundamental” throughout the records request process, enabling survivors “to receive their records in a way that meets their needs and in a location that suits them.”                             <ul style="list-style-type: none"> <li>○ “Some Māori survivors may choose to receive their files and view them at their marae – makes it a whānau setting, which is their safe space, and the marae is a safe place.... wider whānau support and their tupuna are there too.”</li> </ul> </li> <li>• Survivors emphasised the need for holistic supports to be tailored to the needs of the survivor to reflect how the trauma from their abuse has impacted them and their whānau, how they want to be supported, and who they want to support them:                             <ul style="list-style-type: none"> <li>○ “Counsellors, psychologists, psychiatrists ... never worked for me. I found Te Ao Māori was a much more healing space for me.”</li> <li>○ “It’s about having the agency to appoint who’s going to be with you on this journey.”</li> </ul> </li> <li>• Survivors spoke of the need to improve supports to help them understand their records – understanding jargon and references to legislation, and understanding why records are written the way they are:                             <ul style="list-style-type: none"> <li>○ “The brevity of the way notes are taken doesn’t always convey the story behind it ... Someone might read that mother dropped child off, but this doesn’t convey that mother lay on the floor and howled for three hours.”</li> </ul> </li> </ul>
<p><b>Information on institutions and records:</b> (Initiative Two and Five)</p>	<ul style="list-style-type: none"> <li>• Survivors were generally supportive of a central place to easily access information about ‘care’ institutions and records, along the lines of what the Australian Find and Connect website provides.                             <ul style="list-style-type: none"> <li>○ “If we had this information, survivors would know where to go and have a look. It makes it so much easier.”</li> </ul> </li> <li>• Survivors emphasised the benefits of publishing more contextual information about ‘care’ – including which institutions existed (when, why, where, how did they operate), the legislative context in different eras, trends in those entering care.</li> <li>• Survivors expressed a lack of trust in what information organisations offer up, particularly about why some records no longer exist. Survivors spoke of the need for information published about ‘care’ institutions to be balanced with survivors’ actual lived experience of care:                             <ul style="list-style-type: none"> <li>○ “Otherwise, the institutions provide quite a sanitized view of what it was, and the survivor community doesn’t get to contribute. What you’re proposing is actually is really, really important because it provides a wider context. The whole point of all of this is so that we don’t repeat the past. So, we actually have to get a really accurate record of the past to use as a metric to move forward.”</li> </ul> </li> <li>• Survivors raised concerns about how difficult it could be for survivors to navigate through the published information without support, noting the need for warnings about potentially distressing content. It was also suggested that information about records no longer existing might put people off trying to make a request at all.</li> </ul>
<p><b>Redactions:</b> (Initiative One)</p>	<ul style="list-style-type: none"> <li>• Survivors raised concerns that records holders have all the power in making decisions about what to redact. Some expressed concerns at a lack of consistency in respect of redacted information. Survivors had concerns about the Privacy Act being used to hide information to protect the organisation rather than the privacy or safety of others.                             <ul style="list-style-type: none"> <li>○ “It is a common assumption amongst survivors that redactions are hiding some of the abuse we suffered. Be open, be honest, be transparent now that we have had a Royal Commission’s Inquiry.”</li> </ul> </li> <li>• Survivors emphasised the impacts of withholding details of a survivor’s childhood to protect the privacy of whānau members when those circumstances would have impacted on the survivor at the time or would be something they remember:                             <ul style="list-style-type: none"> <li>○ “It’s not redacting one thing, but when you’re redacting a human life story, you’re actually taking away a part of the puzzle of who they are. And by doing that, you’re denying them the full experience of who they are.”</li> </ul> </li> <li>• Survivors raised concerns about abuser’s names being redacted, even when the abuser is deceased. They explained that withholding information about the abuse and abusers put them at a disadvantage when seeking redress and impacted on their ability to heal.</li> <li>• Survivors raised that, while survivors can challenge redaction decisions and have these decisions independently reviewed (e.g., through Office of the Privacy Commissioner, Office of the Ombudsman, or the Human Rights Review Tribunal), this process takes more time and effort from the survivor.</li> <li>• Survivors generally supported the collaborative development of guidance principles on providing access to records that “put the survivor first”. One survivor believed the overseas principles were a good start, but we need to be aware of the “disproportionate impacts on Māori”. Some survivors were sceptical of “how much power the system is really willing to give back to survivors”:                             <ul style="list-style-type: none"> <li>○ “I still think it’s a step in the right direction. Because a lot of organisations don’t come to it from a point of view of ‘how can we do our absolute best to help this person?’ – almost the exact opposite ... To actually have some guidelines to say, hey, that’s not OK, this is how you should be doing this.”</li> </ul> </li> </ul>

<sup>5</sup> This appendix reflects the language around areas for opportunity used during survivor engagements, rather than the language of the five initiatives in this paper. The number of the corresponding initiative is indicated in brackets in the first column for ease of reference.



