



17 July 2025

CRO OIA 320-25

Tēnā koe

I refer to your Official Information Act 1982 (the OIA) request dated 9 May 2025 which was refined the following information on 21 May 2025:

*Final briefings only from 1 January 2025 until 9 May 2025 relating to the redress announcements made on 9 May 2025.*

### Response to your request

Please find enclosed the following documents:

Item	Date	Document Description
1	10/01/2025	<b>Aide Memoire:</b> Update on the Crown Response Office work programme
2	17/01/2025	<b>Briefing:</b> For approval - Budget 2025 Crown response to Abuse Package
3	23/01/2025	<b>Briefing</b> Approach to Redress Policy Decisions
4	05/02/2025	<b>Aide Memoire:</b> Information to support redress discussion at joint Ministers' meeting 10 February
5	14/02/2025	<b>Aide Memoire:</b> Next phase of the redress response – further material requested
6	20/02/2025	<b>Briefing:</b> Proposal to establish a Ministerial advisory group to inform the Crown's response to the Royal Commission
7	14/03/2025	<b>Briefing:</b> Implementing legal advice on options for managing Cabinet decisions to increase payments between decisions and announcement
8	14/03/2025	<b>Briefing:</b> Overview of Survivor Experiences Service: overview of current expenditure and delivery and potential for future direction
9	14/03/2025	<b>Briefing:</b> Confirming the Crown Response Budget 2025 package
10	25/03/2025	<b>Briefing:</b> Revised Redress Policy Decision Cabinet paper following Ministerial Consultation
11	04/04/2025	<b>Briefing:</b> Redress options for high tariff offenders and gang members
12	15/04/2025	<b>Briefing:</b> Key decisions on interim approach to adjusting settlement payments to support redress pre-Budget announcements
13	30/04/2025	<b>Briefing:</b> The processes in place to support receiving and processing of applications for top up payments



I have decided to release the relevant parts of the documents listed above, subject to information being withheld under one or more of the following sections of the OIA, as applicable:

- section 9(2)(a) – to protect the privacy of natural persons
- section 9(2)(h) – to protect legal professional privilege
- section 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials

Some information has been removed where it is not within the scope of your request.

### Information being withheld in full

One paper titled *Redress paper talking points* dated 2 April 2025 falls within scope of your request. However, I have decided to withhold this paper in full under section 9(2)(g)(i) of the OIA to maintain the effective conduct of public affairs through the free and frank expression of opinions.

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA. I do not consider that these considerations outweigh the need to withhold the information.

Additionally, the briefing titled *Budget 2025 - Summary of initiatives document for publication* dated 23 April 2025 is being withheld in full under section 18(d) of the OIA as the information is already publicly available at the following link: [Summary of Initiatives in Budget 2025 | The Treasury New Zealand](#)

### Cabinet material

Please find the below table of all cabinet papers within scope of your request. All papers are being withheld in full under section 18(d) of the OIA as they are already publicly available.

Item	Date	Document Description	Link to document
1	02/04/2025	<b>Cabinet paper:</b> Delivering an Enhanced Redress System for Survivors of Abuse in State Care	<a href="#">Delivering-an-enhanced-redress-system-for-survivors-of-abuse-in-State-Care-Cabinet-papers-and-minutes-1.pdf</a>
2	05/05/2025	<b>Cabinet paper:</b> Access to Redress for Survivors of Abuse in State Care with Convictions for Serious Violent and Sexual Offending	<a href="#">2025-06-27-Serious-Offenders-papers-amalgamated-set.pdf</a>
3	07/05/2025	<b>Cabinet paper:</b> Abuse in Care Inquiry: Crown Response	<a href="#">Delivering-an-enhanced-redress-system-for-survivors-of-abuse-in-State-Care-Cabinet-papers-and-minutes-1.pdf</a>



### **Explanation on demand for redress for survivors**

In some of the papers released we have attempted to forecast numbers of claims for redress based on current levels of demand. Officials have informed me, however, that based on the experience both here and internationally, it is very difficult to accurately forecast demand for claims, and how rapidly demand will change. Therefore, these numbers should not be taken as an accurate measure of demand for redress.

We may publish this OIA response on [www.abuseinquiryresponse.govt.nz](http://www.abuseinquiryresponse.govt.nz) (with your personal details having been removed). Publishing responses to OIA requests increases the availability of information to the public and is consistent with the purpose of the OIA to enable effective participation in the making and administration of law and policies, and to promote the accountability of Ministers and officials.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely

John Henderson  
Head of Corporate Services and Programme Management  
Crown Response Office

Published by the Crown Response Office



## Aide-memoire

Update on the Crown Response Office work programme			
Date:	10 January 2025	Security level:	
Priority:	Medium	Report number:	CRACI 25/003

Information for Minister	
Hon Erica Stanford Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions	To provide you with a brief update on the Crown Response Office work programme.

Contact for discussion			
Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Functional Chief Executive, Crown Response Office	9(2)(a)	
Isaac Carlson	Deputy Chief Executive, Crown Response Office	9(2)(a)	✓

Agencies consulted
N/A

### Minister's office to complete

<input type="checkbox"/> Noted
<input type="checkbox"/> Seen
<input type="checkbox"/> See Minister's notes
<input type="checkbox"/> Needs change
<input type="checkbox"/> Overtaken by events
<input type="checkbox"/> Declined
<input type="checkbox"/> Referred to (specify)
_____

Comments



## Aide-memoire

### Update on the Crown Response Office work programme

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

**Date:** 10 January 2025

**Security level:**

**Priority:** Medium

**Report number:** CRACI 25/003

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#### Purpose

1. This paper provides you with a brief update on the following items of the Crown Response Office (CRO) work programme:

- Budget 25;
- Lake Alice torture redress implementation;
- Revised Crown Response plan paper;
- Survivor fund implementation; and
- Out of scope

#### Budget '25

2. We are on track to meet planned timeframes as follows:

- *Wednesday 15 January at 4pm* – Final Budget 25 package provided to your office for circulation to all relevant Vote Ministers that will include:
  - a cover briefing that requests feedback by 10am 17 January;
  - Out of scope
  - all nine Budget Templates and associated appendices; and
  - draft letter for your signature submitting the bid along with an “envelop summary” attachment.
- *Friday 17 January at 9am* – we are scheduled to meet with you to hear your final feedback on the Budget package, after which any updates required will be made.
- *Friday 17 January at 2pm* – the complete Budget package will be provided to your office for distribution to Vote Ministers by your office, for their feedback and comment.

- *Tuesday 21 January (time tbc)* – The deadline for Vote Ministers (and their offices) to respond is Tuesday 21 January. To assist this process, an online joint Ministers’ meeting has been scheduled to facilitate feedback and any discussions that may be required.
- *Wednesday 22 January from 12pm* – approved Budget package to be uploaded to CFISnet.

### **Lake Alice torture redress implementation**

3. 79 registrations have been received to date. Assessments are being undertaken to determine eligibility.
4. Administrative processes are being established and relevant collateral developed for provision to applicants on the week beginning 13 January. This will include:
  - the Statutory Declaration;
  - information on how to access legal services; and
  - summary of ‘next steps’ processes.
5. The CRO are progressing work on the provision of financial services and access to support services. It is intended that you will be provided with a drawdown paper for the initial funding to cover administration, legal service and the cost of the Arbiter, in the week beginning 13 January, for your review and signature.
6. Hon Paul Davison KC has provided feedback through Crown Law on the draft Terms of Reference. Crown Law met with him on 8 January to discuss his feedback and have recommended CRO join their meeting with him in the week of 13 January to discuss the matters further. You will be provided with a briefing on his feedback following that meeting.
7. We are also awaiting confirmation of agreed remuneration from Crown Law. We are continuing to target APH on 28 January and understand that Ministerial consultation on the draft APH paper and Terms of Reference will begin on 13 January.

### **Revised Crown Response plan paper**

8. On 19 December 2024, the CRO provided a briefing on the Crown Response Plan (*Abuse in Care Inquiry Full Response Plan Framework – CRACI 24/097*). It was agreed, after an initial discussion between your office and the CRO Chief Executive on 20 December, that the CRO will provide an updated paper following receipt of feedback from your office, which is expected in the week beginning 13 January.

### **Survivor fund implementation**

9. The design of the survivor fund has been finalised and a memorandum of understanding (MoU), between the CRO and the DIA, has been drafted. The MoU is expected to be signed in the week of 20 January.

10. The fund opens on 12 February. To support this launch, a communications plan is being developed jointly between the CRO and Community Operations Hāpai Hapori<sup>1</sup>. The proposed launch of the fund will be managed jointly by the CRO and Community Operations Hāpai Hapori, with coordination of a press release by relevant Ministers offices (Lead Coordination Minister and Minister for the Community and Voluntary Sector). We are providing support to your office for the joint press release.

Out of scope [Redacted]

11. Out of scope [Redacted]

Released under the Official Information Act 1982

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<sup>1</sup> Community Operations Hāpai Hapori is the DIA business group which will be responsible for providing the day-to-day administration of the fund. The business group manages up to \$400m of Lottery and Crown funding annually through its online Grant and Client Management System (GCMS).

# Briefing



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

## For approval - Budget '25 Crown Response to Abuse Package

Date:	17/01/2025	Security level:	
Priority:	High	Report number:	CRACI 25/008

### Actions sought

Hon Dr Shane Reti Minister of Health	Agree to submit the Budget '25 Crown Response to Abuse in Care Package
Hon Erica Stanford Minister of Education Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions	
Hon Paul Goldsmith Minister of Justice	
Hon Louise Upston Minister for Social Development and Employment, for Disability Issues, transferred responsibilities from the Minister for Children for redress decisions	
Hon Mark Mitchell Minister of Corrections	
Hon Tama Potaka Minister for Māori Development	
Hon Brooke van Velden Minister of Internal Affairs	
Hon Karen Chhour Minister for Children	

### Contact for discussion

Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Functional Chief Executive, Crown Response Office	9(2)(a)	
Molly Elliott	Chief Advisor, Crown Response Office	9(2)(a)	✓

### Agencies consulted

Crown Response Office, The Treasury, Ministry of Social Development, Ministry of Health, Oranga Tamariki, Ministry of Education, Public Service Commission, Department of Internal Affairs, Department of Corrections, Te Puni Kōkiri, Ministry of Justice

**Minister's office to complete**

- Noted
- Seen
- See Minister's notes
- Needs change
- Overtaken by events
- Declined
- Referred to (specify)

\_\_\_\_\_

**Comments**

Released under the Official Information Act 1982



## For approval - Budget '25 Crown Response to Abuse Package

**For:** Hon Dr Shane Reti, Minister of Health  
Hon Erica Stanford, Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions and Minister of Education  
Hon Paul Goldsmith, Minister of Justice  
Hon Louise Upston, Minister for Social Development and Employment, Minister for Disability Issues and transferred responsibilities from the Minister for Children for redress decisions  
Hon Mark Mitchell, Minister of Corrections  
Hon Tama Potaka, Minister for Māori Development  
Hon Brooke van Velden, Minister of Internal Affairs  
Hon Karen Chhour, Minister for Children

**Copied:** Hon Nicola Willis, Minister for the Public Service  
Hon Matt Dooney, Minister for Mental Health  
Hon Casey Costello, Associate Minister of Health

**Date:** 17 January 2025

**Security level:**

**Priority:** High

**Report number:** CRACI 25/008

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### Purpose

1. This paper provides you, as the responsible Vote and portfolio Ministers, with the final Budget '25 package supporting the Crown's Response to Abuse in Care. We seek your input and approval by 2pm Monday 21 January.
2. This package has been developed collaboratively with relevant Vote agencies and incorporates any feedback we received from you on the materials circulated the evening of 15 January [CRACI 25/006 refers]. Key changes are outlined in paragraphs 17 through 19 of this briefing.
3. Pending your final input and approval, the Lead Coordination Minister for the Government's Response, will direct officials to submit the package to The Treasury on your collective behalf. This process will begin on the afternoon of Wednesday 22 January.

### Recommendations

4. It is recommended that you:
  5. **note** that in response to the Minister of Finance's invitation to the Lead Coordination Minister for the Government Response to the Royal Commission, a Budget '25 package has been developed for submission;
  6. **note** that the redress component of this package has been costed in a way to allow Cabinet flexibility when considering the policy options and to not

unintentionally influence Cabinet policy decisions by setting perceived benchmarks;

7. Out of scope



8. **provide final input** on this budget package by 2pm or through the joint Minister's discussion taking place at that time on 21 January;

9. **agree** that the Lead Coordination Minister for the Government's Response direct officials to submit the package to The Treasury

<b>Minister of Health</b>	YES / NO
<b>Minister of Education and Lead Coordination Minister</b>	YES / NO
<b>Minister of Justice</b>	YES / NO
<b>Minister for Social Development and Employment</b> and with transferred responsibilities from the Minister for Children for redress decisions	YES / NO
<b>Minister of Corrections</b>	YES / NO
<b>Minister for Māori Development</b>	YES / NO
<b>Minister of Internal Affairs</b>	YES / NO
<b>Minister for Children</b>	YES / NO

Released under the Official Information Act 1982

10. **note** that Cabinet policy options regarding redress that have significant financial implications related to this Budget package will be considered through February and March at Cabinet Strategy Committee (STR) on 18 February and at Cabinet Social Outcomes Committee (SOU) on 12 March.



Rajesh Chhana  
**Functional Chief Executive, Crown Response  
Office**  
**Crown Response to the Abuse in Care Inquiry**  
17/01/2025

Hon Dr Shane Reti  
**Minister of Health**  
/ /

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

Hon Paul Goldsmith  
**Minister of Justice**  
/ /

Hon Louise Upston  
**Minister for Social Development and  
Employment, Minister for Disability Issues and  
transferred responsibilities from the Minister for  
Children for redress decisions**  
/ /

Hon Mark Mitchell  
**Minister of Corrections**  
/ /

Hon Tama Potaka  
**Minister for Māori Development**  
/ /

Hon Brooke van Velden  
**Minister of Internal Affairs**  
/ /

Hon Karen Chhour  
**Minister for Children**  
/ /

## We seek your final input and approval of Budget '25 package

11. In response to the Minister of Finance's invitation to the Lead Coordination Minister for the Government response to the Royal Commission, a multi-Vote Budget '25 package has been developed. This budget package is a key mechanism to enable delivery on the Crown Response to the Royal Commission recommendations, including any future redress system changes.
12. The recommendations from the Royal Commission set out a vision for system change that is wide in scope, therefore, considering and responding to this vision requires system investment. This, and the time limited funding model of the current State redress system, has guided the development of a multi-year funding proposal to sustain and make improvements to that system.
13. Investment decisions made through this budget package, alongside upcoming redress policy decisions and key initiatives already underway by the Government, are anticipated to shape the Full Government Response Plan currently in development. The timing for the plan's consideration will involve joint Ministers and, subsequently, Cabinet, with these timelines being determined by the Lead Coordination Minister.
14. The redress component of this Budget package has been developed using costing assumptions that were confirmed with Ministers during a series of briefings and discussions at the end of 2024<sup>1</sup>. It has been structured in a way that provides Cabinet with flexibility when reviewing the redress policy options in February and March 2025. It is anticipated that Cabinet will make final decisions on Budget 2025 in early April.
15. On 15 January 2025 you received a draft version of this Budget package for your input [CRACI 25/006 refers]. The attached package incorporates changes based on feedback received in the morning of 17 January - see paragraphs 17 to 19 for summary of changes. We now seek any final input and your agreement to submit to The Treasury.
16. For ease of your navigation, the following table, Appendix 2.3 and Appendix 3.0 set out an overview of the package.

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<sup>1</sup> Placeholder Submission – Crown Response to Abuse in Care Budget '25 Package [CRACI 24/104]; Preparing redress costings for a Crown Response Budget 2025 bid – Redress system function, approach, and structure assumptions [CRACI 24/094]; Monetary payment for survivors of abuse in care [CRACI 24/095]; Redress Supports and Services for Survivors of abuse in care, including supporting survivor legal fees and access to records [CRACI 24/101]; Approach to Budget 2025 investment in the care system safe [CRACI 24/103]; Out of scope

**Table One**

Area	Votes	Appendices
<p>Redress</p> <p>Funding to continue a state redress system post June 2026 and implement any system change policy decisions that may be made such as monetary payments and/or enhanced supports and services for survivors</p>	<p>Social Development, Education, Health, Oranga Tamariki, Public Service, Māori Development, Corrections, Internal Affairs</p>	<p>Appendix 2.0: Budget Template</p> <p>Appendix 2.1: Intervention Logic</p> <p>Appendix 2.2: <i>Note a spreadsheet is referenced in Appendix 2.0, it is not provided in this package for Ministers.</i></p> <p>Appendix 2.3 Scaling Options A3</p> <p>Appendix 2.4 Survivor claims journey</p>

Out of scope

Released under the Official Information Act 1982

Area	Votes	Appendices
Out of scope		

**Changes have been made based on your input - the substance of the proposal remains the same**

- 17. Thank you for providing input on the draft version of the package circulated on 15 January [CRACI 25/006 refers]. Minor changes were made to individual initiatives but on the whole they did not substantially change the substance of the package.
- 18. Changes have been made to the budget templates in how initiatives are explained, with a focus on concise content and being clearer on what is being proposed, including tangible outcomes and activities.

**Next steps**

- 19. We seek your final feedback and agreement to submit the package by 2pm Tuesday 21 January.
- 20. There is a meeting with the key Vote and portfolio Ministers at 2pm Tuesday 21 January to discuss any remaining input on this package.
- 21. Officials will begin uploading the package into The Treasury system from midday Wednesday 22 January.

**Appendices**

- 1.0 Draft letter from Minister Stanford that is submitted with the bid;
- 2.0 Redress Budget Template;
- 2.1 Redress Intervention Logic;
- 2.2 Please note, a spreadsheet is referenced in Appendix 2.0, it is not provided in this package for Ministers but can be provided on request;
- 2.3 Redress Scaling Options A3;
- 2.4 Redress survivor claims journey and personas;

Out of scope

[Redacted]

[Redacted]

Out of scope

[Redacted text block]

Released under the Official Information Act 1982

## Office of Hon Erica Stanford

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



23 January 2025


Hon Nicola Willis  
Minister of Finance  
Parliament Buildings  
Wellington

Dear Nicola

I am confirming that I, the Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Historical Abuse in State Care and in the Care of Faith-based Institutions, have submitted the final Budget package that will support survivors of abuse in care and further enable the Government's response to the recommendations of the Royal Commission of Inquiry.

I have worked closely with relevant historic claims and care system Vote and Portfolio Ministers on the development of this package and therefore am submitting this final Budget package on behalf of us as a collective.

The package is organised into three initiative areas:

1. Addressing the wrongs of the past (redress). This package consists of three scaled options for funding State redress which include consideration of the following elements: structure of a system, monetary payments for survivors, supports and services for survivors, the operational costs of responding to and processing survivor's claims. More details on the scaled options can be found in the appendices to this letter.
2. Out of scope  

3. Crown Response Office time limited funding. This focuses on funding for the Crown Response Office which currently ends on 30 June 2025.

I have submitted new spending commitment initiatives as detailed below:

ID 16494	New Spending	New Spending Commitments	Addressing the Wrongs of the Past – Redress for Abuse in Care
Out of scope			
ID 16493	New Spending	New Spending Commitments	Crown Response Office (time limited operating funding)

The redress component of this Budget package has been costed in a way that will allow Cabinet flexibility when considering the redress policy options in February and March 2025.

Out of scope

The Crown Response Office is currently funded until 30 June 2025. This Budget '25 package seeks funding for an additional two-years to support Government's response to the Royal Commission, including monitoring and assurance functions. Scaling options are provided for this component of the package, some of which will be determined by Cabinet's decisions on the overall response plan.

I look forward to discussing these proposals with you further.

Sincerely,

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

# Appendix 2.0

## Annex 1: Budget 2025 New Spending Template

### Section 1: Overview

Section 1A: Basic initiative information										
<b>Initiative title (max 120 characters)</b>	Addressing the Wrongs of the Past – Redress for Abuse in Care									
<b>Lead Minister</b>	Lead Coordination Minister for the Government’s Response to the Royal Commission’s Report into Historical Abuse in State Care and in the Care of Faith-based Institutions	<b>Agency</b>	Crown Response Office, Public Service Commission							
<b>Initiative description (max 800 characters)</b>	This initiative relates to funding for an improved redress system for survivors of abuse in care. It covers aspects of a redress system driven by cost pressures – operating and personnel costs, elements of payment, supports and services, and transition costs, and a contingency for litigation costs that arise in responding to survivors who pursue claims through the courts – and new spending commitments – establishment, monitoring and complaints, an independent review costs, and elements of payment, supports and services, and transition costs.									
<b>Priority Area (PA) Objective</b>	<input checked="" type="checkbox"/> <i>New Spending Commitments</i>	<input type="checkbox"/> <i>Capital Investments</i>								
	<input checked="" type="checkbox"/> <i>Cost Pressures</i>	<input type="checkbox"/> <i>Capital Cost Escalation</i>								
	<input type="checkbox"/> <i>Performance Plan Scrutiny</i>									
<b>Is this a cross-Vote initiative?</b>	<b>Yes</b>	Social Development, Education, Health, Oranga Tamariki, Corrections, Māori Development, Public Service, Internal Affairs								
<b>Does this require legislative change?</b>	<b>No</b>									
<b>Agency contact</b>	Name: Molly Elliott Phone: 9(2)(a) Email: Molly.Elliott019@msd.govt.nz		<b>Treasury contact (Vote Analyst)</b>	Name: Talei Pasikale Phone: 9(2)(a) Email: Talei.Pasikale@treasury.govt.nz						
Section 1B: Summary of funding profile										
Operating costs associated with initiative (\$m)										
2024/25	2025/26	2026/27	2027/28	2028/29 & outyears*		Total				
9(2)(f)(iv)										
*For irregular outyears, add additional rows above to display the full profile of the initiative. Delete “& outyears” for time-limited funding. See the Budget 2025 Uploading Initiatives to CFISnet for more information on entering outyears into CFISnet.										
Capital costs associated with initiative (\$m)										
24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	31/32	33/34*	Total
0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
*Extend the profile above if funding is needed beyond 2033/34.										

