

Hon Chris Hipkins
Minister of State Services

Proposed Strategic Approach to Guide the Crown Engagement with and Response to, The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-Based Institutions

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CAB-19-MIN-0139.01

SWC-19-MIN-0033 Minute

Author: State Services Commission

These documents, released by the Hon Chris Hipkins, Minister of State Services, set out how the Crown will engage with the Royal Commission of Inquiry into Historical Abuse.



Cabinet

Minute of Decision

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Strategic Approach to Support the Response to the Royal Commission of Inquiry into Historical Abuse in State Care and the Care of Faith Based Institutions

Portfolio **State Services**

On 8 April 2019, following reference from the Cabinet Social Wellbeing Committee (SWC), Cabinet:

- 1 **noted** that the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission) is expected to begin its first stage of work, a 'truth' project that involves listening to survivors, in April 2019;
- 2 **noted** that the Royal Commission's approach is expected to be iterative, responsive to survivors, and focussed on transforming the care system (including the care of children and vulnerable adults in health, education, welfare and justice settings);
- 3 **noted** that this means that the Crown response will likely need to be flexible, involving on-going responsiveness and practice change throughout the course of the inquiry, and will need to change if the Royal Commission changes direction;
- 4 **noted** that the Crown's strategic approach for engaging with and responding to the Royal Commission needs to be agreed now to guide preparation in 2019, because the government expects to be asked to provide information to the Royal Commission both now and in an iterative way throughout the duration of the inquiry;
- 5 **agreed** to the strategic approach set out in the paper under SWC-19-SUB-0033, which consists of principles, outcomes, and work programme actions;
- 6 **noted** that the outcomes that the government understands the Royal Commission and survivors want to achieve include that:
 - 6.1 survivors are heard and they feel heard;
 - 6.2 harm is acknowledged (recognition and reconciliation);
 - 6.3 the government care system is improved;
 - 6.4 this type of harm does not happen again to children or vulnerable adults in the government care system;

- 6.5 Māori experiences and their impacts are recognised and respected;
- 6.6 disabled people's experiences and their impacts are recognised and respected;
- 7 **agreed** to the following principles:
- 7.1 manaakitanga: treating people with humanity, compassion, fairness, respect and responsible caring that upholds the mana of those involved;
- 7.2 openness: being honest and sincere, open to receiving new ideas, and willing to consider how the government does things currently and has done things in the past;
- 7.3 transparency: sharing information, including the reasons behind all actions;
- 7.4 learning: active listening and learning from the Royal Commission and survivors, and using that information to change and improve systems;
- 7.5 being joined up: agencies work together closely to make sure activities are aligned, engagement with the Royal Commission is coordinated and the resulting actions are collectively owned; and
- 7.6 meeting the Crown's obligations under Te Tiriti o Waitangi: honouring the Treaty, its principles, and building a stronger Māori-Crown relationship through the way the government operates and behaves;
- 8 **noted** that the Royal Commission's terms of reference contains a principle about accessibility – it is required to “facilitate the meaningful participation of those with disabilities, mental illness or both”;
- 9 **noted** that government is not currently perceived as always acting in accordance with the principles in its treatment of survivors;
- 10 **agreed** that agencies will need to:
- 10.1 take actions to actively demonstrate the government's commitment to the principles;
- 10.2 consider the implications for existing government business (strategies, policies and ways of working);
- 11 **agreed** that, to ensure consistency with the principles, the Crown's legal approach should be exploratory, seeking to balance the Crown's legal obligations with the principles;
- 12 **directed** officials to consider whether the approach to the conduct of current historic claims litigation could better reflect the proposed principles, and report back to SWC by the end of October 2019;
- 13 **noted** that, as a first step to demonstrate the proposed principles, the Minister for State Services will proactively release the Cabinet paper under SWC-19-SUB-0033 with an accompanying media release, describing the principles and outlining how he expects to see them reflected by agencies when they are engaging with the Royal Commission and with survivors and their advocates;
- 14 **directed** officials to identify actions that can be taken to demonstrate the principles and then, coordinated through the Crown Secretariat, provide a “whole of Crown” report back to SWC by the end of July 2019;

- 15 **noted** that the inquiry process will also impact on a number of Crown entities and Non-Government Organisations (NGOs), and some may not have the capability or resources to comply with the likely requests from the Royal Commission, which could impact on current government services;
- 16 **directed** officials to report back to SWC by the end of August 2019 on whether support for NGOs and Crown entities impacted by the inquiry process is needed and if so, options to provide that support, and their financial implications.

Michael Webster
Secretary of the Cabinet

Secretary's Note: This minute replaces SWC-19-MIN-0033 and incorporates new paragraphs 6.6 and 8 agreed following the SWC meeting.