<p><b>Corrections</b> (Initiative Two)</p>	<ul style="list-style-type: none"> <li>It was generally not well known amongst survivors that they had legal rights to request correction to their records and agreed awareness of existing rights from the beginning of the process would be an improvement, giving a sense of power and agency to the survivor.             <ul style="list-style-type: none"> <li>“I think it’s helpful to know before you get your record that, should you find errors, you will have the right to add a correction. It could save going through weeks of distress about this all being wrong, and then going through a difficult process to figure out how to correct it.”</li> </ul> </li> <li>Survivors described the impacts that correcting information could have on their lives – e.g., ensuring their ethnicity and whakapapa was correctly recorded for the next generation:             <ul style="list-style-type: none"> <li>“We need to fix what was wrong because in the future, when my descendants go back and look for things, they’re going to ask, well, who are we?”</li> </ul> </li> <li>Survivors raised concerns that organisations still hold the power to refuse to make corrections to records and their current processes need improvement. One survivor raised a concern that the onus is still on survivors to reach out to request corrections – needing to go through a ‘complaint’ process.             <ul style="list-style-type: none"> <li>“They can choose to ignore that you’re saying it’s incorrect. There’s no-one actually saying, “OK, let’s work out what the truth is.”</li> </ul> </li> <li>Survivors reflected on whether retrospective corrections would have any benefit to them:             <ul style="list-style-type: none"> <li>“Part of me says history is quite important and that it’s important not to tinker with the history or we forget.”</li> <li>“If it’s in hindsight, I also think what’s the point? ... It depends on the timing of all this – is it going to be a dynamic process or are we just doing it in retrospect? And then what happens after you correct it?”</li> </ul> </li> </ul>
<p><b>Other areas for improvement – use of information; protection of records; record-keeping now:</b> (Initiative Four)</p>	<ul style="list-style-type: none"> <li>Survivors spoke of the importance of improving record keeping for tamariki and rangatahi in care today:             <ul style="list-style-type: none"> <li>“Thinking about my file – there were a lot of inaccuracies, but most came in the form of judgments by the social workers. I think it would be helpful for people who are keeping the records to know that at some time we may all be reading them. Just be respectful and not to carry on that way.”</li> </ul> </li> <li>Faith-based survivors expressed that more public information was needed around how their information is used and shared. They shared their frustration that faith-based institutions aren’t subject to the same legislation as state agencies, particularly around protecting and preserving records, and suggested that faith-based organisations should have to comply with state legislation in order to maintain tax-free charity status. “It has struck me in this last bit how scary it is sitting out here with the protections that we don’t have through legislation.</li> </ul>