## Section 2: Alignment and options analysis

There are **specific sections to complete based on the PA Objective of the Initiative** (feel free to delete non-relevant sections of the template):

- **Cost Pressures, Capital Cost Escalations and Performance Plan Scrutiny: Section 2A and 2C**
- **New Spending Commitments and Capital Investments: Section 2B and 2C**

### Section 2B: Problem definition – New Spending

The answer to each question must not exceed 1-2 paragraphs

<p><b>What is the problem that this initiative is trying to solve and why does it need to be solved now?</b></p>	<p>The State is responsible for responding to claims of abuse or neglect in its care and the Government has committed to implementing a new streamlined redress system for survivors in 2025. Providing redress through State claims processes offers survivors an alternative to pursuing their claim through civil litigation in the Courts, which reduces the costs to both the person seeking redress, the responsible agencies, and the Crown more broadly. It also provides a less adversarial experience for both parties. 'Redress' has multiple system components including being heard, financial redress (settlement payments), an apology, support services, legal advice, and individual claims management.</p> <p>The Ministries of Education, Health, Social Development, and Oranga Tamariki currently operate separate redress processes as described above through their historic claims processes. Claims have also been received by Te Puni Kokiri and the Department of Corrections (relating to claims of historic abuse in youth penal institutions) and neither agency has an established historic claims process. The Ministries of Social Development and Education have the highest numbers of claims in the State sector, with significant queues (approximately 3,100 and 450 claimants respectively) that result in claims waiting an average of four to five years for resolution. Seriously ill and elderly survivors are prioritised. State redress processes are currently funded through to June 2026. The Ministries of Social Development and Education are funded to process approximately 2607 claims. The Ministry of Health and Oranga Tamariki receive a smaller proportion of claims and are working to expected timeframes across active claims. However, both agencies are also experiencing increased numbers of claims and prior to Cabinet's recent agreement to increase capacity in claims service, neither agency had baseline funding for redress [CAB-24-MIN-0434 refers]. Following Cabinet's decision, the Ministry of Health and Oranga Tamariki are now respectively funded to process 75 and 64 claims by June 2026.</p> <p>The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission) was critical of having multiple claims processes which can be difficult to navigate, do not offer consistent payments or supports, and can have long waiting times for resolution. The Royal Commission recommended in its interim redress report in December 2021 the establishment of a new independent integrated redress system to replace existing processes. Survivors are also getting older, many are in ill health, need additional support, and are looking for resolution. This initiative seeks funding to meet the Government's commitment with the initial response to focus on redress for survivors of abuse in State care.</p>		
<p><b>Alignment to Government Priorities</b> (if alignment to multiple Priorities is possible, select the most relevant)</p>	<input type="checkbox"/> Addressing the rising cost of living	<input checked="" type="checkbox"/>	Delivering effective and fiscally sustainable public services
	<input type="checkbox"/> Building for growth and enabling private enterprise	<input type="checkbox"/>	Not Aligned
	<p>The Crown is responsible for claims from people who have been abused in its care. State redress processes are a cost effective and human-centred approach to responding to claims of abuse in State care, with the alternative being that claims are resolved through civil litigation in the Courts at significant financial and human costs due to the adversarial nature of the Court system.</p>		
<p><b>Does this initiative relate to one of the Government's focus areas for Budget 2025?</b></p>	<input type="checkbox"/> Economic Growth (invitation only)	<input checked="" type="checkbox"/>	Not Applicable

### Section 2C: Options analysis

The answer to each question must not exceed 1-2 paragraphs

<p><b>What was the range of</b></p>	<p>Cabinet decisions on the Government's approach to redress, including its overall approach and structure, are to be sought in March 2025. Ministers have committed to announcing their approach to</p>
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<p><b>options considered?</b></p>	<p>State redress as part of budget decisions in April/May 2025 and indicated their intention to begin implementing these changes before the end of 2025.</p> <p>With the additional investment agreed by Cabinet in late 2024 to help address claims queues, current funding for agencies existing State redress processes ends in June 2026. The Government could ultimately decide to cease funding for redress through State claims agencies at that point or prioritise other initiatives in response to abuse in care. However, this will not address the responsibility that State agencies have for responding to these claims, and survivors would still have the option to pursue a claim through litigation in the Courts. This would result in significantly increased financial and human costs with serious distress and trauma likely to be caused to survivors seeking to progress their claims. In addition to this human cost, the average cost of defending a claim in Court is approximately \$1 million per trial, regardless of the litigation outcome. Ceasing State redress is therefore not considered a viable option.</p> <p>Cabinet decisions to be sought in March 2025 can include the approach to funding redress going forward, including whether to opt for a multi-year funding model for the State redress system. Previously, State claims agencies have been funded with time limited funding and this bid seeks funding over a four-year period plus out years which would enable a stabilisation of the system. The Royal Commission report and current demand demonstrate that there is significant demand for redress through an out-of-Court settlement process with no indication that this demand will lessen in the next few years. This initiative includes the costs of independent reviews of the system (either annually for the first four years or two reviews depending on scaling), as ongoing demand for redress can be more easily assessed after the system has opened to claims and more so after a few years of operation. The review(s) will support and enable further decisions about funding to be considered and/or to allow adjustments to be made to reflect changes in demand.</p> <p>Consideration has also been given to the size of the system and the number of claim assessments to be funded each year. For costing purposes, we have considered the current system capacity and the ability to increase this through operational efficiencies. The current system capacity is estimated to be 1,550 claims per annum (based on the number of funded claims for 2025/26). A high scenario scaling up to 5,000 over two years is proposed as an upper limit on system capacity, noting this will be affected by Cabinet's decisions on assessment and the level of evidence required to support a claim of abuse in care. Scaling options include a funding option that is consistent with current State claims scheme settings.</p>
<p><b>What was the process used to select the preferred option?</b></p>	<p>A cross-agency approach has been taken to developing the preferred option costed as part of the bid. Structure and costing options have been developed based on preserving choice for Cabinet as part of the policy decisions to be made in early 2025 while also reflecting the broader fiscal pressures faced by government. Reflecting the announcement by the Prime Minister at the public apology for abuse in care, the system is costed as a single system using existing costs data from claims agencies to inform the costing approach, to reflect the difference in demand and impact differing care settings have on the costs associated with assessing claims.</p> <p>When the policy options for the approach to redress are considered by Cabinet in March 2025, they will be assessed against the four objectives for redress agreed by Cabinet [CBC-24-MIN-050 refers], which are that redress: delivers accountability for survivors; supports improved outcomes for survivors; manages affordability, risks, and liability; and, contributes to reducing the negative social, cultural and economic costs arising from the poor outcomes experienced by survivors.</p> <p>It is intended that following these Cabinet decisions this initiative will be revised, to reflect the impact of these decisions on the overall costings, as part of finalising the Government's overall Budget package.</p>
<p><b>Interaction with savings proposals</b></p>	<p>There are no interdependencies or interactions with savings proposals. Existing redress functions have not been proposed as savings measures.</p>

## Section 3: Costs and Benefits Analysis

All initiatives need to complete section 3A and 3B.

All initiatives except those submitted by:

- agencies provided with an envelope, or
- economic growth initiatives that are asked to provide a fiscally neutral option

are required to complete section 3C.

### Section 3A: Benefits and non-fiscal costs

The answer to each question must not exceed 1-2 paragraphs.

<p><b>What outcome(s) would the initiative achieve?</b></p>	<p>The provision of redress to survivors of abuse in State care is primarily focused on acknowledging the harm experienced by survivors. The direct outcomes associated with redress are that:</p> <ul style="list-style-type: none"> <li>• survivors will be heard, and the harm acknowledged</li> <li>• financial redress (a payment) will be received by survivors</li> <li>• survivors will be supported to access services.</li> </ul> <p>These direct outcomes and potential flow-on, wider outcomes, such as restoration of identity or mana, the benefits of services received, and connection to family or participation in community are outlined in the attached intervention logic model (ILM) in Appendix 1.</p>
<p><b>How will these outcomes be measured and evaluated?</b></p>	<p>Indicators will be developed against the ILM covering the inputs, outputs, impacts and medium- and longer-term outcomes. A benchmark will be established as a basis for measuring performance and improvement over time and inform development of targets as appropriate. Regular and transparent reporting on delivery will be a key aspect of the implementation.</p> <p>The initiative also includes funding for regular reviews of the system the medium and high scaling options, or two reviews in in the low option. This will include review of operational efficiency, individual impact and community impact. Ongoing performance monitoring will also occur as part of business-as-usual, to support efficient operation from day one.</p>

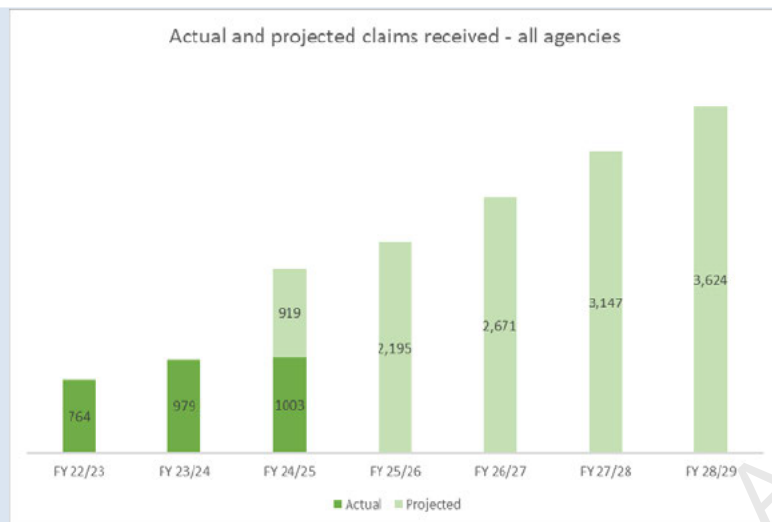
<p><b>Evidence and assumptions</b></p>	<p>The following assumptions underpin the analysis of the benefits from implementing this initiative:</p> <ul style="list-style-type: none"> <li>• The primary purpose of providing redress is to acknowledge and address harm.</li> <li>• Without this budget initiative, survivors will still be entitled to seek redress through the Courts (noting this is time consuming and more expensive for all parties with increased financial and human costs, still requires servicing from government, and may result in the courts awarding higher settlement payments).</li> <li>• Many survivors of abuse in care have a low trust in government services, as they were abused whilst in the care of the government.</li> <li>• For redress to be effective, survivors must choose their redress journey (a key feature in building trust and agency with the people who took it from them when they were vulnerable), which puts some levers of control to achieve outcomes outside of government's direct influence.</li> </ul> <p>The benefits and non-fiscal costs associated with this initiative are directly linked to the policy decisions that will be made by Cabinet in early 2025. This is based on the assumption that the redress system will:</p> <ul style="list-style-type: none"> <li>• Provide survivors with access to redress that includes the choice of a settlement payment, access to supports, an apology.</li> <li>• Provides survivors with a safe listening space and legal advice to support their choices throughout the process of seeking redress.</li> <li>• Enables survivors access to records from their time in State care.</li> <li>• Supports survivors who have experienced abuse in multiple care settings.</li> <li>• Responds to claims in a timely way.</li> </ul>		
<p><b>Climate impact</b></p>	<input type="checkbox"/> Yes – emissions impacts (positive or negative)	<input type="checkbox"/> Yes – climate adaptation or resilience impacts (positive or negative)	<input checked="" type="checkbox"/> No impact
<p>No impact</p>			

### Section 3B: Expenditure profile and cost breakdown

The answer to each question must not exceed 1-2 paragraphs.

<p><b>Formula and assumptions underlying costings</b></p>	<p>The three scaling options included in this bid have been developed in conjunction with joint Ministers. The options and associated assumptions used to develop this bid are not binding policy decisions and are intended to support the preparation of a maximum redress funding envelope for Budget purposes. In line with the overall redress approach discussed, policy decisions will be sought from Cabinet in March 2025 to support the implementation of a new redress system and refine the redress costings (within the maximum envelope and potentially at a lower level). An overview of the three scaling options is provided in Appendix 2.</p> <p>The initial design and development will focus on claims of abuse in State care. A further budget bid may be required to support the inclusion of non-State organisations into the redress system in the future if a decision is made by Cabinet that this work should be progressed.</p> <p>There is a wide range in the estimated survivor population, reflecting the limited data available on abuse rates, the numbers of people who went through different care settings, and a time period spanning many decades. For the purposes of costing this initiative we have used existing demand data (see Figure One below) to forecast projected demand based on the assumption that demand for redress will continue to increase at the current rate.</p> <p><b>Figure One<sup>1</sup> - Actual and projected claims received</b></p>
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<sup>1</sup> This model shows forecasts indicative demand using an average rate of increase calculated from the last three years to project future claims numbers. It assumes that the increase rate will remain relatively stable and not significantly change over the coming period.



No assumptions have been made about when demand may begin to stabilise or reduce as this point is not known. The initial demand model is comparable with experience in overseas redress systems, noting the limitations for comparisons given the differences between overseas systems.

The costs included in the bid have been developed using the knowledge and experience of joint agencies (including the Crown Response Office, the Department of Corrections, the Ministries of Education, Health and Social Development, Oranga Tamariki, the Public Service Commission, Te Puni Kōkiri, and Whaikaha). The key assumptions used to cost this bid are outlined below.

#### Key costing assumptions

- existing funding for redress processes has been factored into potential costs for 2024/25 and 2025/26, which means some elements of the bid do not require new funding for those years (such as legal aid/advice, or records support for 2025/26)
- the bid includes funding for out years, assumed at the same capacity as 2028/29 (5,000 claims per annum). Funding for an independent reviews of system capacity and demand has been included to enable this to be reviewed and adjustments made as needed
- the redress system operates a settlement-based alternative disputes resolution model with each survivor able to make a single claim to the system, costed using an average settlement package
- the redress system will continue to offer survivors a choice in claims assessment (i.e. rapid vs individualised assessment), which will continue to support reductions in waiting times/increased capacity, as the introduction of rapid payments has done for existing State redress processes
- the overall redress system operates a case management approach with operating costs based on the current claims processes' average per survivor costs
- the redress system will be delivered by a single Crown entity
- current settings in respect of civil litigation, such as the ACC bar and Limitation Acts, will remain unchanged
- the costs associated with assessing payments will remain the same or decrease as a result of future policy decisions
- the redress system will continue with current settings regarding abuse forms, and accept claims relating to sexual, physical, and psychological and emotional abuse and/or neglect
- the level of access to redress for survivor's next-of-kin will remain at current settings, meaning if a survivor has lodged a claim and they die before it is resolved, the next-of-kin or executor of their estate can continue with the claim
- the redress system will be open to previously settled claimants if additional 'top up' payments are required to ensure parity with new payment levels
- the redress system will be open to core Crown agencies with or without existing claims processes, as well as potentially Crown entities, with advice on the cost and operational implications of including those claims to be provided to Cabinet to enable policy decisions in 2025
- the redress system will be open to historic and contemporary claims of abuse and neglect in the care system and will have no cut-off date
- initial system capacity will be modelled on the basis of 1,550 claims being assessed in year one scaling up to 3,000 in year two and 5,000 in year three and beyond
- the redress system will fund independent legal representation and/or advice for claimants at the same level as existing claims agencies
- that 50 per cent of claimants will take up independent legal representation and/or advice
- an independent listening service, where survivors can share their experiences in a trauma-informed setting to facilitate healing, will continue to be provided
- the redress system will facilitate survivors access to their care records

- a centralised website that supports survivors in knowing how to access care records will continue to be funded
  - reflecting the diversity of supports and services that a redress system may need to facilitate access to, design of the supports and services aspect of redress will involve a co-design approach
- See attached costings spreadsheet (Appendix 3) for more detail on the costings and assumptions used.

Provide a breakdown of existing and additional funding sought by individual expense category and agency. Add additional rows as appropriate for additional expense categories.

**Operating expenses (\$m)**

**Existing operating funding (\$m)**

Operating expense category	2024/25	2025/26	2026/27	2027/28	2028/29 & outyears	Total
Existing funding for State redress, including new investment in 2024 <sup>2</sup>	79.319	73.869	-	-	-	153.188

**Operating costs associated with initiative (\$m)**

Operating expense category	2024/25	2025/26	2026/27	2027/28	2028/29 & outyears	Total
Establishment costs	9(2)(f)(iv)					
Transition costs	9(2)(f)(iv)					
Operating costs	9(2)(f)(iv)					
Review and complaints function	9(2)(f)(iv)					
Independent review of system changes	9(2)(f)(iv)					
Out of scope	9(2)(f)(iv)					
Monetary payments for new claims	9(2)(f)(iv)					
Top up monetary payments for closed claims	9(2)(f)(iv)					
Reimbursement of legal aid / legal or advocate fees for survivors	9(2)(f)(iv)					
Survivor Experience Service	9(2)(f)(iv)					
Targeted supports for survivors	9(2)(f)(iv)					
Funding to provide targeted supports to closed claims	9(2)(f)(iv)					
Independent records website	9(2)(f)(iv)					

<sup>2</sup> This total includes the additional \$32.524 million investment agreed by Cabinet in December 2024 [CAB-24-MIN-0434 refs] and \$2.67 million for Lake Alice claims which are administered by the Ministry of Health [SOU-24-MIN-0123 refs] but does not include the funding agreed for redress for torture at the Lake Alice Unit December 2024 [CAB-24-MIN-0516 refs] as this is separate process to redress for abuse in care.

Funding to allow co-design with survivors on targeted support 9(2)(f)(iv)

**Personnel expenditure (\$m) – please state impact at the initiative level**

Net FTE funding	9(2)(f)(iv)
Net contractor/consultant funding	
Net FTE and contractor/consultant overhead funding	
<b>Total operating expenses (\$m)</b>	

\*Extend the profile above to a “steady state” if funding into outyears is irregular. Delete “& outyears” for time-limited funding.

**FTE implications – please state impact at the agency level**

	2024/25	2025/26	2026/27	2027/28	2028/29 & outyears
Total # of net FTEs at new redress Crown entity (employees)	0	348	470	619	619
Total # of net FTEs at new redress Crown entity (contractors/consultants)	0				
<b>Total # of net FTEs (employees and contractors/consultant) over the forecast period</b>	0				

**Additional occupation breakdown of FTE changes (count) over the forecast period**

Occupation	2024/25	2025/26	2026/27	2027/28	2028/29 & outyears
Managers	0	11	11	11	11
Policy Analyst	0	11	11	11	11
Information Professionals	0	73	73	73	73
Social, Health and Education Workers	0	164	284	426	426
ICT Professionals and Technicians	0				
Legal, HR and Finance Professionals	0	29	31	38	38
Other Professionals not included elsewhere	0	55	55	55	55
Inspectors and Regulatory Officers	0				
Contact Centre Workers	0				
Clerical and Administrative Workers	0	5	5	5	5
Other Occupations	0				

<b>Would funding this initiative impact current employees?</b>	Funding would support retaining current employees following transition from existing claims agencies to a new Crown entity and would fund new employees.
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**Existing capital funding (\$m)**

Capital expense category	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34*	Total
N/A	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]

**Capital costs associated with initiative (\$m)**

Capital expense category	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34*	Total
N/A	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]
<b>Total (\$m)</b>	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]

\*Extend the profile above if funding is needed beyond 2033/34.

**Section 3C: Scaled and/or Reprioritisation Options to meet 75%, 50% and 25%**

**Operating expenses (\$m)**

Operating expenses and reprioritisation (\$m)	2024/25	2025/26	2026/27	2027/28	2028/29 & outyears	Total
9(2)(f)(iv)						

<b>Net Total (\$m) – MVP/Low option</b>	-	6.794	101.652	94.223	94.008	296.489
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**Capital expenses (\$m)**

Capital expense category	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34*	Total
[Name of capital expense category]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]
[Name of capital expense category]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]
[Name/type of contingency]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]
<b>Total (\$m)</b>	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]

\*Extend the profile above if funding is needed beyond 2032/33.

<b>Scaling of initiative</b>	<p>Three scaling options (high, medium and low) have been proposed. Each option reflects a different level of integration, system capacity, average monetary payment, targeted supports and other support payments. See the overview of the three scaling options in Appendix 2.</p> <p>Key drivers of cost across these options are the level of integration and independence of the redress system, the number of claims assessed each year, the level of investment made into providing settlement payments, the level of additional targeted supports to survivors, and the number of outyears funded as part of the bid. Within each of the overall scaling options individual components could be scaled changing the over-all cost of the bid.</p> <p>The level of integration and capacity of the system have workforce implications with more integration and assessment of higher numbers of claims requiring a higher number of FTE.</p>
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<b>What are the main risks of the options presented above?</b>	<p>The main risk with scaling this bid relates to the constraints this places on Cabinet when making policy decisions for the redress process. Beyond the core objectives already agreed [CBC-24-MIN-050 refers], Cabinet is yet to consider policy advice on the redress process and to make decisions about the structure, function and redress offerings it will provide for survivors of abuse in State care. When making these decisions Cabinet will need to balance the costs of providing redress against the demand and survivors expectations on what an improved redress system should look like. As policy decisions are yet to be made, it will be important that Cabinet has sufficient flexibility within the redress Budget envelope to make decisions based on robust policy advice as opposed to purely fiscally-led decisions.</p> <p>Each component of the package can be scaled, with different risks associated with this scaling. The key risks of scaling core components of the bid include:</p>
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- **Structure** – reducing the level of integration and/or independence would not align with the Royal Commission’s recommendation and could restrict Cabinet’s ability to align the redress approach with survivors’ expectations that there will be a single integrated redress system.
- **Capacity** – reducing the capacity of the system risks increasing the backlog of open claims awaiting redress and increasing the delays survivors experience waiting for their claims to be resolved. Delays in resolving claims is one of the key criticisms the Royal Commission made of existing redress processes, as this can cause further harm and trauma to survivors.
- **Monetary payment** – reducing the average payment amount will restrict Cabinet’s ability to consider what is a fair and appropriate amount to pay in settlement payments. The Royal Commission, survivors and the Ombudsman have all criticised the current monetary amounts stating these are insufficient and do not align with other comparable payments both within New Zealand and overseas.
- **Supports** – reducing investment in support services reduces Cabinet’s ability to provide a holistic redress package to survivors of abuse in State care. Survivors and the Royal Commission have recommended that redress should be made up of a package of supports, a monetary payment, and apology.
- **Records provision** – Under the Privacy Act survivors are lawfully entitled to receive a copy of their care records without undue delay. Insufficient resourcing to meet this demand could lead to these requests not being completed within an appropriate timeframe, resulting in the requirement to make additional compensation payments for an undue delay privacy breach.
- **Reimbursement of survivor legal fees** – This component is costed based on the current state, noting that there are opportunities to refine these costs through the policy process. Scaling ahead of these decisions may result in insufficient funding to meet the costs of these decisions.
- **Out years** – The Royal Commission has recommended that the Government ensure there is consistent and stable funding available to provide redress for claims of abuse in State care. There is an opportunity to scale the number of out years funded, noting that if no out years are funded this would create funding uncertainty and a ‘fiscal cliff’. This could impact the system’s ability to recruit and retain the skills and capabilities needed to deliver its services.

Each component of the package can thus be scaled with different risks associated with this scaling. We propose scaling options not be taken at this time so that Cabinet’s decision-making can be informed by robust policy advice on associated risks/trade-offs, which will be provided in March 2025.

## Section 4: Delivery

There are **specific sections to complete based on the PA Objective of the Initiative** (feel free to delete non-relevant sections of the template):

- **Cost Pressures, Capital Cost Escalations and Performance Plan Scrutiny: Section 4A and 4D**
- **New Spending Commitments and Capital Investments: All sections**

### Section 4A: Procurement

The answer to each question must not exceed 1-2 paragraphs.

