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# Responding to the Royal Commission into Historical Abuse in Care’s redress findings – arrangements and parameters for the high-level design of a new redress system

**Office of the Minister for the Public Service
Cabinet Social Wellbeing Committee**

This is a summary of a Cabinet paper from the Minister for the Public Service that seeks Cabinet agreement on the arrangements to develop the high-level design of a new independent redress system for survivors of abuse in care, as recommended by the Abuse in Care Royal Commission of Inquiry in its report on redress in December 2021.

You can see the full Cabinet Paper and other alternate formats at: <https://www.abuseinquiryresponse.govt.nz/documents/>

## Summary

Cabinet previously agreed to develop an independent survivor-focused redress system and four immediate projects to improve survivors’ current redress experiences. The immediate projects are: establishing a listening service, making improvements to records processes, developing rapid payments under existing historic claims processes, and starting work on the preparation of a public apology for abuse in care.

This paper reports back on options for designing the new redress system. I am proposing a high-level design process involving a survivor-focused design group, with key purpose, function and scope parameters established in-principle by Cabinet.

I propose that the Royal Commission’s recommended principles, purpose and functions for the new redress system are endorsed as drafts for inclusion in the design group’s terms of reference. Further work is needed by Crown Response officials to give more explicit visibility to the Treaty of Waitangi and to better articulate the role of the redress system in preventing harm in current care settings.

The Royal Commission’s recommendations would see the system having significantly wider scope than current historic abuse claims processes. This creates potentially complex issues with system scale, interfaces with existing processes, and support service capacity that need to be worked through before detailed design and implementation planning.

For the initial, in-principle scope parameters, I propose that the new system include:

* non-State care (faith-based institutions and private schools) survivors, subject to suitable funding mechanisms being agreed with those institutions to support the redress system operation; and
* current and future survivors, to prevent the need for parallel systems or processes to be established in future.

I propose that the Crown Response report back to me on:

* potential definitions of the forms of abuse and neglect to be covered by the new system; and
* potential inclusion of whānau to receive particular supports and services, as indirect survivors.

During survivor engagement, it was noted that the design group should not have to start from a blank slate. Material compiled by the Crown Response will form the basis of the group’s work programme, including:

* terms of reference, setting out the work’s purpose, the redress system’s initial parameters, and key operating processes;
* apology and recognition payment frameworks;
* draft high-level redress design models, based on national and international experience and expertise; and
* Royal Commission reports and evidence summaries, along with relevant findings from other New Zealand processes.

The design group’s high-level proposals are to be provided to me in June 2023 for consideration by Cabinet in July 2023. They will cover:

* feedback on the system’s intended principles, purpose, functions and scope;
* how the system should safely connect with and support survivors to navigate their redress journey;
* the type and mix of services and supports to be provided as part of each function;
* feedback on the apology and payment frameworks, draft redress models, and example proposals provided by the Crown Response; and
* an outline of the critical issues to be considered in the detailed design and implementation planning.

I propose a 10-member design group with strong Māori leadership and representation that gives effect to the Crown’s Treaty of Waitangi obligations, along with a gender balance and wider survivor and expert representation. An impartial Chair would be appointed.

Diverse perspectives are needed to support the design group – feedback indicates that the voices of disabled people are often missing from design processes, and many survivors find it difficult to engage as part of larger groups. I therefore propose that an advisory group support the design group. The 20-member advisory group would have a gender balance and include Māori, Pacific, disabled, Deaf, rangatahi, LGBTQI+, State care and faith-based survivors. The advisory group should be able to work in smaller groups as needed.

I propose a national call for nominations to both groups, with a small independent review panel to consider the nominations and prepare a design group nominee shortlist for consideration and review by myself in late January 2023. The review panel would prepare an advisory group nominations shortlist for me to consider for appointment in early February 2023. The normal Cabinet Appointments and Honours Committee process would be used for all these positions.

Using a range of illustrative demand and cost figures, the total lifetime cost of the redress system could range from $160 million to $29 billion.

## Recommendations

It is recommended that the Cabinet Social Wellbeing Committee (SWC):

* endorse the principles, purpose and functions for the new redress system as articulated by the Royal Commission, subject to further work by the Crown Response to give more explicit visibility of the Treaty of Waitangi and better articulate the role of the redress system in preventing harm in current care settings;
* endorse the inclusion in principle of non-State care survivors, and current and future survivors, within the new redress system;
* invite me to report back with proposals on scale parameters on:
* potential definitions of the forms of abuse and neglect and care setting to be covered in the new system, and
* the potential for including whanau as indirect survivors;
* agree that the design group [with the composition outlined above] produce high-level design proposals by June 2023 [covering the points outlined above];
* agree that the design group’s terms of reference will be drafted by the Crown Response in consultation with key agencies and groups, for consideration by Cabinet SWC at its first meeting in 2023;
* agree to a formal process for selecting the membership of the design and advisory groups, involving a nationwide nomination call, a small independent candidate review panel, and appointment of the members by me, going through the normal Cabinet Appointments and Honours Committee process; and
* agree I will appoint the design group’s Chair in consultation with the Minister of Māori Crown Relations, going through the normal Cabinet Appointments and Honours Committee process.

**Hon Chris Hipkins
Minister for the Public Service**