**Views specific to target groups (in addition to points raised above)**

<p><b>Māori</b></p>	<ul style="list-style-type: none"> <li>Māori survivors strongly supported whānau based approaches to holistic support, including the state funding reconnection services for survivors and their whānau following receiving their records. They explained the impact this reconnection could have on healing intergenerational trauma within whānau, building or restoring relationships, and allowing whānau to fill out the narrative together.             <ul style="list-style-type: none"> <li>“A Whānau Ora approach – it works ... take them and their whānau to have a one-week wananga together at a marae – to heal, grow, have waiata, have iwi and hapū involved ... begin the healing.”</li> <li>“Mediation services – connecting with a service to build relationships within whānau, coming together on common ground”</li> </ul> </li> <li>Māori survivors emphasised the need for the Crown to acknowledge and take ownership for records related breaches of Te Tiriti o Waitangi:             <ul style="list-style-type: none"> <li>“They altered my ethnicity on my birth certificate so I could be adopted by a woman who didn’t want a Māori baby. For me, I’m denied any rights under Te Tiriti o Waitangi as a Māori. I want to know when the state will rectify the illegal altering of my ethnicity on my birth certificate. Why should I pay to get that fixed?”</li> </ul> </li> </ul>
<p><b>Pacific</b></p>	<ul style="list-style-type: none"> <li>Pacific survivors spoke of the need for Māori and Pacific staff to be involved in the work – behind the scenes and working directly with survivors:             <ul style="list-style-type: none"> <li>“So much more comfortable having people with the same culture, so they can relate to them.”</li> </ul> </li> <li>They also highlighted the need for Pacific layers of wellbeing support and that translation services might be needed to help some survivors understand their records.</li> <li>Pacific survivors expressed that records support needs to be approached differently for Māori and Pacific survivors – recognising the impacts of racist comments throughout their records, inter-generational distrust in state organisations, and cultural understandings around shame:             <ul style="list-style-type: none"> <li>“This is important for Pacific and Māori, because of the rampant racism that exists in record-keeping that might confirm people’s views about themselves.”</li> </ul> </li> </ul>
<p><b>Deaf and disabled communities</b></p>	<ul style="list-style-type: none"> <li>Survivors emphasised the importance of any information (about navigation, the guidance principles) being universally accessible so Deaf and disabled survivors can know and exercise their rights:             <ul style="list-style-type: none"> <li>“Not just electronic access... but it’s also things like Easy Read ... NZ Sign Language.”</li> </ul> </li> <li>Survivors emphasised that any navigation or holistic support staff must be ‘disability confident’ – having the right skills and not treating disabled survivors from different disability communities as ‘one homogenous group’:             <ul style="list-style-type: none"> <li>“They would certainly need counsellors – counsellors that have the skills to assist people with learning disabilities. I think there’s still a big hole in this country in that area.”</li> <li>“We need to have someone who understands disability to go through the records with us – to help us understand and to know what to do next”</li> </ul> </li> <li>Survivors added that peer support from someone who shares or understands your specific culture and similar lived experience is important for Deaf and disabled survivors and can build trust. However, supports being delivered through Deaf or disabled community groups could mean survivors risk needing to share their sensitive information with people from within their small community.</li> <li>One survivor raised that, for Blind survivors whose records are in hard copy paper form, their records need to be rendered into a machine-readable electronic format in order to be accessible to them.</li> <li>Survivors raised that there is an added power imbalance for survivors who are still in care who want to access records (e.g., disabled survivors who are involved with service providers)             <ul style="list-style-type: none"> <li>“When you’re talking about someone who’s really vulnerable you weigh up the pros and cons ... You want to keep [the services] on board ... I’m dependent on them. I don’t complain or ask for records etc.”</li> </ul> </li> </ul>
<p><b>Rangatahi</b></p>	<ul style="list-style-type: none"> <li>Rangatahi survivors raised that VOYCE Whakarongo Mai sometimes helps care leavers and young people still in care with accessing their records.</li> <li>Rangatahi survivors raised that there is often an overwhelming amount of information created for tamariki and rangatahi in care now which survivors need to be prepared for. One rangatahi survivor raised some rangatahi may prefer to receive only a few key documents from each placement, forming a map of their journey through ‘care’ – “rather than thousands of pages”.</li> </ul>



Appendix Three: Initiatives for records improvement mapped to Royal Commission Redress Report recommendations and three initial areas of improvement identified in CBC-22-MIN-0035

Three initial areas for improvement for records identified in CBC-22-MIN-0035	
<b>Access</b>	Designing and implementing an improved experience for survivors requesting and receiving information about their time in care
<b>Control</b>	Increasing the ability and ease with which survivors can influence how information about them is managed and used
<b>Narrative</b>	Exploring how improved access to information can facilitate the creation of personal and collective narratives for truth-telling, identity, and empowerment.