<p><b>What is the initiative purchasing/funding?</b></p>	<p>This bid seeks to develop a maximum redress funding envelope for Budget purposes ahead of Cabinet decisions on the Governments approach to. The Royal Commission and a Redress Design Group have provided advice and recommendations to Government about what matters to survivors and the structure, functions and offerings the redress system should include. The bid aims to anticipate what may be included as part of the Government's future redress approach while also reflecting the broader fiscal pressures faced by government.</p> <p>This bid assumes that the State will continue to provide an alternative disputes resolution process that provides a cost-effective and human-centred approach to responding to claims of abuse in State care. Appendix 4 ('Claims journeys') provides a high-level overview of the claims service and examples of survivor interaction with this service. This initiative includes costs associated with the following:</p> <ul style="list-style-type: none"> <li>• Receiving and processing claims, providing access to information about each claimant's time in care, and supporting claimants through the claims process.</li> <li>• Claim settlement payments and reimbursement of legal aid fees or reasonable legal costs for legally represented claimants.</li> <li>• Supporting claimants to access support services while they are waiting for their claim to be resolved including funding some targeted support services (such as counselling, wellbeing services or navigation support).</li> <li>• Proactive engagement with claimants whilst they wait for their claim to be resolved and ensuring they are not re-traumatised as a consequence.</li> <li>• Legal costs associated with resolving claims and responding to litigation.</li> <li>• Integration of existing State claims agencies and the costs associated with establishment, transition and ongoing operation of a redress entity.</li> <li>• Continuation of an independent listening service (the Survivor Experience Service) and independent support for survivors to access their care records.</li> <li>• Continuation of a centralised records website to support survivors to access their care records.</li> <li>• Funding to enable survivors with closed claims to be able to receive a top-up payment for any difference between the current and new average payments and to access additional targeted supports available to survivors as part of the new redress system.</li> <li>• Funding to enable co-design and engagement with survivors on design and delivery of the redress system.</li> </ul> <p>This initiative is not seeking funding for any future redress for torture that would be required if further instances of abuse in care are formally confirmed to meet the definition of torture under the Convention Against Torture (such as some of the experiences of abuse at the Lake Alice Child and Adolescent Unit), and the Attorney-General agrees that redress for the torture is required as per New Zealand's reservation to Article 14 of the Convention. Any new funding required for torture-redress would need to be sought through a separate Budget bid or out-of-cycle funding process.</p>
<p><b>What market constraints or other delivery risks exist?</b></p>	<p>Subject to Cabinet decisions on the redress structure and overall approach, transition of teams from across multiple agencies to a single unit, agency, or entity will affect the ability to process claims while the transition is underway. This could result in fewer claims being processed and risk the growth of a claims queue for the new system. Phasing of teams' transition and temporary increases in capacity would mitigate this risk.</p>
<p><b>Government Procurement Rules</b></p>	<p>Any procurement to be undertaken, subject to Cabinet decisions on the structure for the redress system, will be in line with Government Procurements, Principles, Rules and related guidance.</p>

### Section 4B: Risks, constraints, and dependencies

The answer to each question must not exceed 1-2 paragraphs

<b>What are the main risks?</b>	<p>This bid has been developed ahead of policy decisions on an improved redress system. There is a risk that Budget decisions constrain the policy options available for consideration by Cabinet or that policy decisions result in additional costs not included as part of the Budget package. To mitigate these risks, costings have been proposed at the higher end to preserve flexibility for Cabinet decisions.</p> <p>There is uncertainty around the number of claims for abuse expected to be received. To mitigate this risk, demand has been forecast using data from existing claims agencies and having regard to international experiences of establishing a redress system (see section 3B – Evidence and Assumptions).</p> <p>Even if a new redress system is implemented, survivors may still seek to litigate their claim or may seek to challenge Cabinet’s decision-making process through the Courts. To mitigate this risk, a contingency to meet the costs of litigation is proposed.</p> <p>Policy decisions relating to the approach to settling claims may impact the number of claims that can be assessed, and the disruption of transition may impact the number of claims that can be assessed each year. To mitigate this risk and allow for scaling up as capability is built and efficiencies are realised, multi-year appropriations are sought.</p>
<b>What are the key constraints?</b>	Nil
<b>What are the key dependencies?</b>	This bid has been developed using a number of pragmatic assumptions intended to support the preparation of a maximum redress funding envelope for Budget purposes. Implementation of this initiative is dependent on Cabinet decisions, to be sought in March 2025, on the overall redress approach.

## Section 4C: Governance and oversight

The answer to each question must not exceed 1-2 paragraphs.

<b>What are the governance arrangements for this initiative?</b>	<p>Decision-making on redress sits with Cabinet. The Lead Coordination Minister is consulting closely with Ministers responsible for claims agencies to support options taken forward to Cabinet. Governance arrangements and the level of survivor input into these structures will be explored as part of this advice.</p>
<b>Timeframes and monitoring</b>	<p>Policy decisions on redress are expected to be made by Cabinet in March 2025 with public announcements able to be made as part of the Budget process. The advice provided to Cabinet to support decision making will include advice on timeframes for design, establishment, and transition to and ongoing monitoring of the new redress system.</p>

## Section 4D: Demonstrating performance

The answer to each question must not exceed 1-2 paragraphs.

Demonstrating performance for redress predominantly revolves around the time involved in processing claims, with the corresponding impact on survivor experience, and would reflect the various components of assessing and resolving claims of abuse or neglect in care.

Costing for this bid has used the assumption of a year one capacity of 1,550 claims per year, scaling up to 3,000 in year two and 5,000 in year three and beyond, which will involve significant performance improvements in addition to increased investment. Beyond claims processed per year, and drawing on comparable overseas schemes, redress system performance could further report against measures which break down the constituent parts of the claims assessment process – for example the time between claims being received and final decisions being made – and consider publishing these in semi-regular reports (See for example - <https://www.nationalredress.gov.au/news/novemberdecember-update-2024>).

## Section 5: Equity

*All initiatives need to complete this section.*

The answer to each question must not exceed 1-2 paragraphs.

<b>Timing of costs and benefits</b>	<p>Abuse in care has created considerable social, cultural, and economic costs for survivors and the country as a whole. Survivors have experienced poorer social outcomes than the general population, such as inequitable health and education outcomes, higher incarceration rates, family and sexual violence, unemployment, homelessness, mental distress, substance misuse. These impacts can be experienced inter-generationally.</p> <p>For many Māori, Pacific, disabled, and survivors from the rainbow community, these costs have compounded existing inequities.</p>
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	This bid seeks funding to strengthen the redress system to assist in the delivery of a timely, efficient resolution of survivors' claims, providing them with redress that acknowledges and addresses their experiences of abuse and concludes their claims against the State. Immediate impacts and short-term outcomes for survivors will begin to be realised straight away as claims are progressed (see intervention logic). The medium- and long-term outcomes identified in the intervention logic will take longer to realise and are dependent on ongoing delivery of an effective redress system.			
<b>Treaty of Waitangi (Te Tiriti o Waitangi) Obligations</b>	<b>Yes</b>	<p>Providing a redress process for claims of abuse in State care aligns with the Crown's Treaty obligations under Article II – protecting the ability for Māori to maintain control over their tangible and intangible assets - and would demonstrate manaakitanga to claimants. Demonstrating manaakitanga would include the Crown providing timely resolution, having a process that enhances and restores the mana of claimants by being able to acknowledge and addresses their harm, treats them with respect, helps them get the support they need and enable options for claimants about how their claim is resolved. This will help restore survivor mana, health and well-being (which also relates to obligations under Article III and Wairuatanga). Providing redress would help to improve relationships between Māori survivors and the circumstances of their whānau, hapu and iwi, which would support the achievement of equitable access and outcomes (Article III).</p> <p>For many Māori survivors of abuse in care, the impacts have compounded existing inequities. One of the Crown's guiding principles for its engagement with the Royal Commission has been meeting obligations under Te Tiriti o Waitangi – honouring the Treaty, its principles, and building a stronger Māori-Crown relationship through the way the Crown operates and behaves, which relates to the Crown's obligations under Article I – supporting the Crown's ability to govern in a way that respects and upholds te Tiriti. The upcoming Waitangi Tribunal Social Services and Social Development Kaupapa Inquiry, which is anticipated to start in the next 2-5 years, and the recently launched Education Services and Outcomes Kaupapa Inquiry have the potential to include claims of historic abuse in schools.</p>		
		Subject to the decisions made by Cabinet on redress structure, there will be opportunities for governance or advisory bodies to fulfil Treaty obligations. For example, if Cabinet decides redress should be delivered by a Crown entity, its board composition and appointments could reflect Treaty obligations.		
<b>Specific implications regarding human rights</b>	<b>Yes</b>	Abuse in State care represents a breach of human rights under the New Zealand Bill of Rights Act 1990 and Human Rights Act 1993.		
<b>Does the initiative have a larger impact on any of the following groups of New Zealanders than on the population as a whole?</b>	<i>Māori</i>	Yes - Positive <input checked="" type="checkbox"/>	Yes - Negative <input type="checkbox"/>	No impact <input type="checkbox"/>
	<i>Pasifika</i>	Yes - Positive <input checked="" type="checkbox"/>	Yes - Negative <input type="checkbox"/>	No impact <input type="checkbox"/>
	<i>Other minority ethnic groups</i>	Yes - Positive <input type="checkbox"/>	Yes - Negative <input type="checkbox"/>	No impact <input checked="" type="checkbox"/>
	<i>Rural Populations</i>	Yes - Positive <input type="checkbox"/>	Yes - Negative <input type="checkbox"/>	No impact <input checked="" type="checkbox"/>
	<i>Seniors</i>	Yes - Positive <input checked="" type="checkbox"/>	Yes - Negative <input type="checkbox"/>	No impact <input type="checkbox"/>
	<i>Disabled Peoples</i>	Yes - Positive <input checked="" type="checkbox"/>	Yes - Negative <input type="checkbox"/>	No impact <input type="checkbox"/>
	<i>Women and girls</i>	Yes - Positive <input checked="" type="checkbox"/>	Yes - Negative <input type="checkbox"/>	No impact <input type="checkbox"/>
	<i>Low-income individuals / families</i>	Yes - Positive <input type="checkbox"/>	Yes - Negative <input type="checkbox"/>	No impact <input checked="" type="checkbox"/>
	<i>Children and Young People</i>	Yes - Positive <input type="checkbox"/>	Yes - Negative <input type="checkbox"/>	No impact <input checked="" type="checkbox"/>
	<i>Other groups (please specify)</i>	Yes - Positive <input type="checkbox"/>	Yes - Negative <input type="checkbox"/>	No impact <input checked="" type="checkbox"/>
<b>Distributional Impacts</b>	The Royal Commission found that Māori, Pacific peoples, disabled peoples, and the rainbow community were more likely to have experienced abuse in care.			

For example, of the survivors who have registered a claim with MSD (the largest of the four State claims agencies), approximately<sup>3</sup>:

- 51% identify as Māori
- 5% identify as Pacific
- two thirds are men
- one third are women.

Resolution of these claims will enable claimants to have their experiences acknowledged and receive an apology for what has occurred. This is often the first step to address their harm and restore their health and wellbeing. Improved health and wellbeing is a direct impact of claims processes and will directly impact survivors' ability to achieve their aspirations, improve their ability to be resilient and help to overcome gender stereotypes, roles and pressures in their lives.

Indirectly, the resolution of these claims will benefit survivors' families (whānau, hapu and iwi) and communities in that as their health and wellbeing is restored, they will in turn be able to improve outcomes for their children, wider whānau, and community.

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<sup>3</sup> These percentages are approximate numbers as ethnicity information has not been provided by all claimants.

## Appendix 2.1

Intervention Logic Model for providing redress to survivors of abuse in care

Released under the Official Information Act 1982

## Purpose

This document is intended to support consideration of Budget25 options. Given the tight timeframes for Budget 2025, the approach to developing costings for the redress component of the Budget bid involves using assumptions about key features of the redress system, which will establish an initial funding envelope with the costs finalised through Cabinet policy decisions on the redress system sought in February/ March 2025.

## Overview

This intervention logic model (ILM) is based on a 'theory of change' approach, underpinned with evidence where available. It shows how the proposed redress interventions can lead to a wide range of outcomes for survivors, communities and government, over the short and long term. It also points to possible indicators for measuring success.

Any investment decisions will need to allow for the possibility of policy decisions that relate to any of the three options presented, without predetermining the policy decisions not yet made by Ministers.

This document outlines the approach used to create the ILM, the rationale behind the model and the evidence base underpinning it.

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## Invention Logic Map

Released under the Official Information Act 1982

# Intervention logic for providing redress to survivors of abuse in care

Redress is primarily a means of acknowledging and addressing a harm. Redress outcomes are a demonstration of potential benefits resulting from taking action to acknowledge and address the harm.

Purpose	Scope	Problem Definition
This ILM describes the impact of investing in redress in support of the Budget 25 submissions.	The ILM covers redress structure & function, payments, and supports & services (including operational costs of delivering redress). The ILM does not cover the future-proofing care services or time limited funding for CRO.	Wide-ranging abuse in care, representing a failure in the duty of care for children, young people, and vulnerable adults, has resulted in significant, ongoing individual and collective harm with complex flow-on impacts. Previous attempts to acknowledge and address abuse and the harm it has caused have been ineffective for a large range of survivors.

**Note:** the outputs highlighted in orange result directly from acknowledging the harm perpetrated. Other outcomes are flow on benefits that may be achievable dependent on decisions about the range of services made available to survivors, how these are delivered to survivors, survivors' circumstances and their capacity to utilise these supports.



## Context

### What is redress

Redress is the process of acknowledging and addressing a harm that has been perpetrated. When employed at a Governmental level, redress is primarily a tool for addressing wide-spread or systemic harm done. Whilst there is potential for broader societal outcomes (and cost reductions to government services), these are not the primary motivation behind providing redress for survivors of abuse.

Wider social outcomes (and cost reductions) are both a consequence and flow on impact of the primary objective, of acknowledging and addressing the harm. Survivors have significant distrust in government and government services, largely due to the state having broken their trust in not protecting them from abuse. It is important not to underestimate or overlook this as a factor affecting potential benefits of redress.

In developing the ILM, we have conceived of redress in the following ways:

- **Redress at an individual level** – the focus of redress is the individual who was abused in care. Their whānau and communities become relevant in context of their individual claim, acknowledging that individuals are not viewed in isolation but as a collective (eg, the individual's ability to care for their own whānau).
- **Redress as relevant to whānau, community and intergenerational issues** – whilst redress is understood at the individual level, the aspiration is for whānau and communities to be empowered to take care of their own..
- **Redress as relevant for state and non-state providers** – the level of the ILM is broad enough for non-state care providers and settings to be relevant, acknowledging that in the initial period it is more likely to be applied to those in state care.
- **ILM as broadly applicable to populations in care** – the ILM is still broadly relevant to anybody in care, not just those who have been abused whilst in care. Those in care have already experienced significant trauma which has resulted in them being in care. Abuse whilst in care is essentially a continuation of trauma.

## Developing the ILM

### Scope and approach of the ILM

#### *Underpinning Budget submission(s)*

An ILM model is needed to support the Budget 25 submissions for redress structure and function, payments, and supports & services (including operational costs of delivering redress).

The ILM does not focus on or cover the future-proofing care services, however there is a link to the future-proofing of care settings in the following ways:

- Many survivors' initial concerns are that abuse does not happen in the future, and there is a need for transparency and visibility of change in the care provision
- Monitoring and reporting of the redress system should highlight improvement opportunities in care provision and settings, with a clear feedback loop.

The ILM is also not relevant for the time limited funding for CRO aspects of the Budget 25 submission.

#### *Theory of change approach*

The model is based on a 'theory of change' approach, incorporating as much evidence as possible to substantiate the logical connections being drawn. It is not possible or helpful to create clear linear flows between individual inputs and outputs for the following reasons:

- **Significant diversity in needs for different population groups**, not all outcomes are relevant for each group, and there is not robust enough data on individual cohorts and their needs to create specific flows for each cohort.
- For redress to be provided meaningfully, it is important that the **survivor determines what redress means to them**, and that the system adjusts to meet their needs. This means that survivors essentially choose their pathway and life outcomes, and flexibility is paramount.

### Method used to develop ILM

As a start point, and to make the most of best current thinking and previous work, the problem definitions developed by CRU (now CRO) with other agencies in early 2024 have been used.

The objectives for redress agreed by Cabinet in June 2024 (CBC-24-MIN-0050 refers) have been used as a primary focus for the targeted outcomes in the ILM.

Under the umbrella of these problem statements and Cabinet objectives, the ILM has been developed with a range of survivor-focussed and government-oriented outcomes. These outcomes are relevant and known and build on the RC recommendations and known areas for improvement in the way redress is currently provided, drawing on experiences of NZ government agencies and redress schemes overseas.

A participatory social process with agencies has been used to develop the ILM. Several agencies (MSD, MoE, OT, MoH, TPK, Whaikaha) contributed to develop the intervention logic based on what they have learned, evidence and experience. CRO synthesised and structured the content, iterating with agencies to check for accuracy, fill gaps, and improve the framing.

### **Frameworks drawn on**

The following frameworks have been used to help shape the ILM, aligning with current NZ government approaches:

- **Whānau Ora** – a culturally-grounded, innovative, holistic approach to improving the wellbeing of whānau as a collective that puts whānau at the centre of decision making and addressing individual needs.
  - Aspects of the Whānau Ora framework were adapted to shape the long-term outcomes of: survivors are empowered to manage their health and wellbeing, survivors are empowered with social connection, survivors are economically stable and independent.
- **Living Standards Framework** – considers policy impacts across the various drivers of individual and collective wellbeing, institutions and governance, and overall wealth of Aotearoa New Zealand, as well as the long-term and distributional issues, and implications of policy.
- **Social Investment Approach** – using data to better target how, where, and who money is invested in, to maximise the likelihood of achieving longer term outcomes and reduce dependency on services.

In addition to these broader frameworks, this ILM draws on the existing ILM models developed for various aspects of redress within agencies (eg, MSD's Intervention Logic for Historic Claims, and MoE's Theory of Change implementing Tikanga into the Sensitive Claims service, and MoE's Theory of Change for its Wellbeing Service).

## Description of ILM Content

The ILM describes invention in terms of: Objectives, Inputs, Outputs, and Early Impact, Medium Outcomes and Long-term Outcomes. This section describes the basis for the statements made under these headings.

It is important to note that the *Inputs* and *Outputs* do not translate directly to *Impact*. Instead, much of the impact described is the sum of multiple inputs and the accumulated effort of those inputs over time.

For instance, receiving a significant financial payment improves a survivor's immediate purchasing power, allowing them to address immediate financial concerns; however, it is the combination of the financial boost alongside access to support services such as workforce training, mental health support or trauma care that enable long-term financial stability.

### Objectives

The Crown objectives for redress agreed by Cabinet in June 2024 (CBC-24-MIN-0050 refers) have been used as a primary focus for the targeted outcomes in the ILM.

The agreed Crown objectives for redress are:

- **contributes to reducing the negative social, cultural, and economic costs** arising from the poor outcomes experienced by survivors and subsequent generations as a result of the injury and trauma caused by abuse.
- **supports improved outcomes for survivors** – which could, depending on a survivor's circumstances and preference, encompass personal healing, improved quality of life, and the ability to more fully participate in all aspects of community, social, cultural, and economic life.
- **delivers accountability for survivors**, including apologies and financial payments that serve to acknowledge the harm survivors experienced and further obligations to prevent future abuse in care.
- **manages affordability, risks, and liability**, including avoiding significant unintended consequences and helping to ensure the sustainability of redress for as long as it is needed.

### Inputs

The inputs in the ILM have been described under three headings. These are the tangible attributes of a redress system that will enable change, based on findings by the Royal

Commission, advice and findings of current claims agencies, findings by international Redress Schemes, and published findings by academics.

- **Enabling, transparent, timely processes**

- Thorough monitoring and transparent reporting of the Redress system
- Capacity and capability to deliver efficiently and effectively the first time
- Recognition of responsibility, and the multiple layers of trauma that has occurred in a failed duty of care
- Trauma-informed and culturally responsive approaches
- Survivor needs are understood and define the support procured / delivered
- Flexible delivery, driven by the impact of harm, individual circumstance, quality of life, and survivor choice

- **Supports and services**

- Accessible services that consider trauma, cultural, spiritual and disability-related needs
- Access to universal services e.g. accident compensation, counselling, housing support, jobseeker support
- Access to redress specific supports e.g. rehabilitation, financial advice, family therapy
- Access to personal care records
- Personalised apologies that acknowledge the harm done

- **Payments**

- Payments are delivered in a timely manner
- Payments acknowledge that harm occurred

### **Outputs**

The outputs describe the immediate result of the inputs. The following outputs are primarily linking to inputs regarding an *enabling, transparent and timely process*:

- Redress system governance is in place to guide change and improvement

- Redress is delivered with integrity, is continuously improved, monitored and reported on. Reports are published regularly
- Services and staff can respond to needs of people with trauma
- Redress is designed with a system lens, connecting and considering how it connects with existing or new services, policies and approaches; as well as survivors support networks, whānau and communities
- Redress is designed with awareness and consideration of whānau.

The following outputs are primarily linking to *Supports and services*:

- Survivors have agency, their mana is upheld throughout their engagement
- Survivors can access their care records with support to understand their story and what happened to them
- Survivors receive an apology that is personal and acknowledges the harm

The following outputs are primarily linking to *Payments*:

- Survivors receive funds recognising the abuse experienced and harm caused.

### **Early Impacts**

Early impact describes the short-term benefits of the output. Many of these speak to positioning survivors on an improved life trajectory, with opportunities for long-term benefits. These can also be thought of as largely focused on ‘removing barriers.’

An example of this is, ‘Survivors can connect with their culture and heritage’. In many survivor testimonies, it was noted that lack of access to care records was a significant barrier to survivors forming a personal identity. In some cases, survivors had incorrect or minimal knowledge of their own ethnicity, or family lineage, or how they came to be in care. By enabling access to their records, survivors are able to establish the basic facts about who they are; however, deriving meaning and establishing connection to family and community is an outcome that is likely to take longer and draw on other related enablers.

### **Medium Outcomes**

In the *Medium Outcomes* we begin to see how the inputs overlap to generate more substantial benefits. Following the previous example, it is access to care records, as well as a monetary sum that enables a survivor to have the information, time and personal capacity to ‘engage with their heritage, language and culture’

As well as access to records, survivors have noted that the ability to learn their language and connect with their culture is a luxury they were unable to obtain when they were focused on meeting their daily needs.

### **Long-term Outcomes**

The long-term outcomes speak to collective benefits, that like the medium outcomes, are the sum of multiple inputs. This could include outcomes like greater trust in government among both survivors, improved health and wellbeing and economic opportunity for survivors, a strengthened communities and cultural connections for survivors.

Similar to the medium impact statements, these longer-term outcomes are increasingly interlinked benefits. By engaging with their heritage, language and culture a survivor may experience improved mental health and sense of connection with their family and community. Alongside improved trust in state services, at a collective level, this may correlate to reduced crime and rates of violence, reduced transience and greater employment, and therefore reduced cost of social services to the state.

## Supporting evidence

A summary of findings regarding the impact of harm in care is described below within the themes of Health, Education and Economic, Justice and Corrections, Social and Cultural Wellbeing.

### Health

- Many survivors of abuse have suffered physical injuries from abuse in care, as well as having ongoing and long-term health needs, which include both mental distress and physical illnesses (RCOI b, 2024).
- Many survivors also developed longer-term medical conditions associated with trauma and abuse, including cardiovascular problems, diabetes, malnourishment, sexually transmitted diseases, chronic pain, and incontinence. (RCOI, 2021)
- 33% of survivors reported living with a chronic health condition at some stage of their lives ([RCOI – DOT Consulting, 2023](#)).
- Current health system costs:
  - The Royal Australian & New Zealand College of Psychiatrists reports the estimated annual cost of premature death in people with serious mental illness is \$3.1 billion (NZD) in New Zealand ([RANZCP, 2016](#)).
  - In 2021, ACC estimated the cost related to sexual violence cases is approximately more than \$6.9 billion annually.