Hard-copy distribution:

Prime Minister
Deputy Prime Minister
Minister of State Services

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Cabinet Social Wellbeing Committee

Minute of Decision

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Strategic Approach to Support the Response to the Royal Commission of Inquiry into Historical Abuse in State Care and the Care of Faith Based Institutions

Portfolio State Services

On 3 April 2019, the Cabinet Social Wellbeing Committee (SWC):

- 1 **noted** that the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission) is expected to begin its first stage of work, a 'truth' project that involves listening to survivors, in April 2019;
- 2 **noted** that the Royal Commission's approach is expected to be iterative, responsive to survivors, and focussed on transforming the care system (including the care of children and vulnerable adults in health, education, welfare and justice settings);
- 3 **noted** that this means that the Crown response will likely need to be flexible, involving on-going responsiveness and practice change throughout the course of the inquiry, and will need to change if the Royal Commission changes direction;
- 4 **noted** that the Crown's strategic approach for engaging with and responding to the Royal Commission needs to be agreed now to guide preparation in 2019, because the government expects to be asked to provide information to the Royal Commission both now and in an iterative way throughout the duration of the inquiry;
- 5 **agreed** to the strategic approach set out in the paper under SWC-19-SUB-0033, which consists of principles, outcomes, and work programme actions;
- 6 **noted** that the outcomes that the government understands the Royal Commission and survivors want to achieve include that:
 - 6.1 survivors are heard and they feel heard;
 - 6.2 harm is acknowledged (recognition and reconciliation);
 - 6.3 the government care system is improved;
 - 6.4 this type of harm does not happen again to children or vulnerable adults in the government care system;
 - 6.5 Māori experiences and their impacts are recognised and respected;

- 7 **agreed** to the following principles:
- 7.1 manaakitanga: treating people with humanity, compassion, fairness, respect and responsible caring that upholds the mana of those involved;
 - 7.2 openness: being honest and sincere, open to receiving new ideas, and willing to consider how the government does things currently and has done things in the past;
 - 7.3 transparency: sharing information, including the reasons behind all actions;
 - 7.4 learning: active listening and learning from the Royal Commission and survivors, and using that information to change and improve systems;
 - 7.5 being joined up: agencies work together closely to make sure activities are aligned, engagement with the Royal Commission is coordinated and the resulting actions are collectively owned; and
 - 7.6 meeting the Crown's obligations under Te Tiriti o Waitangi: honouring the Treaty, its principles, and building a stronger Māori-Crown relationship through the way the government operates and behaves;
- 8 **noted** that in November 2018, SWC agreed that one of the principles which will guide the Royal Commission's work is to facilitate the meaningful participation of those with disabilities [SWC-18-MIN-0163];
- 9 **noted** that government is not currently perceived as always acting in accordance with the principles in its treatment of survivors;
- 10 **agreed** that agencies will need to:
- 10.1 take actions to actively demonstrate the government's commitment to the principles;
 - 10.2 consider the implications for existing government business (strategies, policies and ways of working);
- 11 **agreed** that, to ensure consistency with the principles, the Crown's legal approach should be exploratory, seeking to balance the Crown's legal obligations with the principles;
- 12 **directed** officials to consider whether the approach to the conduct of current historic claims litigation could better reflect the proposed principles, and report back to the Cabinet Social Wellbeing Committee by the end of October 2019;
- 13 **noted** that, as a first step to demonstrate the proposed principles, the Minister for Social Services will proactively release the Cabinet paper under SWC-19-SUB-0033 with an accompanying media release, describing the principles and outlining how he expects to see them reflected by agencies when they are engaging with the Royal Commission and with survivors and their advocates;
- 14 **directed** officials to identify actions that can be taken to demonstrate the principles and then, coordinated through the Crown Secretariat, provide a "whole of Crown" report back to the Cabinet Social Wellbeing Committee by the end of July 2019;
- 15 **noted** that the inquiry process will also impact on a number of Crown entities and Non-Government Organisations (NGOs), and some may not have the capability or resources to comply with the likely requests from the Royal Commission, which could impact on current government services;

- 16 **directed** officials to report back to the Cabinet Social Wellbeing Committee by the end of August 2019 on whether support for NGOs and Crown entities impacted by the inquiry process is needed and if so, options to provide that support, and their financial implications.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Hon Kelvin Davis
Hon Grant Robertson
Hon Phil Twyford
Hon Chris Hipkins
Hon Andrew Little
Hon Carmel Sepuloni (Chair)
Hon Dr David Clark
Hon David Parker
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Jenny Salesa
Hon Damien O'Connor
Hon Aupito William Sio
Hon Julie Anne Genter
Jan Logie, MP

Hard-copy distribution:

Minister of State Services

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet
Office of the Chair
Crown Law
Oranga Tamariki – Ministry for Children
Officials Committee for SWC

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