Royal Commission Redress Report Recommendations relating to records:	Access, Narrative and Control	Access	Access	Control and Narrative	
	Initiative 1: Central website on care records	Initiative 2: Records support service	Initiative 3 – Guidance principles on providing access to records	Initiative 4 – Records retention and disposal project	Initiative 5 – Cataloguing, indexing, and digitising of care records
<p><b>Recommendation 85:</b> Institutions, when responding to record requests, should:</p> <ul style="list-style-type: none"> <li>› help survivors obtain their records in as full a form as possible while still respecting the privacy of others</li> <li>› help survivors to understand their records</li> <li>› favour disclosure wherever possible</li> <li>› be consistent as much as possible in what they disclose, irrespective of whether in response to court discovery rules or survivor requests</li> <li>› give specific explanations of the privacy reasons they use to justify withholding information</li> <li>› have the necessary resources to respond in an appropriate and timely way.</li> </ul>	<p>The central website and records support service would provide new options to “help survivors obtain their records” and “help survivors to understand their records”.</p> <p>Collating and publishing contextual information about ‘care’ institutions’ histories and records via the central website will help survivors make sense of the context around their records.</p>	<p>The intent of this guidance would be to support organisations to:</p> <ul style="list-style-type: none"> <li>› help survivors obtain their records in as full a form as possible while still respecting the privacy of others</li> <li>› help survivors to understand their records</li> <li>› favour disclosure wherever possible</li> <li>› be consistent as much as possible in what they disclose, irrespective of whether in response to court discovery rules or survivor requests</li> <li>› give specific explanations of the privacy reasons they use to justify withholding information”</li> </ul>			<p>Further cataloguing, indexing and digitisation of care records will improve organisations’ ability to “respond in an appropriate and timely way” to survivor requests for records.</p>
<p><b>Recommendation 86:</b> Institutions should, before making redactions that would withhold a significant amount of information to protect the privacy of one or more individuals, consider seeking the consent of those individuals to release the information.</p>			<p>The guidance principles could also include guidance around seeking consent of others to release their information, where the organisation would otherwise have to withhold a significant amount of information.</p>		
<p><b>Recommendation 87:</b> The Crown should develop guidelines, applicable to all institutions, on the matters set out in recommendations 85 and 86, and it should do this in partnership with Māori and with the involvement of survivors and institutions.</p>			<p>This initiative directly addresses this recommendation for the Crown to: “develop guidelines, applicable to all institutions, on the matters set out in recommendations 85 and 86, and it should do this in partnership with Māori and with the involvement of survivors and institutions.”</p>		
<p><b>Recommendation 88:</b> The Crown should complete its work on a policy to streamline the way agencies handle survivor records within six months, and this policy should also deal with the preservation of records and the advantages and disadvantages of centralising records.</p>	<p>The care records system is inherently disjointed in the background due to the way care services were delivered in the past and continuing separate legal responsibilities for maintaining records. These initiatives will offer a streamlined ‘no wrong door’, pathway to access records by adding a layer of centralised support over this reality, to mitigate the impacts on survivors.</p> <p>These initiatives are not about physically or digitally centralising survivors’ care records into one location or agency. The Crown Response considers that, in the short term, centralising is not feasible given current legislative constraints, the significant resourcing and time required, and the additional privacy and security risks that this would introduce for surviving records.</p>	<p>The first step of this initiative (agreeing on and implementing shared redaction guidance and making this public) addresses part of the recommendation that the Crown “complete its work on a policy to streamline the way agencies handle survivor records”. The remainder will be addressed by the proposed broader shared principles and accompanying capability development that will enable more consistency in the ways that both State and faith-based records holders handle requests for records.</p> <p>These principles can also highlight the value of these records and importance of managing them well, to contribute to responding to the ‘preservation’ part of the recommendation.</p>	<p>Relates to the part of this recommendation asking the Crown to develop a policy that will “deal with the preservation of records”.</p>	<p>Further cataloguing, indexing and digitisation of care records will improve organisations’ ability to ensure survivors experience ‘no wrong door’, since they will have improved visibility of who else holds relevant records.</p>	



<p><b>Recommendation 89:</b> The Crown should:</p> <p>(1) urgently review disposal authorities relevant to care records and consider whether to prohibit the disposal of care records until at least the completion of its work on records</p> <p>(2) review care providers' record-keeping practices, consider whether to set a standard governing what records providers should create and keep, and consider whether those keeping records for care providers should receive training</p> <p>(3) decide whether Aotearoa New Zealand should have a service similar to Find and Connect.</p>	<p>Addresses the recommendation for the Crown to "decide whether Aotearoa should have a service similar to Find and Connect" – a service which comprises of both a central website on care records and a records support service.</p>		<p>Directly relates to the recommendations for the Crown to:</p> <p>"urgently review disposal authorities relevant to care records and consider whether to prohibit the disposal of care records until at least the completion of its work on records;</p> <p>review care providers' record-keeping practices, consider whether to set a standard governing what records providers should create and keep, and consider whether those keeping records for care providers should receive training"</p>	<p>Further cataloguing, indexing and digitisation of care records will improve organisations' ability to take part in disposal authority reviews.</p>
--	---	--	---	---