### Education and Economic impact

- Individuals have experienced social withdrawal as a result of trauma experienced, leading to poorer economic outcomes. Many survivors find it difficult to socialise, interact, and trust others after their experience of abuse whilst in care. Abuse experienced lead to a withdrawal from education. The loss of economic opportunity has ongoing consequences, including financial insecurity and loss of self-worth for generations (RCOI, 2021).
- In 2023, AUT found that lower low reading and math skill correlated with lower earnings. In a social context, the OECD describes a baseline of education to be one that enables a person to “participate effectively and productively in life”.

### Justice and Corrections

- People in prison tend to have greater levels of childhood and adult trauma, greater lifetime exposure to family violence, higher prevalence of substance abuse

disorder, mental health issues, and more neurocognitive diversity than the general population ([Ara Poutama, 2024](#)).

- There is a clear pathway to becoming a gang member and undertaking illegal activity or activities that led to imprisonment for survivors of social welfare residential care (RCOI a, 2024).
- For many Pacific survivors, abuse in care led to involvement with gangs, criminal activity and prison. It was the 'natural next step', and there was an identified direct connection. Criminal activity leading to prison was a result of not having received skills, education, support or opportunities to do anything else while in care (RCOI a, 2024).
- People in social welfare settings were at least five to nine times more likely to serve a prison sentence than those who had not been in social welfare settings (RCOI b, 2024).
- Data in the IDI shows that as many as 1 in 3 people who were in residential social welfare settings between 1950 and 1999 went on to be incarcerated (RCOI, 2022). For Māori youth who had been in residential social welfare settings within the same period, up to 42 per cent went on to receive a prison sentence later in their lives.
- Current justice system (corrections) costs:
  - The average annual cost for 2023/24 of people in prison per person, per day is \$562.00, and this had increased from \$555.00 for the year 2022/23 (Ara Poutama, 2024). Ara Poutama reports there are approximately 5,092 people currently serving a prison sentence, with an average length of sentence imposed of 636 days.

## Social and Cultural Wellbeing

- Consistently, survivors have described the impacts of abuse in holistic terms. That is, abuse has affected everything about their lives. It has harmed their physical health, their psychological and emotional wellbeing, their education and economic prospects, their relationships with family and others, their cultural and spiritual lives, and much more, leaving a legacy of harm that has spanned generations.
- Being in care meant many survivors lost contact with family, community, culture, language, identity and whakapapa, which many later aged and struggled to regain.
- Abuse and neglect in care caused many Pacific survivors to lose connections to their kainga (family), culture and language. This had significant impacts on their

sense of belonging, identity and their life pathway. Many Pacific survivors lost the ability to fakatupuolamoui, the ability to live vigorously and abundantly by having negative experiences in care settings which led to non-compliant behaviour or isolation.

- Abuse in care has resulted in intergenerational effects as some survivors have not had the support needed to work through their trauma.
- Partners and children live with the survivors' hurt, depression, loss, and anger. Some survivors struggle to show affection or care for their children, and some have gone on to inflict violence and other harm on the next generation.

## Other resources used to inform the ILM

Earlier work collected and created by CRO

- [Puretumu Torowhānui Outcomes Framework Development](#)
- [The Impact of Abuse in care in NZ](#)

Current or recent outcomes frameworks or intervention logics for reference

- [SES Evaluation and Monitoring Plan](#)
- MSD ILM for Historic Claims
- MoE Theory of Change implementing Tikanga into the Sensitive Claims service
- MoE Theory of Change for its Wellbeing Service
- [Te Aorerekura: The National Strategy to Eliminate Family Violence and Sexual Violence Outcomes and Measurement Framework](#)
- [Living Standards Framework](#)
- [Accelerating-Social-Investment-Cabinet-Paper.pdf](#)

International Redress Scheme: Performance measures / Outcomes / Intervention Logic

Australia

- [Australia Strategic Success Measures](#)
- [Service Charter: Australia National Redress Scheme](#)

Scotland

- [RS-Corporate-Plan\\_MAY-2023.pdf](#)
- [National Performance Framework | National Performance Framework](#)

### Objectives for Redress

- [What Makes Redress Better? \(Chapter 3\) - Monetary Redress for Abuse in State Care](#)
- [Abuse in state care: the rough road to financial redress - The University of Auckland](#)

### Intervention Logic Guidance

- [Investment Decision Process — Harm Reduction Action Plan for Work-Related Road Safety](#)
- [He awa whiria—A “Braided River”: An Indigenous Māori Approach to Mixed Methods Research - Rhiannon Martel, Matthew Shepherd, Felicity Goodyear-Smith, 2022](#)
- [IDIA | Indigenous Design & Innovation Aotearoa](#)

### Other evidence showing links between inputs and outcomes

- MoE Impact & Value Standards Measurement for Social Investment standards for the social sector

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## Appendix 2 - Redress System Package Costed Scaling Options

These packages are indicative for costing and budget consideration only. Policy decisions on system settings will be made later in 2025.

	Low Scaling Package (MVP)					Mid Scaling Package					High Scaling Package				
	Operating costs associated with this scaling option (\$m)					Operating costs associated with this scaling option (\$m)					Operating costs associated with this scaling option (\$m)				
	2025/26	2026/27	2027/28	2028/29 & outyears	Total	2025/26	2026/27	2027/28	2028/29 & outyears	Total	2025/26	2026/27	2027/28	2028/29 & outyears	Total
	\$6.79	\$101.65	\$94.22	\$94.01	\$296.49	9(2)(f)(iv)					9(2)(f)(iv)				
Number of out years	2 years					4 years					6 years				
Structure	Status quo for four State claims agencies in operation plus two agencies who need a mechanism					Transition and establishment of an integrated unit in an existing government department					Transition and establishment of a new entity				
Capacity	1550 claims per year					1550 claims rising to 5,000 claims by 2027/28					1550 claims rising to 5,000 claims by 2027/28				
Monetary payment	Average of \$20k per payment per claim					Average of \$30k per payment per claim					Average of \$40k per payment per claim				
Top up payments for previously settled claims	No					No					Yes				
Supports	Average cost of \$5K per claim					Average cost of \$7K per claim					Average cost of \$10K per claim				
Survivors with closed claims can access supports	No					No <sup>1</sup>					Yes				
Survivor experience service	Fixed – 2 years only					Yes					Yes				
Funding to allow co-design of supports with survivors	No					No					Yes				
Provision of care records to survivors	Yes					Yes					Yes				
Independent Records website	No					No					Yes				
Reimbursement of survivor legal fees	50% of claims at \$11K per claim					50% of claims at \$11K per claim					50% of claims at \$11K per claim				
Review and complaint function	No					Yes					Yes				
Independent review	Two reviews at year 2/3 and 4/5					Annual review					Annual review				
Out of scope															

**Notes**

<sup>1</sup> Top-up payments for survivors with closed claims could be added to this package for \$50.32 million over two years

## Appendix 4: Redress journey for survivors to support Budget 25 considerations

### Purpose

This document is intended to support consideration of Budget25 options. Given the tight timeframes for Budget 2025, the approach to developing costings for the redress component of the Budget bid involves using assumptions about key features of the redress system, which will establish an initial funding envelope with the costs finalised through Cabinet policy decisions on the redress system sought in March 2025.

### Context

The Royal Commission of Inquiry into Abuse in Care found that people who experienced abuse in care in New Zealand span a diverse population across a range of care settings; experiences of abuse have resulted in wide-ranging physical, mental and psychological harm and trauma; and that the lasting impact on survivors' lives and their ability to overcome the harm differs significantly. Poor delivery of redress can add to the survivor's trauma while successful redress can enable healing and recovery.

### Cohorts overview

Forecasting the total population of survivors is incredibly difficult due to the undocumented nature of the abuse over the time-period examined by the Royal Commission. Survivor characteristics to consider in delivering Redress include:

- *Care settings:* may inform the impact of the harm (eg, abuse in a school setting, leading to leaving school early and poorer long-term employment opportunities) and the focus for Redress needs (eg, improved education for their children). Care settings also relate to responsibility and eligibility for Redress services.
- *Time period:* when the abuse happened will affect the information available through care records, policy settings, and responsibility
- *Ethnicity:* Survivors are over-represented by Māori and Pacific Peoples
- *Disabilities:* Deaf people and people with disabilities have been a particular target of abuse and have limited ability to identify abuse and/or to access support to address the impact due to the inaccessibility of services
- *Age:* Survivor age can affect the Redress focus and sense of urgency between apology, services and payments
- *Life circumstances:* Personal circumstances may make it hard for survivors to engage or may disrupt the process of receiving redress.

### Survivor personas – a sample

The following personas have been developed as examples of people who may engage in State Redress. Their priorities are highlighted. These personas are representative of a combination of survivors' testimonies to the Royal Commission and case studies shared with CRO by agencies. How these personas might progress through Redress is explored on the following page.



**Aron, 56, lives in Kaikohe with his partner. Aron has two adult children and is currently receiving cancer treatment.**



Expedited payment



Individual apology

**Aron anticipates he will die within 18 months. He needs an easy and speedy Redress process.**

"I want an apology and my records. Money is secondary but I want something to leave my children. The process must be easy, and it has to be fast. I don't have the time or education to navigate another big legal process. Sometimes I think the state is just hoping I'll die before they have to pay up."



**Erina, Ngāi Tahu, 17, lives with her Mum and 2 younger siblings in Nelson. She has an older sister living in Christchurch.**



Assisted services



Individual apology

**Erina wants the state to take responsibility for what happened. She is seeking support to move forward.**

"Other kids are working or studying, I'm just lost. I don't have the skills to do those things. That's what I want, support to get my life back on track and get my family back together. Money comes and goes. I want an apology – one that I understand and actually means something, respecting tikanga, not just some lawyer trying to pay us off."



**Caroline, 63, lives with her sister in Hawkes bay.**



Assisted services



Individual apology

**Caroline needs access to Redress to account for her disability.**

"After leaving the institution, I struggled for a long time with social skills. I want to see an end to the kind of treatment I experienced. I want access to supports that address the skills and education I missed out on while in care. Whatever is delivered must be accessible. It would be cruel to present something so complicated and inflexible that after everything, I still couldn't access what I need."



**David, Ngāti Kahungunu, 45, is currently in Rimutaka Prison. He has one daughter.**



Individual payment



Assisted services

**David needs support to manage and protect any funds he receives while in prison.**

"I have a lot of anger, and I'm constantly scared I will lose control if I don't get the help that I know I need. I want support to address my trauma. I also want someone to recognise the path state services put me on. I should never have been placed in care – I don't trust authority, or the state, but once I am out of prison, I never want to come back."

# Survivor journey through Redress

This page describes what the journey through Redress could look like for different survivors. The steps described here are based on the current claims processes.

## Entry

### Becoming aware

Survivors become aware of Redress through wide-spread and targeted communications eg. for deaf, disabled, digitally illiterate and transient.

### First contact

Some initial information is gathered to register the survivor and verify their time in care. Depending on their care setting, and records, this may be time consuming. This is done in a trauma-informed way to establish trust.



"I don't know if I trust this."



"Finally, someone is taking responsibility."



"What do I need to do? Am I allowed a support person?"



"I'd better get a lawyer"

## Engagement

### Registration

The survivor is informed of the services available to them, as a survivor of abuse in care. These may include:

- specialist support services
- support to access universal services
- application for payment which may be individually assessed or expedited
- access to care records
- an individual apology
- a place to share their story

A representative explain what to expect given the survivors situation. Processes are heavily shaped by the survivor's claim, care setting, and specific needs.

### Progressing through Redress

As a survivor progresses through Redress, there may be delays due to demand on the system, degree of information or research required, complexity of the case or changes in the survivor's personal circumstances.

Survivors may wish to pause their engagement or change the focus of their Redress journey.

Redress will adapt and respond to changes in a way that supports the survivor. This may include discussing options with the survivor or making changes to what is requested. Redress representatives keep the survivor updated with the progress of services and follow-up with requests on the survivor's behalf.



"Support services are 40 year too late. Just give me the money, if it's all I can get, I'll take it."

Aron opts for the quickest process options. He receives access to his records and shares these with his partner. He would like his son to be able to access counselling.



"This is daunting. I need my family walking alongside me. I need to go at my pace, not be rushed"

Erina chooses to access support services and develops a meaningful apology with the support of a Redress representative who understands tikanga.



"Websites and forms are difficult for me. I just need someone who treats me like a person and can walk me through the process with dignity."

Caroline works with a redress representative to develop a meaningful apology. Support services are chosen to give her more independence. Due to poor health, Caroline pauses her application for several months.



"How can you expect me to know this information? Isn't that your job?"

David's lawyer supports him through an individual payment process. Through meeting with Redress, he is made aware of several corrections-based programme he can engage for trauma support. He is receiving specialist support to connect with his whakapapa and understand his identity.

## Case close

### Ready to receive payments

Once a sum is approved, how payments are received considers what survivor needs for financial advice and management may be. This may include personal circumstances such as addiction, health concerns or financial literacy. Different means of delivering funds may be engaged.

### Confidence to move on

Survivors have received specialised redress services, including payments and feel confident to transition to universal services or move on independently.



"I need to know my children will have access to this money."

Aron receives an expedited payment and an apology. He also receives end of life support.



"I'm getting back on track with the support of my whānau."

It is arranged that a payment is placed in a trust for when Erina is 18. She receives an apology and support to plan her future.



"I have more independence now. The apology helps me tell my story."

Caroline receives an apology, support services and expedited payment.



"I have ongoing support to prepare for life after prison."

David's legal fees are reimbursed alongside his individual payment. He receives an apology with this.

# Briefing



Approach to Redress Policy Decisions			
Date:	23/01/2025	Security level:	
Priority:	Medium	Report number:	CRACI 25/009

Actions sought	
Hon Erica Stanford Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions	Provide feedback on the proposed approach to redress policy decisions

Contact for discussion			
Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Functional Chief Executive, Crown Response Office	9(2)(a)	
Molly Elliott	Chief Advisor, Crown Response Office	9(2)(a)	✓

Agencies consulted
N/A

**Minister's office to complete**

<input type="checkbox"/> Noted <input type="checkbox"/> Seen <input type="checkbox"/> See Minister's notes <input type="checkbox"/> Needs change <input type="checkbox"/> Overtaken by events <input type="checkbox"/> Declined <input type="checkbox"/> Referred to (specify)  _____	<p><b>Comments</b></p>          
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Released under the Official Information Act 1982

# Briefing



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

## Approach to Redress Policy Decisions

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

**Date:** 23 January 2025

**Security level:**

**Priority:** Medium

**Report number:** CRACI 25/009

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### Purpose

1. This briefing provides you with an approach to seeking Cabinet policy decisions on redress. Officials are available to discuss this briefing at the Crown Response Officials meeting on 24 January.

### Recommendations

2. It is recommended that you:
  3. **provide feedback** on the proposed approach to seeking redress policy decisions.

Rajesh Chhana  
Functional Chief Executive, Crown Response  
Office  
Crown Response to the Abuse in Care Inquiry  
23/01/2025

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

**Cabinet policy decisions on redress are required; the priority is decisions which have significant fiscal impact or are foundational to subsequent decisions**

4. On 23 January you submitted a Crown Response to Abuse in Care Budget '25 package. That package proposed options for a funding envelope that could be used to provide longer term funding for State redress and make any system changes Cabinet may agree to.
5. Now there are key policy decisions to be made to inform final Budget '25 decisions. We recommend the focus between now and end of March be on policy decisions that have significant fiscal implications and/or are foundational to confirm the intent and function of the system. There will be follow up decisions that need to be made later in 2025 that will flow from this initial phase.
6. Appendix One outlines the first phase of high-level decisions we recommend focusing on and associated timeframes. The timeframes for this policy decision process are tight given the need to fit in with Budget '25 Cabinet decisions.

**We recommend the initial discussion with STR Committee focus on confirming Government priorities for change – including scale and pace of change desired**

7. The STR Committee discussion, tentatively scheduled for 18 February, will be a key opportunity for you to share your objectives and test your thinking with Cabinet Ministers. We anticipate that discussion will help shape the SOU policy proposals.
8. In June 2024 Cabinet agreed to four core objectives for redress [CBC-24-MIN-050 refers] that it will:
  - a. deliver accountability for survivors, including apologies and financial payments that serve to acknowledge the harm survivors experienced and furthers obligations to prevent future abuse in care;
  - b. support improved outcomes for survivors – which could, depending on a survivor's circumstances and preference, encompass improved quality of life, and the ability to more fully participate in all aspects of community, social, cultural, and economic life;
  - c. manage affordability, risks, and liability, including avoiding significant unintended consequences and helping to ensure the sustainability of redress for as long as it is needed; and
  - d. contribute to reducing the negative social, cultural and economic costs arising from the poor outcomes experienced by survivors as a result of the injury and trauma caused by abuse.
9. There are tensions across these objectives. For example, Cabinet will need to consider how to balance the level of accountability through monetary payments and provision of support services that may be expected from survivors, with the level of investment Cabinet may consider to be affordable in this current fiscal climate.
10. Given this, it is important for Minister's and Cabinet to determine the scale and pace of change appropriate to delivery on their priorities and objectives. The STR committee discussion, tentatively scheduled for 18 February, will be a key opportunity for you to share

your objectives and test your thinking with Cabinet Ministers. The expectation is that discussion will help shape the SOU policy proposals.

11. We recommend the discussion focusses on answering the questions:
  - a. What are the priority objectives for change – what outcomes would Ministers like to see for survivors? For society? For the Crown?
  - b. What is the scale and pace of change Government consider appropriate? How different is the end state from the current state? How quickly do you want to get to that end state?
12. There will be a fine balance to strike between having a high-level conversation that helps to confirm your intended approach to the system as whole, while still being grounded in the practical application and implications of the policy decisions.

### ***Officials are preparing documents to support the 18 February STR discussion***

13. To support the STR discussion we are preparing documents that are intended to:
  - a. Provide an overview and context for understanding redress and our current state (this will be built from the Redress overview briefing provided to Joint Ministers in October 2024);
  - b. Provide a framework to think about redress priorities, scale and pace of change; and
  - c. Provide some scenarios to help Minister's conceptualise how various policy options might come together to give effect to the desired change.
14. Appendix Two provides a rough indication of the types of tools that could support points b and c above. These are indicative only and do not represent what the final products might look like.
15. Pending your feedback, we will work up an A3 (or series of A3s) to better illustrate a framework and some scenarios.

### **Next steps**

16. We will discuss this briefing with you on 24 January at the CRO officials meeting.
17. We will provide you with draft STR committee papers on 30 January 2025 for your review and feedback by 3 February.

### **Appendices**

1. Proposed redress policy decision pathway
2. Indicative tools in development to support STR Committee session – for discussion purpose only (not representative of the final products)

**Appendix One: Proposed Redress Policy Decision Pathway**

Vision/approach confirmation	Policy Areas and Primary Questions	January	February	March	April 2025	Anticipated Phase Two Policy Decisions
<p>What are the priority objectives for change?</p> <p>What is the scale and pace of change Government consider appropriate?</p>	<p><i>Function and form</i></p> <p>Does the primary function of the redress system continue to be an Alternative Disputes Resolution model (ADR) or is it more of an entitlement-based scheme?</p> <p>Does the redress system change its level of integration and independence? If so, what is the objective and therefore what is the preferred form for it to take. This will include consideration of redress system oversight and monitoring.</p> <p><i>System size and model</i></p> <p>What are the preferred settings in the system to meet the demand for redress from survivors? Key setting elements to consider include operational capacity and assessment models, historic vs contemporary claims.</p> <p><i>Service offering</i></p> <p>Will changes be made to what is offered to survivors through redress? Key policy setting elements to consider include</p> <ul style="list-style-type: none"> <li>• monetary payment levels</li> <li>• support services</li> <li>• legal fees</li> <li>• apology</li> </ul> <p>Do eligibility settings for redress change from what they are currently? If so, who is eligible for what?</p>	<p>30 January: Draft STR papers to Minister Stanford for review and feedback by 3 February</p>	<p>5 February: Papers for Joint Ministers meeting provided to Minister Stanford's office</p> <p>10 February (TBC) – Joint Minister's meeting. Agenda confirming approach to STR</p> <p>13 February: STR papers lodged</p> <p>18 February STR</p> <p>18/19 Feb Joint Ministers STR debrief (TBC)</p> <p>20 February – draft SOU papers to Minister Stanford for feedback and/or circulation for Ministerial consultation by 24 February</p>	<p>3 March – Ministerial consultation on SOU papers closes</p> <p>6 March – lodge SOU papers</p> <p>12 March – SOU</p> <p>17 March - Cabinet</p>	<p>Budget Decisions are made</p> <p>Pre-Budget announcements</p> <p>Implementation planning begins</p> <p>Approach to Phase Two of redress policy decisions confirmed</p>	<p>For example:</p> <ul style="list-style-type: none"> <li>• Non state redress integration</li> <li>• Specific eligibility policy options that may need to be considered</li> <li>• Flow on decisions required after primary decisions made</li> </ul>
<p>Full Government response Plan</p>	<p>Confirm approach to the full response plan in terms of:</p> <ul style="list-style-type: none"> <li>• High-level phasing: redress decisions, strategic decisions, early actions (budget initiatives and work absorbed into agency work programmes).</li> <li>• structure – anchored around a series of work packages</li> <li>• monitoring and reporting</li> </ul> <p>recommendations for a high level of partnering and co-design</p>		<p>12 February (TBC) – Joint Minister's meeting. Approach to the full response plan – key issues to be discussed</p>	<p>10 March - Draft full response plan to Minister Stanford</p> <p>17 – 31 March - Ministerial consultation on SOU paper</p>	<p>3 April – lodge response plan for SOU</p> <p>9 April - SOU</p>	

### What is the appropriate scale and pace of change?

	Fast Pace	Slower Pace
High level of change from current state	eg: high fiscal impact now	eg: high fiscal impact over time
Minor level of change from current state	eg: lower fiscal impact now	eg: lower fiscal impact over time

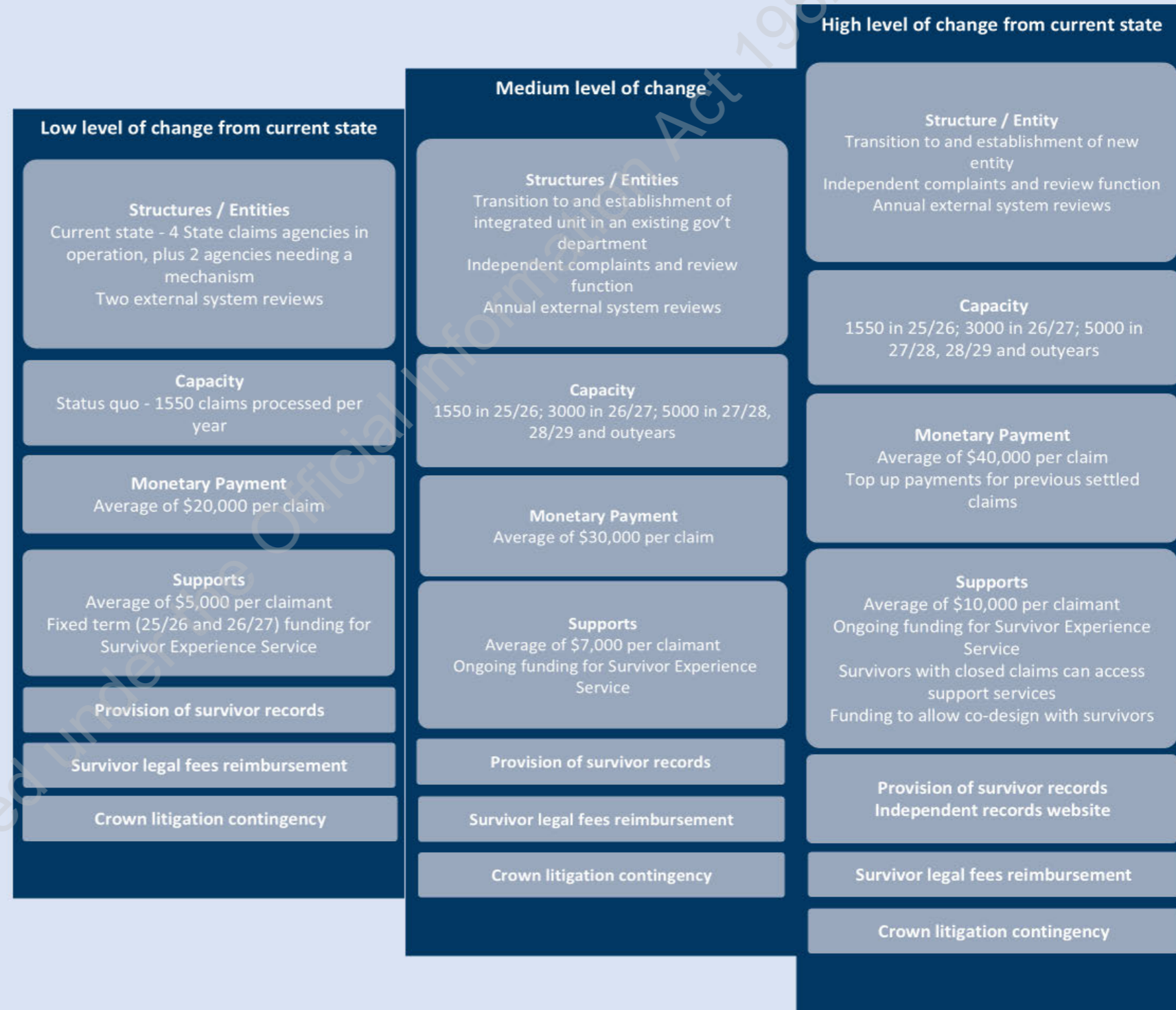
### What are the priority objectives for change?

Cabinet agreed its objectives for redress are for it to:

1. deliver accountability for survivors
2. support improved outcomes for survivors
3. manage affordability, risks, and liability
4. contribute to reducing the negative social, cultural and economic costs

## Scenarios

For indicative purposes only (based on scenarios used for B25 package)





# Aide-memoire

## Joint Ministers' meeting 10 February 2025 – Draft Response Plan and Redress

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

**Date:** 7 February 2025

**Security level:**

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### Purpose

1. This aide-memoire provides information to support joint Ministers' discussion on the proposed plan to respond to the Royal Commission recommendations on Monday, 10 February.
2. The purpose of the discussion is to discuss the proposed approach to the response plan and the scale, pace, and priorities for the next phase of the Government's redress response. There is a wide range of options for how this work could be approached with varying cost implications. The discussion will help support the development of further advice, which will be provided for Cabinet to consider in March 2025.

### Background

3. In June 2024, Cabinet endorsed work on redress as an important focus of the overall response to the Royal Commission and agreed to the development of redress options drawing on the Royal Commission's findings, proposals prepared by a Design Group established by the previous administration, and lessons from domestic and international redress schemes.
4. It also agreed to four core objectives for redress:
  - delivers accountability for survivors, including apologies and financial payments that serve to acknowledge the harm survivors experienced and furthers obligations to prevent future abuse in care;
  - supports improved outcomes for survivors – which could, depending on a survivor's circumstances and preference, encompass improved quality of life, and the ability to more fully participate in all aspects of community, social, cultural, and economic life;
  - manages affordability, risks, and liability, including avoiding significant unintended consequences and helping to ensure the sustainability of redress for as long as it is needed; and
  - contributes to reducing the negative social, cultural and economic costs arising from the poor outcomes experienced by survivors as a result of the injury and trauma caused by abuse.

## The Government has already implemented a small number of the Royal Commission's redress recommendations

5. Since decisions in June, the Government has taken a series of steps to respond to the Royal Commission's recommendations for addressing the wrongs of the past, including:
  - a. making a public apology for abuse in care on 12 November 2024;
  - b. providing an additional \$32 million in November 2024 to reduce backlogs in current claims processes;
  - c. providing torture redress for Lake Alice torture survivors and addressing inequities in legal payments between those survivors;
  - d. establishing a \$2 million survivor support fund (due to open late February); and
  - e. announcing a National Day of Reflection and Remembrance on 12 November 2025;
6. Most recently, the Lead Coordination Minister has been working with the Ministers of Health, Social Development, and Mental Health on options for a Budget 2025 redress package.

## Direction is now needed to guide the next phase of the redress response

7. Significant and urgent policy decisions to guide the next stage of the redress response are needed in the next six weeks. The pathway for decisions necessary to line up with the Budget 2025 process and then support implementation of redress design decisions in the next financial year is as follows:
  - a. **10 February 2025** – joint Ministers' discussion
  - b. **18 February 2025** - Cabinet Strategy Committee (STR) to seek direction on pace and scale of our redress response (TBC) (if not STR then a separate Ministerial meeting will be convened)
  - c. **3 March** – budget bilateral
  - d. **12 March 2025** - decisions needed to confirm Budget 2025 redress package considered by Cabinet Social Outcomes Committee (SOU)
  - e. **9 April 2025** – Response plan considered by SOU
  - f. **May – September 2025** - SOU and joint Ministers to consider further policy and design decisions.
8. Redress decisions are complex and direction will be required to provide parameters for redress options and advice that will be considered by SOU in March.
9. Details of the redress response will then be detailed in the overall Crown Response Plan due to be considered by SOU on 9 April. This plan will set out the response to the full set of Royal Commission recommendations.

Out of  
scope

Out of scope  
[Redacted text]

### **Officials seek confirmation on continuing to provide dispute resolution processes as an alternative to litigation**

10. Over the 1990s, a growing number of claims were made regarding abuse and neglect of children and young people while in State care. At that time, litigation was the primary option for claimants. State claims processes evolved out of that litigation in both New Zealand and in similar jurisdictions overseas.
11. Consistent with the Royal Commission's recommendations and the current approach to responding to claims, it is recommended that dispute resolution processes are maintained as an alternative to litigation. This is on the basis that returning to a situation where individual claimants are required to seek redress through the Courts would introduce considerable costs, exacerbate delays and increase uncertainty about the outcomes of those cases for survivors and the Crown and would consume significant Court time, energy and resource. On average, it costs the Crown \$1m to defend litigation in court, regardless of the outcome. In addition, the Crown often meets other costs of litigation through avenues such as legal aid.
12. The inquisitorial court process is often also unsuitable for resolution of abuse in care claims because of the difficulty in establishing liability given the passage of time, the high evidentiary bar required in court and the limited records and other evidence available to support survivors' claims.
13. Out of scope  
[Redacted text]

### **Scale, pace, and priorities for any changes to those processes**

14. Given the range of options that are available, and the challenge of meeting survivors' high expectations for meaningful change within the current fiscal context, it is appropriate to seek a direction on the scale, pace and priorities for any changes the Government wants to make to ADR processes.
15. To support the discussion, the appended A3 sets out three staged options. Options are offered against each of the following elements of our ADR processes:
  - a. what redress is available to survivors;
  - b. how integrated and independent ADR processes are; and
  - c. the consistency, efficiency and speed of those processes.

16. These options have all been developed within the same parameters used for the Redress Budget Bid package. Any changes will need to recognise the broader environment in which redress is delivered and the complexity of designing an integrated approach. This includes significant constraints on the Crown's current fiscal position and capacity pressures in the health and social services sectors. The constraints apply to all redress options including the status quo.
17. The options do not include one designed to give wide effect to the recommendations of the Royal Commission, reflecting that would entail a level of cost and capacity beyond the parameters for this work. Additionally, the options are focussed on claims for redress in the care of State agencies (namely MSD, MOE, MOH, OT, TPK and Corrections) as Cabinet agreed in November this was to be the initial priority. 9(2)(f)(iv)

## Options for change to current redress system

### A minimal change package

18. The first significant area for direction from Ministers is what is the minimal level and nature of any change is wanted to be introduced to ADR processes as part of the next phase of the redress response.
19. To support this decision, officials have developed a package of meaningful improvements to the experiences of survivors that can be made in the short term with only a small amount of additional initial costs – an additional \$16 million over the first two years, with ongoing annual operating costs remaining the same at approximately \$95 million per annum.
20. This package comprises:
  - a. legislative change to support the delivery of more fulsome apologies to survivors and providing a consistent level of redress across the four ADR processes for the same experiences;
  - b. operational efficiencies to reduce the cost of running redress processes (including reductions in legal costs), shift the balance of spend towards survivors and speed up the resolution of claims by removing low-value elements of the ADR process; and
  - c. measures to introduce more accountability, consistency, integration and independence into ADR processes, including a mechanism for survivors to contribute directly to advice to Ministers on our redress response (note the latter is being progressed through the Crown Response Office budget package and is connected to the Crown Response Plan work).
21. The package has been designed to prioritise changes that can be done with little additional investment and which bring direct benefits to survivors, with a focus on the design and operation of core redress services and processes. It assumes the current level of payments, supports and services to survivors will be largely unchanged. The package does not include any structural changes given the risk of delays and disruption to those services.

22. The package would respond to some extent to a number of issues identified by the Royal Commission and the Design Group. It would not address the Royal Commission's and Design Group's recommendations for significant increases to the payments and supports available to survivors or system independence. Survivor expectations for increases in payment levels are fairly high and are informed by payment levels delivered through international redress processes. As previously advised to Ministers, these tend to have significantly higher top end payments. It is also possible that some survivors will draw a parallel between what is available through ADR processes and the recently announced Lake Alice torture settlements process.
23. Further, the design and delivery of ADR processes would remain the responsibility of existing redress and care agencies and would not address the Royal Commission's recommendation that these processes should be fully independent of those agencies.
24. Finally, while these changes are expected to speed up processing times, they will not in the short to medium term significantly reduce waiting times because of the size of the current backlog in claims registered with MSD's Historic Claims Unit.

#### Further options to enhance redress provision through Budget 2025

25. The next consideration is whether to progress further redress changes as part of this next phase of work, and if so, which changes to prioritise. There are three main options:
- a. **Option One: Increasing the payments and supports available to survivors** through the ADR processes. Officials have developed options to increase payments from the current average payment level of \$20,000 to either \$30,000 or \$40,000, with a small increase in targeted supports, from an average of \$5,000 per survivor to \$7,000 - \$10,000 per survivor. The costs of those increases assuming current processing capacity is an additional **\$25 - \$46 million annually**; or
  - b. **Option Two: Increasing the processing capacity** from 1,550 to either 3,000 or 5,000 annually while holding payments and supports stable to reduce backlogs and associated waiting times. 9(2)(f)(iv)
  - c. **Option Three: Increasing payments, supports and processing capacity** with an increase in costs ranging from an additional 9(2)(f)(iv) if we increase capacity to 3,000 9(2)(f)(iv) if we increase processing capacity to 5,000 annually.
26. On balance, officials recommend prioritising any additional investment into increasing payment levels. This reflects its significance to survivors. It also takes account of the \$32 million the Government have just invested into reducing backlogs in agencies' claims processes and the planned changes to streamline assessment frameworks set out in the appended A3. A review of whether further

investment and/or changes are needed can be included once there is a better understanding of the impact those changes have made to backlogs.

### **Allowing for future consideration of further integration and independence**

27. The Royal Commission recommended the establishment of a single redress system covering abuse in State and faith-based (non-State) care, operating independently of care agencies and organisations, with significant survivor involvement in redress governance.
28. In the Prime Minister's apology, he made reference to the establishment of an independent redress system in 2025. Measures can be introduced to integrate the front door of claims processes, to introduce a small amount of independence into the process, and to provide a role for survivors in the performance of those processes. This will fall short of some survivors' expectations, however moving to a fully independent system would require significant time and investment, as well as urgent legislation to create a new entity. Given the current fiscal environment, it is recommended to focus first on changes that bring direct and immediate benefit to survivors. This does not preclude the Government from moving towards a single and independent entity as part of a subsequent phase.

## Appendix One

### Key Recommendations from the Royal Commission for a Survivor-Centred Redress System

1. The Royal Commission has recommended the establishment of a new, survivor-centred redress system that reflects the principles of te ao Māori, upholds the Treaty of Waitangi/Te Tiriti o Waitangi, and aligns with international obligations. This would provide meaningful redress for survivors of abuse in care, encompassing physical, sexual, emotional, psychological, racial, and cultural abuse, as well as neglect. It would be inclusive, accessible, and transparent, ensuring survivors receive appropriate support.
2. Financial redress is a core component, with payments acknowledging harm and trauma. The system would also provide oranga (welfare) support services including health, education, employment, secure housing, counselling, and social and cultural connections, ensuring survivors receive holistic support. Survivors would have the choice of claims that consider both abuse and its impact or claims based solely on abuse, with lower evidentiary thresholds than court proceedings. Family members could continue claims on behalf of deceased survivors.
3. The system's design and oversight would be led by an independent Māori Collective working in partnership with the Purapura Ora Collective, a government-funded survivor-led group. Government agencies would be required to participate, and faith-based institutions strongly encouraged to join, with the possibility of mandatory participation if necessary. Training for professionals working with Survivors and clear referral pathways for abuse allegations requiring further action would be established, along with stronger monitoring and reporting mechanisms.
4. The Royal Commission recommended public apologies from the Governor-General, Prime Minister, and leaders of relevant faith-based institutions and indirect State care providers. These apologies should be accompanied by memorials and public awareness initiatives. Additionally, WorkSafe New Zealand should expand its mandate to include abuse in care. Legal protections should be strengthened, including an enforceable right to be free from abuse, reforms to Accident Compensation (ACC) to cover abuse-related claims, and changes to Limitation Acts to improve survivors' access to litigation.
5. The Royal Commission proposed clear guidelines for recordkeeping to ensure survivors can access their care records with minimal redactions. Public record disposal authorities and care providers' recordkeeping practices should also be reviewed to ensure historical records are preserved appropriately. Furthermore, an independent, rights-based monitoring system should be established to oversee care settings in line with the Treaty of Waitangi/Te Tiriti o Waitangi and human rights obligations.
6. Institutions should resolve existing claims fairly, and advance payments should be made to seriously ill or elderly survivors. An interim listening service should be introduced,

allowing survivors to share experiences and access support until the new system is fully operational.

7. The Royal Commission's recommendations reflect a holistic and survivor-focused approach that seeks to address past harm while ensuring robust protections, meaningful redress, and a culturally responsive framework for the future. These measures aim to provide justice and healing for survivors while strengthening systemic safeguards against abuse in care.
8. A central element of the proposed redress system is the delivery of meaningful apologies to survivors, acknowledging the harm they have experienced. The system would offer a safe, supportive environment for survivors to share their stories and make claims. Survivors would be given the option to choose the nature of their claim, whether focused solely on the abuse or on its broader impact. The redress system would also ensure transparency by making eligibility criteria, assessment processes, and decision timeframes public, fostering trust in the process.

### **Overview of the Redress Design Group's Main Proposals for a Comprehensive Redress System**

9. The Redress Design Group, commissioned by Cabinet to develop high-level proposals for a redress system [SWC-22-MIN-0214], completed its work in December 2023. The proposals build upon the recommendations of the Royal Commission, aiming to establish a survivor-centred, independent, and sustainable redress system.
10. The Design Group's key proposal is to create an independent redress entity, governed by survivors, to ensure trust, transparency, and long-term sustainability. The entity would manage an investment fund, with the Crown providing initial capital and securing contributions from non-State care organisations.

#### *Design Group's proposed core functions of a redress system*

11. The proposed system would deliver five key functions:
  - A survivor-focused support environment – providing a safe, responsive space for survivors to share their experiences and access support;
  - Acknowledgment and apologies – facilitating meaningful, survivor-led apologies;
  - Access to financial redress and support services – enabling survivors to access monetary payments and targeted services to help restore mana and wellbeing;
  - Systemic monitoring and advocacy – investigating and advocating for changes to prevent future abuse; and
  - Financial management – ensuring the system is sustainable for future survivors through responsible investment and fund management.

12. The proposed redress system would provide broad coverage of abuse types and care settings, creating an inclusive framework for all survivors. It would operate on a high-trust model, allowing survivors to determine their own redress pathways while emphasising services that support healing and wellbeing. A structured process for delivering personal apologies would be included to acknowledge survivors' experiences with care and sensitivity. Additionally, the system would offer three forms of monetary payment: a \$10,000 welcome payment to alleviate immediate financial stress; a standard payment ranging from \$30,000 to \$410,000 based on survivor experiences and vulnerability; and a \$10,000 whānau harm payment to support whānau members affected by intergenerational trauma.
13. The proposals represent an ambitious and survivor-centred vision, blending established best practices with innovative new approaches. The proposed listening, apology, and payment mechanisms align with domestic and international redress models, while the independent governance, investment-based funding model, and high-trust survivor-led approach introduce new complexities with limited international precedents.
14. A key consideration is the financial sustainability of the redress system. The scale of monetary payments, combined with service and support provisions, would significantly influence the system's overall cost. The level of independence and autonomy in funding and governance is also unprecedented in New Zealand's redress frameworks, requiring careful design and implementation to ensure long-term viability.
15. The Design Group's proposals align closely with the Royal Commission's recommendations, providing a comprehensive, survivor-led, and independent redress system. While certain aspects, such as financial redress and monitoring, align with standard international models, the high-trust, independent entity structure represents a significant shift from previous Crown-led processes. Successful implementation will require careful planning, clear funding mechanisms, and ongoing collaboration with survivors to ensure a just and enduring redress system.

# Aide-memoire

## Redress system context and background information

**For:** Crown Response Ministerial Group

**Date:** 11 October 2024

**Security level:** Sensitive

**Priority:** High

**Contact:**

Peter Douglas, 9(2)(a)

Molly Elliott, 9(2)(a)

Delwyn Clement, 9(2)(a)

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## Purpose

1. This briefing sets out the history behind and intentions of the Crown's current approach to providing redress to survivors of abuse in care. It provides a common level of understanding on the different redress schemes currently operating and contextual reference for Ministers as they are considering what if any changes are needed.
2. The annexes set out:
  - key characteristics of existing state claims schemes (Appendix One);
  - a summary of the largest non-state (faith-based) institutions' redress schemes (Appendix Two); and
  - the history and key characteristics of some international redress schemes (Appendix Three).
3. In June 2024, Cabinet agreed to the following core objectives for redress (ref: CBC-24-MIN-0050) to provide a framework to support analysis and decision making as work on redress progresses:
  - a. delivers accountability for survivors, including apologies and financial payments, where applicable, that serve to acknowledge the harm survivors experienced and further obligations to prevent future abuse in care;
  - b. supports improved outcomes for survivors – which could, depending on a survivor's circumstances and preference, encompass improved quality of life, and the ability to more fully participate in all aspects of community, social, cultural, and economic life;
  - c. manages affordability, risks, and liability, including avoiding significant unintended consequences, and helping to ensure the sustainability of redress for as long as it is needed; and
  - d. contributes to reducing the negative social, cultural, and economic costs arising from the poor outcomes experienced by survivors as a result of the injury and trauma caused by abuse.

## **Individual claims schemes or the courts are the pathways to settling claims of abuse against the state**

4. In the 1990s, a growing number of claims were made regarding abuse and neglect of children and young people while in state care. At that time, litigation was the primary option for claimants.
5. The current redress schemes operated by claims agencies evolved directly out of litigation brought against the Crown in the early 2000s. The system started as a set of ad-hoc responses to litigation. An orthodox approach was taken to the litigation with emphasis on successfully defending the Crown's legal position in court.
6. Abuse in care cases are, for the most part, unsuitable for resolution through the courts because they face significant legal hurdles, including:
  - given that the Accident Compensation Scheme provides compensation and other supports, there is limited additional compensation available through the courts. Operation of the accident compensation bar removes the right to bring specified claims for personal injury for events after 1974<sup>1</sup>
  - the existence of Limitation Act defences (which provide a defence to a claim that a defendant can choose to rely on if the claim is brought after a certain period – commonly, 6 years after the young person turns 18)
  - the high costs and time associated with court processes, for claimants as well as the Crown
  - the difficulty in establishing liability given the passage of time, the high evidentiary bar required in court, the limited records taken at the time, and the limited other evidence available to support survivors' claims
  - difficulties establishing that particular failings by the state were responsible for the harms experienced by survivors
  - the inquisitorial nature of the court process being highly likely to retraumatise survivors.

### ***The Crown's approach has evolved from legal defence to survivor focused redress***

7. By 2005 the system had shifted, placing more emphasis on out of court resolution, however still heavily reliant on legal defence. In accordance with the Crown Litigation Strategy directed by Cabinet, from 2008 the Crown established an alternative disputes resolution process as an alternative option to the litigation pathway.
8. Overtime, the alternative disputes resolution processes evolved towards a more claimant-focussed and less legalistic approach, which accepted that the Crown was morally obliged to respond to claims. The process became more personalised and focussed on engaging directly with claimants, hearing their stories, reviewing records and determining if it was reasonable to take the allegations into account when settling the claim. If the claim was accepted, the Crown would generally acknowledge the survivors experiences with an apology, offer of financial settlement, and taking other steps as appropriate.

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<sup>1</sup> This means only exemplary damages are available, which are punitive in nature, not intended to compensate, are reserved for the most egregious of cases, and are typically lower than would be the case if personal injury was taken into account. The bar prevents claims for damages arising out of personal injury covered by the accident compensation legislation over time. The personal injuries covered by the ACC scheme have changed over time, and in early iterations of the scheme were minimal (primarily car accidents and work-place injuries).