PROACTIVELY RELEASED UNDER THE COMMITMENT TO OPEN GOVERNMENT



# Cabinet Social Wellbeing Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Responding to the Royal Commission into Historical Abuse in Care's Redress Findings: Report Back on Immediate Projects to Improve Survivor's Experience of Seeking Redress

Portfolio                      Public Service

On 14 December 2022, the Cabinet Social Wellbeing Committee:

- 1        **noted** that in July 2022, the Cabinet Business Committee agreed to progress three projects highlighted by the Royal Commission for immediate work and invited the Minister for the Public Service to report back on these projects, with an invitation sought for relevant proposals to be considered as part of an integrated Budget 2023 redress initiative [CBC-22-MIN-0035];

#### Interim listening service

- 2        **agreed in principle**, subject to Budget 2023 decisions, to establish an interim listening service to commence operation once the Royal Commission concludes through to the establishment of a new redress system;
- 3        **agreed** that the primary purpose of the interim listening service is to provide a forum for survivors to share their experiences of abuse in care in a trauma-informed and culturally responsive setting in order to facilitate healing, as well as using those experiences to continue to strengthen the understanding of and actions to prevent abuse in care;
- 4        **agreed** that the interim listening service should be:
  - 4.1      available to people who were abused in State care, as well as non-State based institutions;
  - 4.2      focussed on people who experienced historical abuse and neglect (prior to 1999), but also accessible to people with more recent (post 1999) experiences;
  - 4.3      focused on direct survivors, with an emphasis on outreach to survivor groups who have not accessed previous listening services to the same extent, but also available to whānau members;
- 5        **agreed** that the interim listening service build off the model and infrastructure already established by the Royal Commission for its survivor accounts process, with some key adaptations to ensure the service is survivor-focussed, trauma-informed, culturally responsive, and accessible to diverse Deaf and disabled survivors;

- 6 **agreed** that the interim listening service be housed within the Department of Internal Affairs (DIA);
- 7 **agreed** to the establishment of an independent Board to oversee the operation of the interim listening service that has a strong survivor voice, with appointments considered by the Cabinet Appointments and Honours Committee;
- 8 **agreed** that the Crown Response and DIA report back in early 2023 to the Minister for the Public Service and the Minister of Internal Affairs on the detailed design and implementation phase of the listening service;
- 9 **noted** that indicative costs associated with the interim listening service are up to \$26.3 million including personnel (including existing specialist resource from the Royal Commission), IT, property, communications, engagement and governance costs, of which \$2.4 million relates to the 2022/23 financial year;
- 10 **noted** that the Crown Response is seeking funding for the listening service through Budget 2023 and decisions around any scaling of this bid are expected to be considered by Budget ministers as part of the budget process;
- 11 **authorised** the Minister of Finance, Minister for the Public Service, and Minister of Internal Affairs to make necessary funding decisions relating to expenditure for the interim listening service in the 2022/23 financial year;
- 12 **noted** that the Crown Response will use the survivor-led design process agreed by SWC in November 2022 [SWC-22-MIN-0214] from February to June 2023 to advance the design of a permanent listening function as part of the new redress system;

## Records

- 13 **noted** that:
- 13.1 historic and current processes for accessing records are complex and often create additional harm and trauma, rather than aiding healing or restoration;
  - 13.2 survivors consistently emphasise the need for improvements as their records are vital to their identity, whakapapa and cultural understanding and understanding of their life history;
- 14 **noted** there are also additional distinct impacts of records access experiences for some groups of survivors and care leavers, particularly those who are Māori, Pacific, Deaf, or disabled;
- 15 **agreed in principle**, subject to Budget 2023 funding, to the following initiatives for implementation in 2023:
- 15.1 the design and implementation of principles on providing access to records;
  - 15.2 a new central website on care records, providing care leavers, survivors, whānau and their support people with practical advice on how and where to access their records, their rights to access and influence records, and on what to expect from the experience
  - 15.3 extending work on cataloguing, indexing and digitisation of care records to improve the findability of information in records and continuing digitisation of public archives of this type; and