**There are state and non-state redress schemes in place**

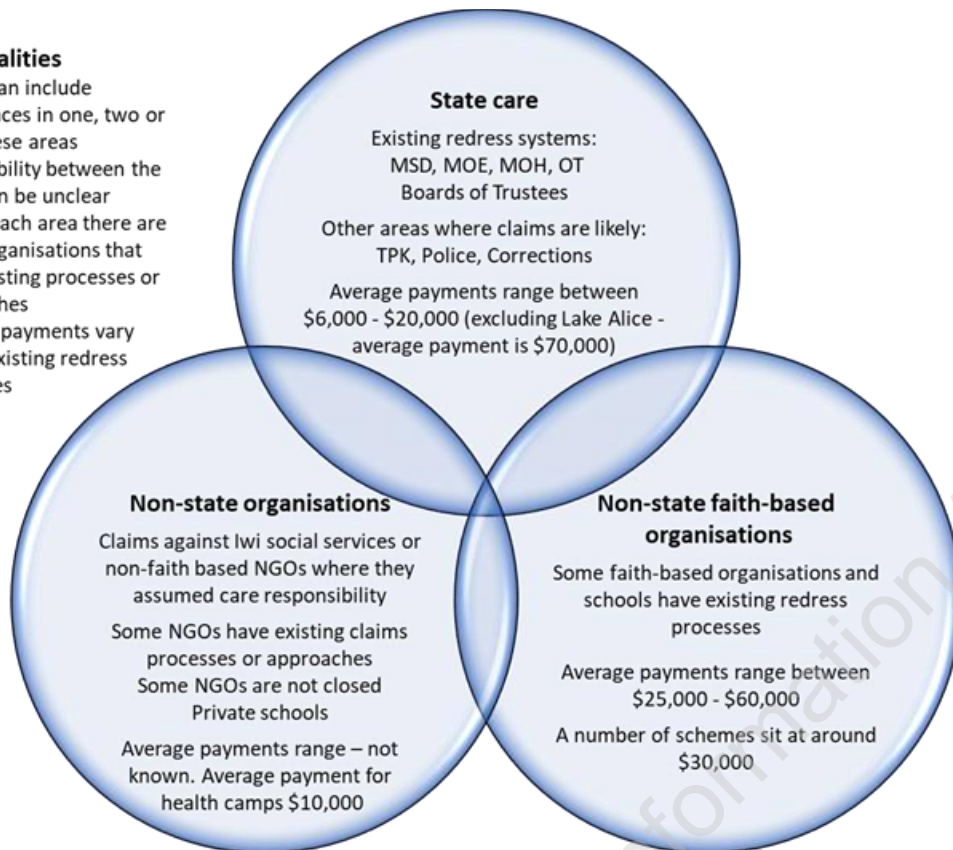
9. The Crown's current historic abuse claims schemes have developed out of a need for state agencies to respond to claims that are specifically in their scope of responsibility. They primarily sit across four government agencies: the Ministry of Education (MOE), Ministry of Health (MOH), Ministry of Social Development (MSD), and Oranga Tamariki (OT). Each scheme varies in size, scope, and use different assessment frameworks given the unique settings where abuse occurred and various levels of state responsibility. Further description of each scheme is included in Appendix One.
10. In addition to these four schemes are the following state claims processes:
- Te Puni Kōkiri/Department of Māori Affairs – in the early stage of preparing for a small number of claims relating to a short period of involvement with Te Whakapakari Youth Programme on Great Barrier Island in the 1980s
  - School Boards of Trustees (noting there are approximately 2,500 boards) – there are processes for claims related to primary and intermediate schools after 1989 and secondary schools for any time period<sup>2</sup>
  - Te Whatu Ora – Health New Zealand (HNZ) – responsible for responding to claims related to psychiatric institutions after 1993 (replacing the former responsibility of individual district health boards).
  - Department of Corrections (Borstal) – has received 16 claims relating to historic abuse in care. Corrections does not have an agency specific process for responding to historic claims of abuse. This week, Corrections has sent updating letters to all the claimants advising of the Department's decision not to set up its own agency specific process. Claimants retain their ability to file proceedings through the court, in which case Corrections will manage these claims through its usual litigation process.
11. Non-state institutions have developed their own claims schemes. Appendix Two summarises the main claims processes operated by the five major churches. Smaller organisations and individual schools may provide individual redress when approached by a survivor, but these tend to be one-off or small-scale processes developed on a case-by-case basis. Two notable exceptions to this are Dilworth School, a private Anglican boys' school in Auckland and Stand Tū Maia – Stand for Children New Zealand (STM), which inherited all the assets and liabilities of the New Zealand Health Camps when it dissolved in 2000.
12. 9(2)(h) [REDACTED]
13. The below diagram attempts to illustrate the distinct nature and settings of state and non-state schemes while recognising there is overlap, particularly from a survivor's perspective.

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<sup>2</sup> Currently, claimants' ability to access the MOE claims process is based on legal frameworks around school governance. Claimants seeking redress for abuse and neglect that occurred in any open school after 1989, any open secondary school, or any private school, must seek redress from the School itself. This results in claimants having inconsistent experiences when seeking redress or being required to access redress through multiple avenues.

### Commonalities

- Claims can include experiences in one, two or all of these areas
- Legal liability between the areas can be unclear
- Within each area there are some organisations that have existing processes or approaches
- Average payments vary across existing redress processes



14. Although efforts are made across claims agencies to collaborate, particularly where there are survivors who have made claims across multiple schemes, these schemes are separate. There is not a single entry point for claimants and there is limited central oversight or coordination. There are differences in system elements such as the assessment processes, settlement amounts, and review and complaints pathways.
15. A consideration for Ministers when thinking about potential integration of redress schemes, is how to ensure claimants can easily access and navigate the system while not losing the distinct elements that may be required.

### The historic claims schemes currently operated by the state, generally provide five key functions of redress

16. The key steps in current state claims processing generally include:

- providing claimants with an opportunity to share their story
- assisting claimants to access supports and services such as counselling and wraparound support services
- providing claimants with an opportunity to receive a copy of their state files
- explaining claim assessment process (including choices in the case of MSD and MoE where there may be choice of either rapid payment or individualised claim assessment) and completing the assessment
- providing a payment offer and an apology from the Chief Executive.

17. This process is consistent with the following five elements of redress: 1) confirm and process claims of Crown wrongdoing; 2) apologise for wrongdoing; 3) offer/provide financial acknowledgement; 4) offer/provide support for healing from impacts of the wrong doing; 5) provide state records relevant to the claimant's time in care.

18. Where a claimant accepts an offer, their claim is resolved on the acceptance of a financial settlement made on full and final basis.
19. Claims are processed in date order of when they are received unless a claim is prioritised for ill-health (those who are at high risk of dying before their claim is assessed) or age (those who are aged 70 years or older). Timeframes for completing the assessment and offering a payment vary depending on the choices made by the claimant about how they want their claim assessed and the nature of the claim.

**MoE and MSD claimants have the option of either rapid payment or individualised claim assessment process**

20. In 2021 the Royal Commission of Inquiry published its interim report into redress. Following this, Crown agencies worked together with the Crown Response Unit to respond to the redress recommendations via a number of workstreams.
21. A “rapid payments” workstream focussed on recommendations that:
  - Institutions should use their best endeavours to resolve claims in the lead-up to the establishment of the pūretumu torowhānui scheme (the scheme proposed by the Royal Commission) and should offer settlements that do not prejudice survivors’ rights under the RCOI recommended scheme or under any legislation enacted in response to our recommendations on civil litigation (RCOI recommendation 91).
  - The Crown should immediately set up and fund a mechanism to make advance payments to survivors who, because of serious ill health or age, are at significant risk of not being able to make a claim to the RCOI recommended scheme. The mechanism should stop when the scheme starts (RCOI recommendation 93).
22. Following Cabinet decisions, MSD introduced its rapid payment assessment option in late 2022 which initially focused on offering rapid payments to those who were ill or aged 70 years or older. In early 2023, MSD expanded this group and began connecting with claimants who have been waiting the longest.
23. MoE have recently, in 2024, initiated a rapid and priority payment scheme.

***Individualised assessments consider each allegation raised by a claimant and whether it can be taken into account for an offer of settlement***

24. For MSD’s individualised assessment process, a claimant’s social work files are reviewed. This process takes time to identify and retrieve the relevant files based on the information provided by the claimant. Files can contain a small number of pages or be as large as 24,000 pages, with approximately 20 percent of files being over 2,000 pages long.
25. The majority of allegations are able to be taken into account unless there is information on a person’s files which points against the allegation, with only allegations of more serious abuse requiring supporting information.
26. Payments for individualised claims assessments through MSD consider the nature of abuse, severity and frequency as well as potential instances of inappropriate detention or potential breaches under the New Zealand Bill of Rights Act 1990. Payments through the MSD system based on individualised assessments have ranged from \$1,000 to \$90,000<sup>3</sup> with the historical average being approximately \$20,000. 95 percent of MSD’s individualised assessments to date have received a payment between \$5,000 and \$45,000.

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<sup>3</sup> Note that only 2.4 percent of MSD payments have been above \$50,000.

***Rapid payment processes are intended to provide claimants with a faster, less intrusive option for settling their claim***

***MSD Rapid Payment***

27. In the case of MSD's system, the rapid payment option differs to the individualised assessment process. Payments are not calculated based on a person's individual experiences and allegations, but rather the length of time a person was involved with Child, Youth and Family or its predecessor agencies. This acknowledges that the longer a person has been involved with the state, the more likely they will have experienced repeated harm. Additional payments are then added to settlement, which include redress for particular placements where it is known more serious abuse occurred or where a person's legal rights may have been breached.
28. Payments can be calculated more quickly (generally within one month of a claimant requesting a rapid payment offer) as a person's care records do not need to be reviewed. Claimants are not required to provide full details of their abuse allegations under this assessment option.
29. Rapid payments range from \$10,000 up to a maximum of \$30,000. These payments are broadly on par with payment levels under the individualised assessment process. The average payment a claimant receives under both processes is approximately \$20,000.

***MoE Rapid and Priority Payments***

30. There are two types of rapid payments available:

- Rapid Settlement Payments for claimants who attended an eligible school
  - Initially this is for Waimokoia/Mt Wellington residential school and will be expanded to McKenzie and Campbell Park residential schools.
  - Payment amounts are determined using metrics based on what is known to have been happening at the school during each decade of its operation. Metrics include specific payments for some decades, to reflect time periods when known or allegedly abusive staff were present.
  - Payment levels range from \$5000 to a maximum of \$20,000.
- Priority Settlement payments for claimants with a terminal illness:
  - Eligibility is irrespective of the school the claimant attended, but is only for schools falling within the Ministry's scope of liability.
  - Any claimant who has been diagnosed with a terminal illness and has a life expectancy of no more than 12 months (regardless of any available treatment) is eligible for a priority settlement payment of \$10,000. A medical certificate is required.

31. People who are eligible for both of MoE's rapid and priority settlement payment processes (i.e. they attended Waimokoia and have a terminal illness) will be able to choose to receive either payment, but not both.

32. In the case of both MSD and MoE, regardless of the assessment option a claimant chooses, they retain the opportunity to tell their story, receive their records, access all support options provided by the claims process, and to receive a written apology.

***Supports are provided to redress claimants***

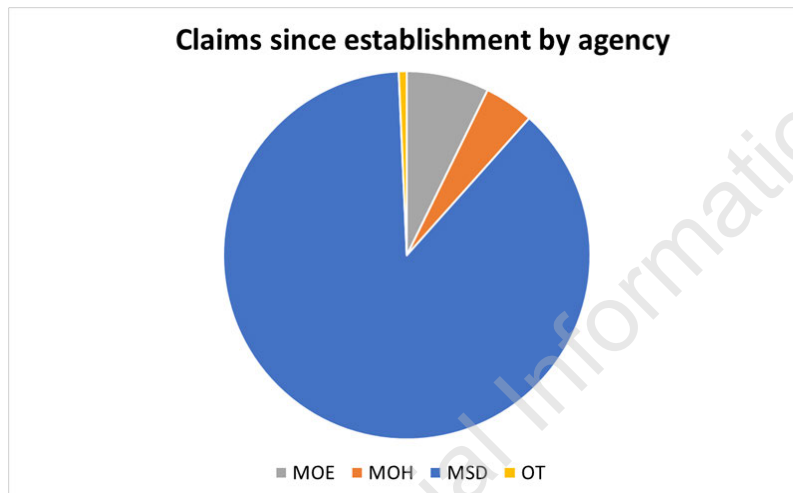
33. Three of the four state claims agencies provide some form of social support and/or counselling to claimants accessing their system. There is opportunity to know more about the take up rate and effectiveness of the supports offered and whether more or different supports could be offered. More details on what is offered can be found in Appendix One.

**Decision review and complaints processes are conducted internally, the Ombudsman is the external pathway**

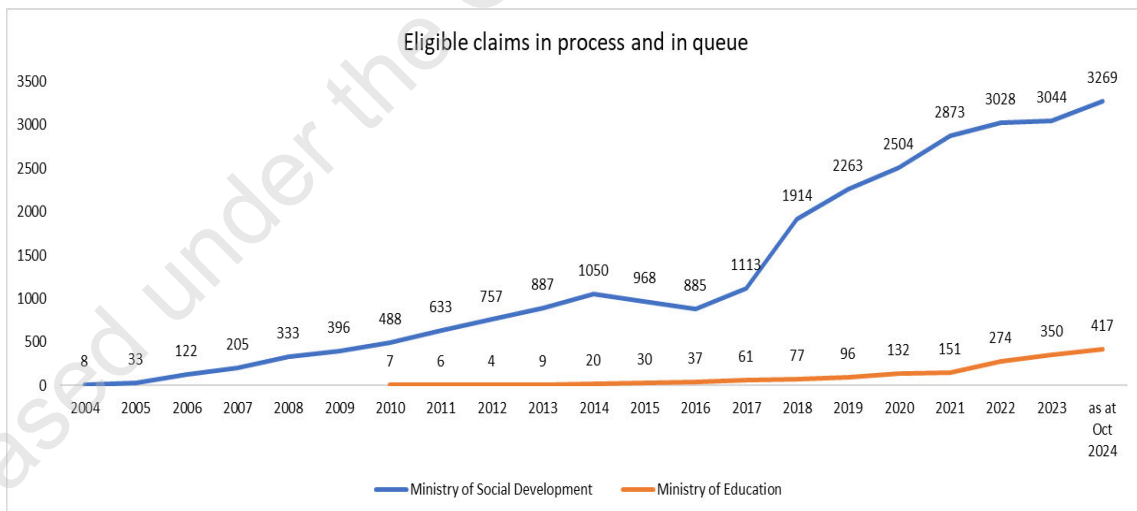
- 34. If a claimant is dissatisfied with the outcome of their assessment, or another decision made by a claims agency, they can request a review.
- 35. Once internal review processes have been exhausted, a claimant may wish to register a complaint with the Office of the Ombudsman. They also have the option of filing legal proceedings through the courts at any point during the claims process.

**There is a backlog across the claims schemes operated by the state**

- 36. Since the inception of the four state claims processes, the state has processed more than 4000 claims from survivors and has approximately 3500 claims currently in process or waiting to be processed. Of these, MSD and MoE are currently responsible for the largest volume of claims.

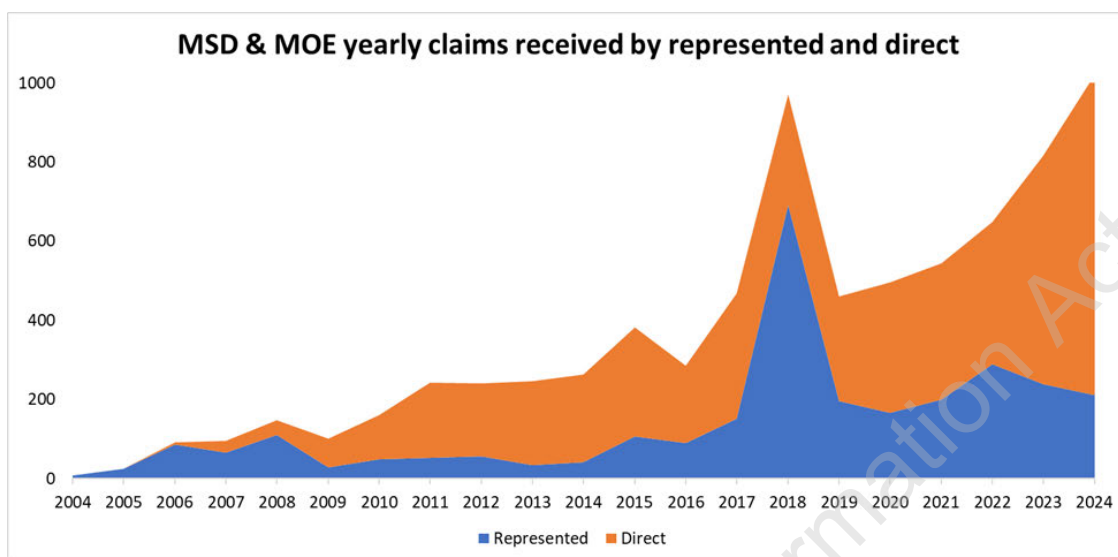


- 37. Overtime as the number of new claims received have exceeded the number of claims that could be resolved, a growing backlog of open unresolved claims has developed. The below graph shows how this backlog has increased over time within MSD and MOE.



- 38. Since MSD started receiving claims, they have observed a large rise in new claims registered each year. With the increase in claims post the July 2024 tabling of the Royal Commission report, MSD anticipate new claims to exceed 1,000 for the 2024/25 financial year.
- 39. In the current year to date, approximately 80 percent of claimants who have registered a claim with either MSD or MoE have contacted those Ministries directly. The remaining 20 percent have been registered by a legal representative on their behalf.

40. The below graph illustrates the yearly claims received by MSD and MoE separated by claimants represented by a lawyer (in blue) and claimants who come directly to the government claim agency (in orange). The 2018 spike reflects a bulk registration of claims with MSD by legally represented claimants. Overall, the number of new claims registered by legal representatives has remained relatively constant while there is a consistent increase in direct claimants.



41. For MSD and MoE claimants, there is an approximate wait-time of four to five years from when a survivor lodges a claim to the settlement of that claim. This waiting period is very difficult for survivors.

42. The MSD and MOE claims systems do not have the funding to resolve the current backlog of claims. MSD has time limited funding to end of June 2026. In the past, MOE has absorbed some of these costs within their baseline however, this is not sustainable given the increasing trend in new claims received.

### **Internationally, over the last 20 years several countries have established integrated redress systems**

43. Overseas redress systems provide lessons for how to deliver integrated redress systems. The examples that offer informative comparison are from Australia, Canada, Northern Ireland, Ireland and Scotland. Appendix Three provides a breakdown of the key characteristics of these redress systems.

44. Across the various international schemes, many have the common rationale of providing redress and recognition of harm caused to individuals as a result of historical abuse in state and non-state care. Although countries have a common rationale to provide redress, it is important to contextualise that the scope of overseas redress schemes in regard to types of abuse, care settings, and time periods that are covered within the redress schemes vary and are set differently, and that New Zealand's context does differ.

45. All countries provide a mix of the core redress functions from monetary payments, apologies, and common and specific support services to individuals.

### **Design considerations for a future redress system**

46. There are a number of complex issues to be worked through as redress policy settings are considered. Some examples of these include:

- ACC settings in relation to the ACC bar or any bespoke settings for survivors
- Where survivors have entered into full and final settlements with the Crown to date, would these survivors be able to access any new out-of-court redress scheme? What

are the terms of any such access (e.g. payments made to date to be deducted from any further payment)?

- As with filing a claim with the court, redress pathways are available to all claimants; there are no exclusions or conditions regarding claimants' legal status such as criminal convictions or gang membership.
- A consideration for Ministers, when thinking about potential integration of claims schemes, is how to ensure claimants can easily access and navigate the system while not losing the distinct elements that may be required.
- How will we know if changes to the system have made the improvements survivors and Government are seeking? We suggest consideration of an evaluation framework be part of advice on any redress system changes.

47. Advice on these issues will be provided to Ministers to inform a response package.

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Appendix One: New Zealand State agencies' historic claims processes – payments and supports

Agency	Ministry of Education (MOE)	Ministry of Health (MOH)	Ministry of Social Development (MSD)	Oranga Tamariki (OT)
<b>Date established</b>	<ul style="list-style-type: none"> <li>2010</li> </ul>	<ul style="list-style-type: none"> <li>2012</li> </ul>	<ul style="list-style-type: none"> <li>2006</li> <li>Rapid payment function: Nov 2022</li> </ul>	<ul style="list-style-type: none"> <li>2017</li> <li>Claims framework: Jan 2023</li> </ul>
<b>Reason for establishment</b>	<ul style="list-style-type: none"> <li>To respond to sensitive claims of abuse in residential special schools and primary schools before 1989, or any state school that has closed.</li> </ul>	<ul style="list-style-type: none"> <li>To respond to claims of abuse in care in psychiatric and psychopaedic care settings prior to 1993.</li> </ul>	<ul style="list-style-type: none"> <li>To provide an opportunity for an out-of-court alternative process to settle claims of abuse in care prior to 01 April 2017.</li> </ul>	<ul style="list-style-type: none"> <li>To respond to claims of abuse in care for events after 01 April 2017.</li> </ul>
<b>Scope of scheme</b>	<ul style="list-style-type: none"> <li>Residential special schools, primary and intermediate schools before 1989, any closed state school.</li> </ul>	<ul style="list-style-type: none"> <li>Psychiatric and psychopaedic care institutions.</li> </ul>	<ul style="list-style-type: none"> <li>Child welfare settings prior to April 2017.</li> </ul>	<ul style="list-style-type: none"> <li>Child welfare settings since April 2017.</li> </ul>
<b>Process involved</b>	<ul style="list-style-type: none"> <li>Individual assessment drawing on information provided by the survivor, personal educational records, and follow up information that may be requested. Allegations to be taken into account are categorised and a payment determined against a standardised guide compared to previously settled claims.</li> <li>Rapid payment option was introduced early in the 2023/24 financial year. Simplified assessment based on particular placements (Waimokoia claimants, and this will be extended to Campbell Park and McKenzie) where it is known significant abuse occurred.</li> <li>Prioritised settlement is an option for immediate settlement for some claimants who are terminally ill.</li> </ul>	<ul style="list-style-type: none"> <li>Individual assessment drawing on information provided by the survivor and personal health records. Claim is categorised and a payment determined against a standardised guide.</li> </ul>	<ul style="list-style-type: none"> <li>Individual assessment drawing on information provided by the survivor, personal care records, and in some cases other care records or information held by MSD from other claims. Allegations to be taken into account are categorised and a payment determined by comparing the categorised allegations against a 'Payment Categories and Definition' guide.</li> <li>Rapid payment option introduced in late 2022. Simplified assessment based on a review of time the survivor has been involved with Child, Youth and Family and its predecessor agencies. Particular placements where it is known more serious abuse occurred, and where a person's legal rights may have been potentially breached are also considered when completing the assessment.</li> </ul>	<ul style="list-style-type: none"> <li>Due to the younger cohort, process is focused on providing some support services from the moment a survivor contacts the claims or complaints teams and working through the development of a support and payment package.</li> <li>Redress amounts are assessed using a redress framework based on experience of the abuse not based on claimant's personal circumstances.</li> <li>If the claimant is over 18 years old, payment will be made and financial advice would be provided if needed. They will need to provide identification and bank details for payment.</li> <li>If the claimant is under 18 years old, the agreed settlement payment is not paid until the claimant is 18 years old.</li> </ul>
<b>Funding source</b>	<ul style="list-style-type: none"> <li>Vote Education – Appropriation: Oversight of the Education System (Multi-Category Appropriation).</li> </ul>	<ul style="list-style-type: none"> <li>Vote Health – Appropriation: Legal Expenses.</li> </ul>	<ul style="list-style-type: none"> <li>Vote Social Development – Appropriation: Historic Claims Resolution (Multi-Category Appropriation).</li> </ul>	<ul style="list-style-type: none"> <li>Vote OT – Appropriation: Investing in Children and Young People (Multi-Category Appropriation)</li> </ul>
<b>Current Funding levels</b>	<ul style="list-style-type: none"> <li>\$4.5 million (comprising of year-on-year budget of \$1.16m and remainder from baseline.</li> <li>Additional \$3 million from 2023/24 Budget was transferred to this year. This funding is appropriated for the wellbeing support service and rapid payments.</li> </ul>	<ul style="list-style-type: none"> <li>Marginal because of low claims numbers, funded within baseline.</li> </ul>	<ul style="list-style-type: none"> <li>1 July 2024 – 30 June 2026: \$81.87 million new funding. This new funding alongside money carried forward from savings made in the previous year will enable the Historic Claims team to continue to support claimants and resolve 2000 claims.</li> </ul>	<ul style="list-style-type: none"> <li>Claims service is not funded.</li> </ul>
<b>Administrative costs</b>	<ul style="list-style-type: none"> <li>Currently do not track administrative costs per claim.</li> </ul>	<ul style="list-style-type: none"> <li>Marginal because of low claims numbers, funded within baseline.</li> </ul>	<ul style="list-style-type: none"> <li>The administrative costs per claims is currently approximately \$18,500 (approximately 36% of the total costs of resolving a claim).</li> <li>This figure is based on expected costs for 2024/25 and the funding required to assess 2000 claims over the next two years. Although this data includes some funding for external legal spend, it does</li> </ul>	<ul style="list-style-type: none"> <li>Claims service is not funded.</li> </ul>

Agency	Ministry of Education (MOE)	Ministry of Health (MOH)	Ministry of Social Development (MSD)	Oranga Tamariki (OT)
			not include additional legal costs associated with responding to litigation.	
<b>Claims since establishment</b>	As of September 2024: <ul style="list-style-type: none"> <li>Claims completed: 149.</li> <li>Current claim volumes: 408.</li> <li>Claims currently in progress: 42.</li> </ul>	As of January 2024: <ul style="list-style-type: none"> <li>Claims completed: 330.</li> <li>Current claim volumes: 5.</li> </ul>	As of 30 June 2024: <ul style="list-style-type: none"> <li>Claims completed: 3,648 <ul style="list-style-type: none"> <li>Accepted offers: 3,338</li> <li>Individual assessments or previous assessment approach: 2,256</li> <li>Rapid payments: 1,082</li> </ul> </li> <li>Current claim volumes: 3,078.</li> </ul>	As of October 2024: <ul style="list-style-type: none"> <li>Claims completed: 11</li> <li>Current claim volumes: 43.</li> <li>Claims currently in progress: 13.</li> </ul>
<b>Payment range</b>	<ul style="list-style-type: none"> <li>NZ\$0 - \$45,000.</li> <li>Maximum payment made AU\$45,000.</li> </ul>	<ul style="list-style-type: none"> <li>\$2,000 - \$9,000.</li> </ul>	<ul style="list-style-type: none"> <li>Individual assessments: \$1,000 - \$90,000 (maximum payment made to date).</li> <li>Rapid payments: \$10,000–\$30,000.</li> <li>95% of payments have been between \$5000-\$45,000 and only 2.4% of payments have been above \$50,000.</li> </ul>	<ul style="list-style-type: none"> <li>\$5,500 - \$32,000.</li> </ul>
<b>Average payment value of settled claims</b>	<ul style="list-style-type: none"> <li>\$16,500</li> </ul>	<ul style="list-style-type: none"> <li>\$6,000 (2019 data).</li> <li>Excluding Lake Alice Child and Adolescent Unit, which has an average payment of \$68,000 prior to advance payments.</li> </ul>	<ul style="list-style-type: none"> <li>\$20,000</li> </ul>	<ul style="list-style-type: none"> <li>\$15,000</li> </ul>
<b>Average time to complete a claim</b>	<ul style="list-style-type: none"> <li>4.7 years.</li> <li>Average time open claims have been waiting: 2 years.</li> </ul>	<ul style="list-style-type: none"> <li>3 months (6 weeks from the time MOH receives records back from Health New Zealand (HNZ)).</li> </ul>	<ul style="list-style-type: none"> <li>4.1 years.</li> <li>Time is dependent on various factors including decisions made by the claimant.</li> </ul>	<ul style="list-style-type: none"> <li>6 – 12 months</li> </ul>
<b>Information used to process and determine claims</b>	<ul style="list-style-type: none"> <li>Care records – located in records available to the Ministry (archives, libraries, schools, and other locations).</li> <li>Claimants can provide more information about their claim in writing.</li> <li>Rapid Payments: enrolment records or statutory declaration, payment based on standard findings for the decade they attended.</li> <li>Prioritised settlement: enrolment records or statutory declaration, evidence of terminal illness with less than a year to live irrespective of medical treatment.</li> <li>Individualised assessment: information on claimant's experiences, care records and what they are seeking.</li> </ul>	<ul style="list-style-type: none"> <li>Claimants are to provide supporting information (medical records, dates, hospitals, staff names, allegations of wrongdoing).</li> <li>A completed consent form is needed so MOH can access claimant's records from HNZ.</li> <li>MOH then assesses the credibility of allegations based on the evidence available.</li> </ul>	<ul style="list-style-type: none"> <li>Individualised assessment: Claimant to share their experience in a way that suits them and the concerns they are seeking redress for, personal care records, institutional records or other care records (for some but not all claims), information about what other claimants have said about individuals or settings.</li> <li>Rapid payments: high level information from the claimant and personal care records to confirm how long the claimant had been involved with Child, Youth and Family and its predecessor agencies as rapid payments are calculated by the length of time the claimant had been involved with Child, Youth and Family and any of its predecessor agencies.</li> </ul>	<ul style="list-style-type: none"> <li>Claimant or third-party representative to share their experience with claims advisor, depending on their preference, this can be done by interview or discussion.</li> <li>Information may be sourced from other relevant parties.</li> <li>Individual holistic assessment undertaken as part of claims engagement.</li> </ul>
<b>Supports offered</b>	<ul style="list-style-type: none"> <li>Wellbeing support service provides holistic wellbeing support for any current claimant.</li> <li>Counselling services (up to six sessions)</li> <li>Reimbursement of actual and reasonable legal expenses</li> </ul>	<ul style="list-style-type: none"> <li>No record of support services provided beyond payments or apologies.</li> </ul>	<ul style="list-style-type: none"> <li>Counselling to support claimant through claims process (six sessions with a discretion to provide more) – where ACC or community support options are not appropriate.</li> <li>Link to other services where necessary. Wrap around support services offered in some locations.</li> <li>Reimbursement of legal costs. (Note: for claimants with legal aid, MSD meets two thirds of this cost, and the remaining is provided by legal aid).</li> </ul>	<ul style="list-style-type: none"> <li>Holistic support service to support oranga and promote healing which can include: <ul style="list-style-type: none"> <li>Counselling services</li> <li>Life story work as part of acknowledgement and apology engagements</li> <li>Advocacy to navigate community supports &amp; services</li> <li>Practical support provision for young adults where appropriate</li> <li>Reimbursement of reasonable legal expenses</li> </ul> </li> </ul>

Agency	Ministry of Education (MOE)	Ministry of Health (MOH)	Ministry of Social Development (MSD)	Oranga Tamariki (OT)
				<ul style="list-style-type: none"> <li>• Access to financial planning supports</li> </ul>
<b>Average cost of support services</b>	<ul style="list-style-type: none"> <li>• Average of \$3,000 per claimant for wellbeing support service provision.</li> </ul>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>• MSD's budget includes an average of \$5,000 per claim to cover the costs of counselling and the provision of wrap around support.</li> </ul>	<ul style="list-style-type: none"> <li>• Claims service is not funded.</li> </ul>

Released under the Official Information Act 1982

Appendix Two: New Zealand non-State (faith-based) institutions' historic claims processes

Institution	Key characteristics
Anglican Church in Aotearoa, New Zealand, and Polynesia	<ul style="list-style-type: none"> <li>The Anglican Church is structured into dioceses which have each been responsible for their own claims processes. Such processes were highly varied but typically relied on engagement with a diocese's legal representative or some form of mediation to work through a claim. If mediation failed a more investigative approach would be undertaken into a survivor's allegations. Claims could result in an apology, cash settlement and some pastoral supports offered, but outcomes were highly variable across dioceses.</li> <li>The average payment to date made by the Church is \$30,000, with a payment range of \$1,000 to \$100,000. No data on claim processing times or queue numbers.</li> <li>The Church has recently established a central group, independent of the dioceses, to receive complaints and claims. The complaints processes are established, but the claims processes are still being developed.</li> </ul>
Catholic Church in Aotearoa	<ul style="list-style-type: none"> <li>The Catholic Church is structured into dioceses and a number of orders/congregations (the latter of which can often have international headquarters/oversight). Each has been responsible for their own claims processes, which vary widely depending on diocese or order and across time.</li> <li>Processes were frequently legalistic and if claims were substantiated would involve cash settlements and a formal written apology. Some of the orders provided more direct engagement and a range of supports and assistance. Other orders have failed to engage with survivors.</li> <li>The Church has more recently established a central complaints body for handling reports of sexual abuse and resulting claims – this claims process is still in development. Other forms of abuse are still managed through the diocese or order. Attempts are being made to amend processes to be less formal and investigatory but can still be time consuming and retraumatising.</li> <li>A cash payment and personal apology are the general outcomes for claims, although some support or pastoral services may be offered. The average payment made by the Church is \$30,000, with a payment range of \$1,000 to \$152,000. No data on claim processing times or queue numbers.</li> </ul>
Methodist Church of New Zealand	<ul style="list-style-type: none"> <li>The Methodist Church operates a single redress process overseen by a senior leader. The process seeks to be restorative, with the leader meeting with claimants to work through their experiences. An apology and financial payment are then generally developed, with some non-monetary supports provided if agreed.</li> <li>The average payment made by the Church is \$60,000. No information on range is available. No data on claim processing times or queue numbers.</li> </ul>
Presbyterian Church in New Zealand, and Presbyterian Support	<ul style="list-style-type: none"> <li>The Presbyterian Church operates a central claims process, which handles a limited number of claims. The Church's social service agency, Presbyterian Support, operates largely independent of the Church and has its own claims processes for the larger number of claims involving former children's homes and support services. In both cases the process involves an independent investigation, followed by an apology and financial payment.</li> <li>The average payment made by Presbyterian Support is \$25,000. No information on range is available. No data on claim processing times or queue numbers.</li> </ul>
The Salvation Army	<ul style="list-style-type: none"> <li>The Salvation Army operates a single redress process overseen by an independent manager employed by the Army who has full autonomy to determine what redress a survivor receives. Generally, claims will result in a personal apology, financial payment and offers of non-monetary supports or services.</li> <li>The average payment made by the Church is \$29,000, with a payment range of \$5,000 to \$91,000. No data on claim processing times or queue numbers.</li> </ul>

Dilworth School	<ul style="list-style-type: none"> <li>Dilworth School, a private Anglican boys' school in Auckland. Dilworth is the focus of a significant number of claims and ongoing criminal investigation into abuse. The Dilworth Redress Programme offers a redress package of up to NZ\$200,000, and in cases where the Redress Panel believes are exceptional, it is able to award up to NZ\$300,000. This is not captured in the table below but does involve a potentially large number of claimants. It is not known if other schools may also need to develop interim claims processes of this scale.</li> </ul>
Stand Tū Maia – Stand for Children New Zealand (STM)	<ul style="list-style-type: none"> <li>The charitable trust of Stand Tū Maia – Stand for Children New Zealand (STM). In 2000, the New Zealand Health Camps (NZHC) dissolved and STM inherited all assets and liabilities from the NZHC, including the liability for historical claims arising from the previous state agency operations of the old Children's Health Camps Board. STM directs all historic claims and inquiries through their redress process and works with survivors to access services they feel would enable healing up to the value of</li> </ul>

Appendix Three: International Redress Systems

Country	Australia	Canada	Ireland	Northern Ireland	Scotland
<b>Date established</b>	<ul style="list-style-type: none"> <li>1 July 2018 – open for 10 years.</li> </ul>	<ul style="list-style-type: none"> <li>Individual Assessment Process (IAP): 19 September 2007 – 19 September 2012.</li> <li>Common Experience Payment (CEP): 19 September 2007 – 19 September 2011.</li> </ul>	<ul style="list-style-type: none"> <li>Residential Institutions Redress Board (RIRB) – 2003-11.</li> <li>Redress Scheme: 2003-05.</li> </ul>	<ul style="list-style-type: none"> <li>31 March 2020 – open for five years.</li> </ul>	<ul style="list-style-type: none"> <li>8 December 2021 – open for five years.</li> <li>The Scottish Government can extend the end date.</li> </ul>
<b>Reason for establishment</b>	<ul style="list-style-type: none"> <li>To recognise and alleviate the impact of past institutional child sexual abuse and related abuse, and to provide justice for the survivors of that abuse.</li> </ul>	<ul style="list-style-type: none"> <li>To provide redress for the harms of Indian residential schools and move towards reconciliation by providing financial and non-financial benefits to the individual affected by the Indian Residential Schools experience.</li> </ul>	<ul style="list-style-type: none"> <li>To support the recovery of individuals who were injured by their time in residential institutions via financial aid.</li> </ul>	<ul style="list-style-type: none"> <li>To provide compensation to individuals who as children suffered abuse while in residence at certain institutions in Northern Ireland.</li> </ul>	<ul style="list-style-type: none"> <li>To acknowledge and provide tangible recognition of harm as a result of historical child abuse in various care settings in Scotland.</li> </ul>
<b>Scope of scheme</b>	<ul style="list-style-type: none"> <li>Children who were sexually abused in state care and non-state care institutions prior to 1 July 2018.</li> </ul>	<ul style="list-style-type: none"> <li>IAP: Children who experienced sexual abuse, serious physical abuse, or other wrongful acts suffered while attending a residential school.</li> <li>CEP: Children who experienced and resided at any Indian residential school prior to 31 December 1997.</li> </ul>	<ul style="list-style-type: none"> <li>Children who were abused in residential institutions prior to 1999 and were alive as of 11 May 1999.</li> </ul>	<ul style="list-style-type: none"> <li>Children who were abused in residential institutions, or individuals who as children were sent to Australia under the Child Migrant Programme within the period of 1922-1995.</li> </ul>	<ul style="list-style-type: none"> <li>Children who were abused in residential institutions and foster care prior to 1 December 2004.</li> </ul>
<b>How does the scheme operate? (Independent/Government entity)</b>	<ul style="list-style-type: none"> <li>Australia’s national redress system is governed independently from the Australian government.</li> <li>Due to Australia’s constitutional framework, an inter-governmental agreement was set.</li> <li>The Minister of Social Services is the federal minister responsible for the scheme. The Secretary of Department is the National Redress Scheme Operator.</li> <li>Department of Social Services administers, delivers, and operates the scheme. Policy direction and decisions are governed by the Minister’s Redress Governance Board.</li> </ul>	<ul style="list-style-type: none"> <li>Indigenous parties co-developed and implemented the Indian Residential Schools Settlement Agreement (IRRSA), with the Assembly of First Nations (AFN) occupying a central position.</li> <li>The Canadian Government assumed administrative responsibility for redress. The National Administrative Committee (NAC) was the administrative body responsible for ensuring settlement agreements were appropriately administered for all redress payments. The NAC comprised of seven parties including Canada, AFN, Inuit representatives, and non-state organisations.</li> <li>The Canadian Courts had oversight responsibility, and the administrative aspects were managed by an organisation that was permitted to assist the Court, Crawford Class Action Services.</li> </ul>	<ul style="list-style-type: none"> <li>Ireland’s redress scheme was independent from the Irish government. The Irish government adopted the Residential Institutions Redress Act 2002 as statute. The Act established the RIRB to operate the programme and securing its independence.</li> </ul>	<ul style="list-style-type: none"> <li>The Historical Institutional Abuse (Northern Ireland) Act 2019 established the Historical Institutional Abuse Redress Board.</li> <li>The Redress Board is responsible for receiving and processing applications.</li> <li>The Redress Board is a body corporate and operates independently from the Executive Office and Department of Justice.</li> <li>The Act required the Executive Office to name a Northern Ireland Department to carry out administrative functions, this was the Department of Justice.</li> </ul>	<ul style="list-style-type: none"> <li>Scotland’s redress system has statutory independence from the Scottish government. It is a ‘non-departmental public body’ in the Scottish system. It consists of a chair and at least five members who are appointed by the Scottish Government.</li> <li>Administrative services are provided by the government’s Children and Families Directorate.</li> </ul>
<b>Current Funding levels</b>	<ul style="list-style-type: none"> <li>2022/23 Payments: AU\$321m (approximately NZ\$353m).</li> </ul>	<ul style="list-style-type: none"> <li>IAP total cost: CA\$3.2b (approximately NZ\$5.1b).</li> <li>CEP total cost: CA\$1.9b (approximately NZ\$2.5b).</li> </ul>	<ul style="list-style-type: none"> <li>Total cost of redress: £1.52b (approximately NZ\$3.22b).</li> <li>The scheme’s original estimated budget was £250m (approximately NZ\$528m).</li> </ul>	<ul style="list-style-type: none"> <li>2022/23 Payments: £26m (approximately NZ\$55m).</li> </ul>	<ul style="list-style-type: none"> <li>2022/23: £26m (approximately NZ\$55m).</li> </ul>

Country	Australia	Canada	Ireland	Northern Ireland	Scotland
<b>Non-state contribution</b>	<ul style="list-style-type: none"> <li>State and non-state institutions must sign up to the National Redress Scheme.</li> <li>When an institution is named in an application, they are contacted and asked to join the scheme. If the applicant is eligible, the government will seek payment from the relevant institutions.</li> </ul>	<ul style="list-style-type: none"> <li>Churches contributed to part of IRSSA's costs, with a formula which decided their financial contributions to their degree of involvement in the school system.</li> <li>The Catholic Church was the largest non-state contributor but its CA\$79 million (approximately NZ\$93.1 million) share was not paid in full. After litigation, the Catholic Church was released from its obligation in 2015.</li> </ul>	<ul style="list-style-type: none"> <li>Religious organisations who were part of the Indemnity Agreement originally paid £128m (approximately NZ\$272.5m) which was approximately half the original estimated cost of the scheme.</li> <li>As the scheme's final cost was six times the original estimated budget, the Irish government managed to secure a further £110m (approximately NZ\$232.5m). This sum was managed by the Caranua scheme for supports for survivors.</li> </ul>	<ul style="list-style-type: none"> <li>As of September 2024, three religious institutions have contributed towards the Northern Ireland Redress Scheme.</li> </ul>	<ul style="list-style-type: none"> <li>Organisations that were responsible for care at the time of the abuse have been asked to participate in the scheme and make fair and meaningful financial contributions to redress payments for survivors.</li> <li>The available listed contributions range from £70,000 to £10m (approximately NZ\$148,000 to \$21,145m).</li> </ul>
<b>Number of claims</b>	<ul style="list-style-type: none"> <li>Claim volumes: 48,256 (as of Sept 2024)</li> <li>Claims completed: 19,486</li> <li>Claims withdrawn: 2,072</li> <li>Claims yet to receive outcome: 26,743</li> </ul>	<ul style="list-style-type: none"> <li>IAP: 38,237</li> <li>CEP: 105,530</li> </ul>	<ul style="list-style-type: none"> <li>Claims completed: 16,650</li> </ul>	<ul style="list-style-type: none"> <li>Claim volumes: 3,611 (by the end of 2022/23).</li> </ul>	<ul style="list-style-type: none"> <li>Claim volumes: 1,498.</li> <li>Claims completed: 493 claims (2022/23 – first full year of operation).</li> </ul>
<b>Payment range</b>	<ul style="list-style-type: none"> <li>AU\$5,000 - \$150,000 (approximately NZ\$5500 - \$164,000).</li> </ul>	<ul style="list-style-type: none"> <li>IAP: CA\$5,000 - \$275,000 (approximately NZ\$5,800-\$320,500)</li> <li>CEP minimum: CA\$10,000 (approximately NZ\$11,800)</li> </ul>	<ul style="list-style-type: none"> <li>Maximum of £300,000 (approximately NZ\$634,000)</li> </ul>	<ul style="list-style-type: none"> <li>£10,000-£80,000 (approximately NZ\$21,100-\$169,000)</li> <li>An additional £20,000 (approximately NZ\$42,300) is made if a child was sent to Australia.</li> </ul>	<ul style="list-style-type: none"> <li>£10,000 – £100,000 (approximately NZ\$21,100-\$211,000)</li> </ul>
<b>Average value of settled claims</b>	<ul style="list-style-type: none"> <li>AU\$89,000 (approximately NZ\$97,800).</li> </ul>	<ul style="list-style-type: none"> <li>IAP: CA\$91,478 (approximately NZ\$108,200)</li> <li>CEP: CA\$20,457 (approximately NZ\$24,200)</li> </ul>	<ul style="list-style-type: none"> <li>£62,250 (approximately NZ\$131,600)</li> </ul>	<ul style="list-style-type: none"> <li>£20,830 (approximately NZ\$44,000)</li> </ul>	<ul style="list-style-type: none"> <li>£46,000 (approximately NZ\$97,300)</li> </ul>
<b>Advanced payments</b>	<ul style="list-style-type: none"> <li>AU \$10,000 (approximately NZ\$11,000).</li> </ul>	<ul style="list-style-type: none"> <li>CA\$8,000 (if applied by certain date) (approximately NZ\$9400).</li> </ul>	<ul style="list-style-type: none"> <li>£10,000 (approximately NZ\$21,100)</li> </ul>	<ul style="list-style-type: none"> <li>£10,000 (approximately NZ\$21,100)</li> </ul>	<ul style="list-style-type: none"> <li>£10,000 (approximately NZ\$21,100)</li> </ul>
<b>Average processing time</b>	<ul style="list-style-type: none"> <li>12.2 months</li> </ul>	<ul style="list-style-type: none"> <li>IAP: 21 months</li> <li>CEP: 2.2 months</li> </ul>	<ul style="list-style-type: none"> <li>6 – 24 months</li> </ul>	<ul style="list-style-type: none"> <li>4.2 months</li> </ul>	<ul style="list-style-type: none"> <li>30 working days – 11 months</li> </ul>
<b>Litigation processes</b>	<ul style="list-style-type: none"> <li>Applicant can pursue civil litigation if responsible institution(s) does not join the redress scheme.</li> </ul>	<ul style="list-style-type: none"> <li>Yes – process was litigated.</li> </ul>	<ul style="list-style-type: none"> <li>N/A. However, lawyers assisted with application process.</li> </ul>	<ul style="list-style-type: none"> <li>N/A. However, high reliance on lawyers to progress claims.</li> </ul>	<ul style="list-style-type: none"> <li>N/A. However, lawyers assisted with application process.</li> </ul>

Country	Australia	Canada	Ireland	Northern Ireland	Scotland
<b>Supports offered</b>	<ul style="list-style-type: none"> <li>• Payment of up to AU\$5,000 (approximately NZ\$5500) to access counselling and psychological services based on severity of the abuse, or access to counselling services provided under the scheme (min. of 20 hours over lifetime).</li> <li>• Redress support service</li> <li>• Financial advice service</li> <li>• Free independent legal support</li> <li>• Records support</li> <li>• National Relay service</li> </ul>	<ul style="list-style-type: none"> <li>• Personal credits: each CEP recipient can receive up to CA\$3,000 (approximately NZ\$3500) in personal credits, depending on the approved educational expenses.</li> <li>• Truth and Reconciliation Commission</li> <li>• Aboriginal Healing Foundation</li> <li>• Legal fees – an additional 15% of the total compensation awarded.</li> <li>• Indian Residential Schools Resolution Health Support Programme.</li> </ul>	<ul style="list-style-type: none"> <li>• Counselling</li> <li>• Financial advice</li> <li>• Legal advice</li> <li>• Caranua was established in 2014 with the purpose to manage fund of £110m (approximately NZ\$232.5m) from religious organisations as part of the Indemnity Act 2002, and what budget was remaining from RIRB to facilitate access to support services such as housing and education for survivors.</li> </ul>	<ul style="list-style-type: none"> <li>• Victims and Survivors Service</li> <li>• Legal advice</li> <li>• Commissioner for Survivors of Institutional Childhood Abuse</li> <li>• Crisis Support Services</li> </ul>	<ul style="list-style-type: none"> <li>• Legal advice</li> <li>• Emotional support service</li> <li>• Link worker – provide and arrange access to supports for survivors</li> <li>• Records support</li> </ul>

Released under the Official Information Act 1982



**Appendix 3 - Design of a Redress system (next phase – core State agencies)**

Version: 5 Feb 2025

**What survivors have shared about redress**

- Build a system that meets our different needs
- Believe me, take responsibility and apologise
- Let me choose the pace and pathway
- Payments should be meaningful
- Help me get the support I need
- Take time to understand what happened to me
- Help me understand my past and the decisions made
- Make the system fair, honest and accountable
- Listen to survivors and learn from your mistakes

**With little extra investment per year, we can:**

<i>Redress offerings</i>	<i>Integration and independence</i>	<i>Consistency, efficiency and speed</i>
<ul style="list-style-type: none"> <li>▪ Make legislative changes to support more fulsome apologies</li> <li>▪ Align payment levels so there is consistent payments for the same type of experience</li> </ul>	<ul style="list-style-type: none"> <li>▪ Introduce changes to increase the independent oversight of claims outcomes both within the process and for where survivors are unhappy with the outcome of their claim</li> <li>▪ Introduce a simple application process with a single-entry point to make a claim</li> <li>▪ Ensure that survivors with claims across multiple State agencies have one point of contact and their claim is managed as one claim</li> <li>▪ Introduce shared governance and oversight of the State redress processes, including a common monitoring framework that incorporates survivor insights</li> <li>▪ Establish a mechanism for survivors to contribute directly to advice to Ministers (costed as part of the Crown Response to the Royal Commission).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Introduce a common payment framework</li> <li>▪ Make improvements to existing assessment processes to focus on what is most important to survivors and to enable assessments to be completed as quickly and efficiently as possible (for example focusing assessments on abuse allegations only)</li> <li>▪ Create one set of core policies that apply to State redress processes (with setting specific exceptions where needed). These could also be adopted in whole or part by other redress providers.</li> <li>▪ Introduce a legal fees framework</li> </ul>

**Estimated Cost:** 9(2)(f)(iv) to support design and implementation of changes, ongoing operating costs would remain the same at approximately 9(2)(f)(iv) to progress 1550 claims.