- 15.4 bringing forward a sector-based review of disposal authorities with the involvement of survivors and care leavers;
- 16 **agreed** to the accelerated design through 2023 of a new records support service for survivors, with a view to seeking funding through Budget 2024 for implementation from July 2024;
- 17 **agreed** that the Crown Response lead work on new records access guidance, a new website and the records support service;
- 18 **agreed** that Archives New Zealand and relevant agencies, with the support of the Crown Response, progress work on the two initiatives outlined in paragraphs 15.3 and 15.4;
- 19 **noted** that the indicative costs associated with the five records initiatives above are up to \$14.289 million;
- 20 **noted** that the Crown Response is seeking funding for the above initiatives through Budget 2023 and decisions around any scaling of this bid are expected to be considered by Budget ministers as part of the budget process;
- 21 **agreed** that the Crown Response report back to the Minister for the Public Service and Minister of Internal Affairs in June 2023 on progress with development and implementation planning of the above priority initiatives, including the impact of any Budget decisions;
- 22 **noted** that in developing the above initiatives, further engagement and detailed design will be needed with a wide range of stakeholders including survivors, care leavers, records holding agencies including faith-based and NGOs and a range of regulatory, advisory and advocacy bodies;
- 23 **noted** that more fundamental and longer-term records changes, including the potential need for legislative change, will be considered as part of the design of the new future redress system;

### Apologies and accompanying tangible actions

- 24 **agreed** to the delivery of a public apology in Wellington in August 2023, with the option of concurrent regional events followed by, subject to Budget 2023 funding, a series of tangible actions to support reconciliation between the Crown and survivors;
- 25 **noted** that indicative costs of a public apology and accompanying tangible actions are up to \$14.269 million, including \$1.53 million in the 2022/23 financial year to enable an apology in August 2023;
- 26 **authorised** a group of ministers, consisting of the Prime Minister, Minister for Māori Crown Relations: Te Arawhiti, Minister for the Public Service, Minister for Arts, Culture and Heritage, Attorney-General, Minister for Disability Issues, Minister for Māori Development, and Minister for Pacific Peoples to take decisions around the detailed design of the apology and accompanying tangible actions, including options relating to scaling and phasing;
- 27 **noted** that the Crown Response is seeking funding for the above initiatives through Budget 2023, taking account of decisions by joint Ministers around scaling and phasing;
- 28 **authorised** the Prime Minister, Minister of Finance, Minister for the Public Service and Attorney-General to make necessary funding decisions relating to expenditure for the public apology in the 2022/23 financial year;

- 29 **noted** that targeted engagement is underway with survivors and other key stakeholders, including senior Māori tikanga experts, to inform the high-level design of public apologies and accompanying tangible actions, to be brought to the group of ministers for consideration in early 2023;

### Rapid payments

- 30 **noted** that the Ministry of Social Development has commenced the roll-out of a new rapid payments approach focused on ill and elderly claimants and those who have been waiting in the claims queue longest, and the Ministry of Education is planning to seek approval from the Associate Minister of Education to its new approach before the end of 2022;

### Budget 2023

- 31 **noted** that total funding for the implementation of the interim listening service, four of the records projects and the public apology and memorial activity will be included in a Crown Response Budget 2023 bid and preliminary estimates of the costs are up to a total of \$54.898 million for the financial years 2022/23, 2023/24, 2024/25 and outyears.

Rachel Clarke  
Committee Secretary

---

#### Present:

Rt Hon Jacinda Ardern  
Hon Kelvin Davis  
Hon Dr Megan Woods  
Hon Chris Hipkins  
Hon Carmel Sepuloni (Chair)  
Hon Andrew Little  
Hon Peeni Henare  
Hon Jan Tinetti  
Hon Dr Ayesha Verrall  
Hon Aupito William Sio  
Hon Meka Whaitiri

#### Officials present from:

Office of the Prime Minister  
Office of the Chair  
Officials Committee for SWC



# Cabinet

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Report of the Cabinet Social Wellbeing Committee: Period Ended 16 December 2022

On 19 December 2022, Cabinet made the following decisions on the work of the Cabinet Social Wellbeing Committee for the period ended 16 December 2022:

WITHHELD AS NOT PART OF THE CROWN'S RESPONSE TO THE ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

SWC-22-MIN-0252

**Responding to the Royal Commission into Historical Abuse in Care's Redress Findings: Report Back on Immediate Projects to Improve Survivors' Experience of Seeking Redress**  
Portfolio: Public Service

CONFIRMED

WITHHELD AS NOT PART OF THE CROWN'S RESPONSE TO THE ROYAL  
COMMISSION OF INQUIRY INTO ABUSE IN CARE

Rachel Hayward  
Secretary of the Cabinet