**Alignment to recommendations:** This option includes some small changes that respond in part to some concerns identified by the Royal Commission

**I recommend we do more and also consider:**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>▪ Increasing the average monetary payments made to recognise the abuse experienced by Survivors</li> <li>▪ Increasing the level of targeted support services available to survivors, this could include consultation with Survivors on what services should be included.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Processing claims faster by increasing resourcing within agencies.</li> </ul> |
|--|--|

**Estimated Cost:** Changes to monetary payments and supports would require additional operating costs of 9(2)(f)(iv) (1550 claims) per annum. Changes in capacity alone, would increase annual operating costs by a further 9(2)(f)(iv) (3,000 – 5,000 claims). Increasing payments, supports and capacity would increase costs ranging from an additional 9(2)(f)(iv) (3,000 claims) to 9(2)(f)(iv) (5,000 claims) annually.

**Alignment to recommendations:** This option includes more significant changes that respond in part to key issues and recommendations made by the Royal Commission.

**If we want to make more significant change, we could also:**

- Integrate existing redress processes into a single department or entity, which could be independent of existing care and redress agencies
- Co-design system changes with survivors. For example, the design of targeted supports for survivors.

**Estimated Cost:** Integration of existing process will cost between 9(2)(f)(iv) for establishment and transition plus additional operating costs of 9(2)(f)(iv).

**Alignment to recommendations:** This option is most aligned to the vision of the Royal Commission but does not deliver wholesale transformation.

Redress System Placeholder Package Costed Scaling Options (post 20 Dec Minister Stanford direction)

### Scaling Package A (small) Continue status quo with a review period and fixed SES funding

Operating costs associated with initiative (\$m)					
2024/25	2025/26	2026/27	2027/28	2028/29 & outyears	Total
0.000	\$6.79	\$87.47	\$79.86	\$553.08	\$727.22

**Structures / Entities**  
Status quo 4 State Claims agencies in operation, plus 2 agencies needing a mechanism  
\$73.5M over ten years  
One-time external system review  
\$0.19M in one year

**Capacity**  
Remains at 1400 claims to be processed per year  
\$165.6M over ten years

**Monetary Payment**  
Cost at an average of \$20k per payment  
\$252M over ten years

**Supports**  
Cost at an average of \$5k per claimant  
\$63M over ten years  
Fixed term two-year 25/26 and 26/27 funding for Survivor Experience Service  
\$13.6M over two years

Provision of Survivor Records  
\$82.3M over ten years

Survivor Legal Fees Reimbursement  
\$69.3M over ten years

Crown Litigation Contingency– status quo  
\$7.8M over ten years

### Scaling Package B (medium) Integrate and Ramp Up

Operating costs associated with initiative (\$m)					
2024/25	2025/26	2026/27	2027/28	2028/29 & outyears	Total
9(2)(f)(iv)					

**Structures / Entities**  
Transition to and establishment of integrated unit in an existing gov't department  
9(2)(f)(iv)  
Operating new unit (at capacity noted below)  
9(2)(f)(iv)  
Independent complaints and review function  
9(2)(f)(iv)  
Regular external system review (costed annually)  
9(2)(f)(iv)

**Capacity**  
1400 in 25/26; 3000 in 26/27; 5000 in 27/28, 28/29 and outyears  
9(2)(f)(iv)

**Monetary Payment**  
Cost at an average of \$30k per payment  
9(2)(f)(iv)

**Supports**  
Cost at an average of \$7k per claimant  
9(2)(f)(iv)  
Ongoing funding for Survivor Experience Service  
9(2)(f)(iv)

Provision of Survivor Records  
9(2)(f)(iv)

Survivor Legal Fees Reimbursement  
9(2)(f)(iv)

Crown Litigation Contingency– status quo  
9(2)(f)(iv)

### Scaling Package C (large) New Entity and Ramp Up

Operating costs associated with initiative (\$m)					
2024/25	2025/26	2026/27	2027/28	2028/29 & outyears	Total
9(2)(f)(iv)					

**Structure / Entity**  
Transition to and establishment of new entity  
9(2)(f)(iv)  
Operating new entity (at capacity noted below)  
9(2)(f)(iv)  
Independent complaints and review function  
9(2)(f)(iv)  
Regular external system review (costed annually)  
9(2)(f)(iv)

**Capacity**  
1400 in 25/26; 3000 in 26/27; 5000 in 27/28, 28/29 and outyears  
9(2)(f)(iv)

**Monetary Payment (TBC)**  
Cost at an average of \$40k per payment  
9(2)(f)(iv)  
Top up to previous settled claims  
9(2)(f)(iv)

**Supports**  
Cost at an average of \$10k per claimant  
9(2)(f)(iv)  
Ongoing funding for Survivor Experience Service  
9(2)(f)(iv)  
Enable survivors with closed claims to access support services  
9(2)(f)(iv)  
Funding to allow co-design with survivors  
9(2)(f)(iv)

Provision of Survivor Records  
9(2)(f)(iv)  
Plus Independent Records Website:  
9(2)(f)(iv)

Survivor Legal Fees Reimbursement  
9(2)(f)(iv)

Crown Litigation Contingency– status quo  
9(2)(f)(iv)

Notes

- Numbers will continue to be refined through to final package submission on 23 January 2025
- Depending on policy decisions to be made, there may be efficiencies to be found that could apply to all options
- Numbers won't add up due to rounding

**NOTE: These options are for indicative costing and budget consideration only. Policy decisions on system settings will be made later in 2025.**



## Cover note

Next phase of the redress response – further material requested			
Date:	14/02/2025	Security level:	
Priority:	High	Report number:	CRACI 25/018

Information for Minister	
Hon Erica Stanford Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions	This paper provides further material relating to the next phase of the redress response requested by your office. It also identifies outstanding matters relating to the redress Cabinet papers that we are seeking to discuss with you at the 17 February officials' meeting.

Contact for discussion			
Name	Position	Telephone	1 <sup>st</sup> contact
Delwyn Clement	Chief Advisor, Crown Response Office	9(2)(a)	✓
Rebecca Martin	Head of Policy, Crown Response Office	9(2)(a)	

Agencies consulted
Treasury, the Ministries of Social Development, Education and Health, Oranga Tamariki, Te Puni Kōkiri and the Department of Corrections were consulted on the A3 <i>Next phase of our redress response for core state agencies</i> .

### Minister's office to complete

<input type="checkbox"/> Noted <input type="checkbox"/> Seen <input type="checkbox"/> See Minister's notes <input type="checkbox"/> Needs change <input type="checkbox"/> Overtaken by events <input type="checkbox"/> Declined <input type="checkbox"/> Referred to (specify)  _____	<b>Comments</b>
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## Cover note

### Next phase of the redress response – further material requested

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

**Date:** 14 February 2025

**Security level:**

**Priority:** High

**Report number:** CRACI 25/018

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#### Purpose

1. This paper provides three documents that respond to a request from your office for further information relating to options for the next phase of the redress response. These documents are:
  - a. Next phase of our redress response for core state agencies;
  - b. Breakdown of operating costs for the system; and
  - c. MSD out of court claims process.
2. It also outlines three matters that we are seeking to discuss with you at the officials' meeting on 17 February relating to the upcoming redress cabinet decisions.

#### Matters for discussion at officials meeting 17 February 2025

##### *Timing of redress Cabinet papers*


3. We are currently drafting four redress Cabinet papers as follows:
  - a. One chapeau paper summarising the overall direction and nature of change proposed for the next phase of the redress response; and
  - b. Three accompanying papers that seek detailed decisions on the following matters:
    - i. System size and scope;
    - ii. Function and form; and
    - iii. Redress offerings.
4. We have previously discussed targeting Cabinet Social Outcomes Committee on 12 March for this suite of papers. Treasury has raised questions about this timing, noting key budget meetings will not have happened by that date. Taking into account your overseas travel dates,

the next possible Cabinet Social Outcomes Committee meeting would be 2 April. We are seeking to discuss this and any other options with you at the next officials' meeting.

*Approach to potential future decisions regarding redress system capacity and the establishment of a single redress entity*

5. The Royal Commission recommended the establishment of a single, independent redress entity. On 10 February, joint ministers endorsed the introduction of some measures to improve integration and independence as part of the next phase of the redress response, noting this approach leaves the door open to further integration and independence at a later point.

9(2)(f)(iv)



*Scope of further decisions sought in April 2025*

9. We understand that you are seeking to have additional policy matters relating to redress eligibility confirmed in April following this suite of Cabinet papers. At the officials' meeting we are seeking to confirm the scope of what this includes. We note that we are currently scheduled to provide advice and inclusion of non-state claims in September 2025.

# Next phase of the redress response for core state agencies (subject to policy decisions)

Current state

Potential next phase

*Simple, consistent and easy to navigate claims processes*

### Operating model, governance and oversight

Multiple claims agencies that operate independently with limited coordination and cooperation

Individual agency governance and Ministerial oversight

Individual and inconsistent monitoring and reporting, no centralised view of the performance

### Consistency or process and approach

Different legal frameworks, operational policies

### Survivors' experience

May need to lodge a claim with multiple agencies and will have different contact points for each claim

Complex and time consuming to register multiple claims resulting in having to repeat the same information multiple times

### Operating model, governance and oversight

Multiple claims agency which operate more collectively as a system

Shared governance and Ministerial oversight of all State agency processes

System wide transparent reporting, incorporating survivor insights

### Consistency of process and approach

A single set of policies for all State agencies

### Survivors' experience

A simple consistent easy process for survivors to register claims

One point of contact and single claim irrespective whether it includes one or multiple agencies

\*Claims that sit across MSD and OT and worked as one claim

*More independent input into claims process*

### Independent advice within claims process

Systems are operated by past or present care agencies with limited or no independent input into claims decision making

### Independent review of claims outcomes

Processes for seeking review of proposed settlement payments outside of these agencies are lengthy, time consuming and resource intensive (Ombudsman or Courts)

### Independent advice within claims process

Independent advice (external to agency responsible for the claim) to support decision making on the outcome of individual claims

### Independent review of claims outcomes

Easier and more timely process for the independent review of claims outcomes while retaining Ombudsman and Court options

*Consistent and improved redress offerings and support for survivors*

### Support through the process

Case management to support survivors through the claims process

Variation in support offerings (average value of \$5,000 per survivor)

Support to access records from their time in care

### Settlement payments

Different approaches and sometimes complex tools for determining payment offers

Different settlement payments for similar experiences (averages range from \$6,000 to \$20,000)

Concerns that payment amounts do not meaningfully acknowledge the abuse survivors experienced and its impact

### Apologies

Apologies that do not take direct responsibility for what happened

### Legal fees

Limited guidance about what legal fees should be covered, inconsistencies in what is paid

### Support through the process

Case management to support survivors through the claims process

Consistent but not increased value of support offerings

Support to access records from their time in care

### Settlement payments

A common payment framework using clear payment steps and definitions

Consistent payments for similar experiences

At least a 50% increase in average payments (increases to \$30,000)

### Apologies

Apologies that take responsibility for what happened

### Legal fees

A common legal fees framework that ensures a fair, consistent and transparent approach to meeting survivors' legal costs

*Shorter wait times and faster assessment processes*

### Wait and assessment processing times

Long wait times for some survivors & variations in how long it takes for a claim to be allocated for assessment (from immediately to up to over 2 years)

### Assessment processes

Assessment processes that include elements that take significant time and cost but which do not materially affect the payment a survivor receives

### Assessment processes

Reduced wait times\*, ongoing variation in wait times for claims to be allocated, a coordinated approach taken to assessing claims that sit across multiple agencies

Efficient and lower cost assessment processes and easy to apply payments frameworks that enables more claims to be progressed faster without compromising survivors' experiences and outcomes

\*The reduction in wait times is when compared to making no changes to the status quo

## Breakdown of operational costs for the system (subject to policy decisions)

The table below shows the potential changes to current operational costs. It does not include all costs associated with the proposed policy changes

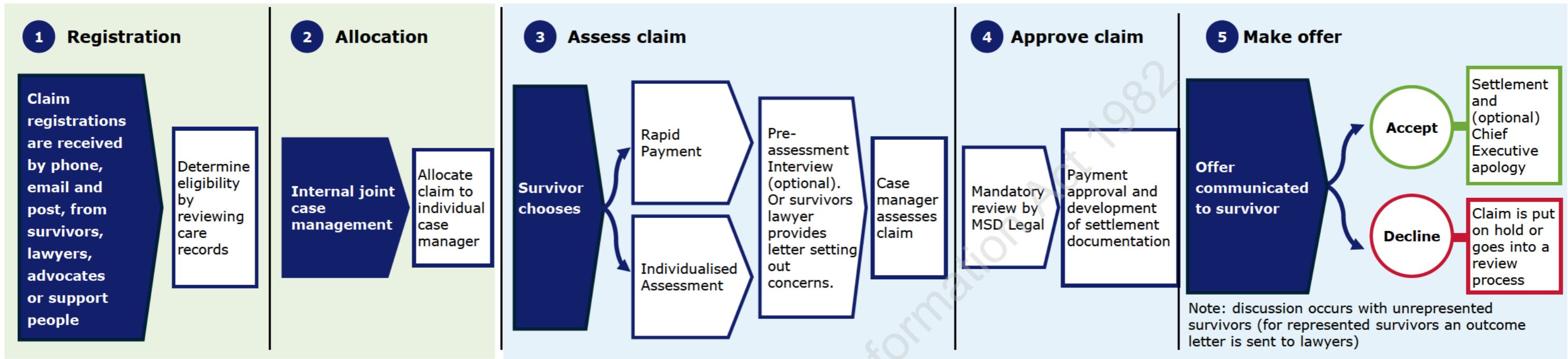
	Current state	Potential next phase
9(2)(f)(iv)		

Note: Indicative costings, not all costs included in the potential state are reflected in the operation costs above.

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# MSD (out of court) claims process

Process



## Support available at any point

Updates on progress  
Answer queries  
Wellbeing checks

## Support available after eligibility is confirmed

Provide access to records (if ineligible then OT will provide)

Checking to see whether allegations made are against current staff or caregivers

Counselling access

Access to navigators that help survivors to access services like housing support, employment assistance, health services, budgeting services.

The average timeframe from registration to the closure of a claim is **approximately four years** with variance depending on whether the survivor is represented by a lawyer and what assessment option is chosen.

## There are variances in timeframes for particular parts of the process.

Timeframes by stage	Phases 1 and 2	Phases 3-5	Factors that affect timeframes
<b>Unrepresented</b>	Just under 2 years	3.7 months (Individualised assessment) >2 Months (Rapid Payment)	Unrepresented survivors have a slightly higher uptake for rapid payment assessments
<b>Represented</b>	Varies from 6 months to over 6 years	5.4 months (Individualised assessment) >2 Months (Rapid Payment)	Represented survivors will often have substantially more allegations to consider for individualised assessments. We also rely on survivor's legal representatives to provide us with instructions before the claim can be allocated

Average timeframes

Type of claim	Number of claims
Represented	1,331
Unrepresented	2,088
Total number of claims on hand	<b>3,419</b>

## Uptake of assessment options

### All survivors

Rapid Payment	85%
Individualised Assessment	15%

### Represented

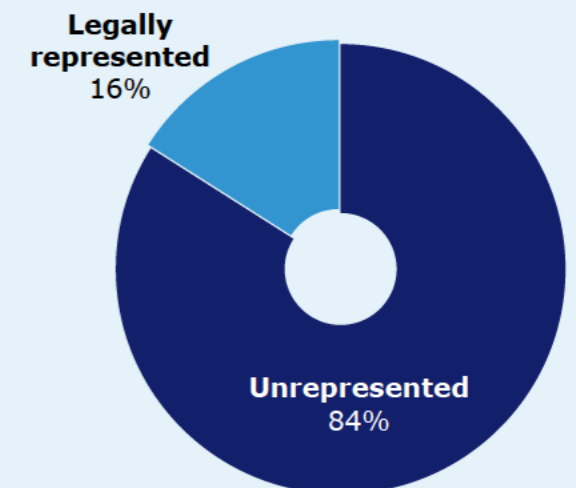
Rapid Payment	79%
Individualised Assessment	21%

### Unrepresented

Rapid Payment	88%
Individualised Assessment	12%

Key data

## Incoming new claims



We are currently receiving 145 – 185 claims per month.

# Briefing



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

## Proposal to establish a Ministerial advisory group to inform the Crown's response to the Royal Commission

Date:	20/02/2025	Security level:	
Priority:	High	Report number:	CRACI 25/002

### Actions sought

Hon Erica Stanford <b>Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions</b>	Provide feedback by 3 March 2025 on the proposal, subject to Budget 2025 decisions, to establish a Ministerial advisory group to inform the Crown's response to the Royal Commission of Inquiry into Historical Abuse in the Care of State and Faith based institutions (the Royal Commission).
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### Contact for discussion

Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Chief Executive, Crown Response Office	9(2)(a)	
Rebecca Martin	Head of Policy, Crown Response Office	9(2)(a)	✓

### Agencies consulted

The Public Service Commission, the Ministries of Health, Education, Justice and Social Development, the Ministry of Disabled People (Whaikaha), the New Zealand Police, Te Puni Kōkiri, and the Ministry for Children (Oranga Tamariki) have supported the development of these proposals and were consulted on this paper. The Department of Corrections and the Ministry for Pacific Peoples were also consulted on the paper. The Treasury has been informed.

### Minister's office to complete

<input type="checkbox"/> Noted <input type="checkbox"/> Seen <input type="checkbox"/> See Minister's notes <input type="checkbox"/> Needs change <input type="checkbox"/> Overtaken by events <input type="checkbox"/> Declined <input type="checkbox"/> Referred to (specify)  _____	<b>Comments</b>     
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# Briefing



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

## Proposal to establish a Ministerial advisory group to inform the Crown's response to the Royal Commission

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

**Date:** 20 February 2025

**Security level:**

**Priority:** Medium

**Report number:** CRACI 25/002

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### Purpose

1. This briefing proposes the establishment of a Ministerial advisory group (the group) to provide you with external advice across the Crown's response to the Royal Commission of Inquiry into Historical Abuse in State Care and the Care of Faith-based Institutions (the Royal Commission), including on recommendations in the Royal Commission's reports: *Whanaketia* and *He Purapura Ora, he Māra Tipu*. The briefing also provides high level options for the establishment and design of this group.

### Recommendations

2. It is recommended that you:
  - a) **note** that several of the Royal Commission's recommendations, supported by survivors, are for the establishment of external advisory functions to Minister(s), and ultimately of external, survivor-centred monitoring and oversight functions;
  - b) **note** while agencies across the care system have several external advisory, monitoring and oversight bodies, none are specifically set up to provide advice directly to Ministers on responding to the Royal Commission;
  - c) **agree**, subject to confirmation of Budget 2025 decisions, to establish a Ministerial advisory group (the group) to provide external advice and input across phase one of the Crown's response; YES / NO
  - d) **discuss** the proposals in this paper at the officials' meeting of 3 March and key questions about the group including costs, purpose, reporting lines, nominations process, membership expertise and total numbers; YES / NO

- e) **note** if you agree to the proposal we recommend this be advanced through Cabinet consideration of the response plan paper scheduled for Cabinet consideration in early April and then progress to Cabinet Appointment and Honours committee, with a view to the group being in place by July 2025 for a term of two years.



Rajesh Chhana  
**Chief Executive, Crown Response Office**  
**Crown Response to the Abuse in Care Inquiry**

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

20 /02 / 2025

/ /

## Background

3. At their meeting on 10 February, Ministers agreed that portfolio Ministers and agencies should decide on appropriate levels of partnering and co-design as part of scoping each work package, using existing reference and advisory groups and drawing on known insights where appropriate.
4. The briefing which supported that meeting: *Abuse in Care Inquiry Response Plan Framework* [CRACI 25/014] noted that the Crown Response Office (CRO) would provide you with advice on options for an independent oversight group (the group) to provide a view on the contents and progress against the response plan. Final decisions on establishing that group would be sought through Cabinet. The Royal Commission recommended extensive independent input into, and leadership of, the design, monitoring and oversight of both the redress and care systems. It stressed that children, young people and adults in care, survivors, Māori, Pacific Peoples, culturally and linguistically diverse communities, Deaf and disabled people, people who experience mental distress, and Takatāpui, Rainbow and MVPFAFF+ people should be proactively involved in the Crown's work to address the harms of the past and ensure the safety of the current system.
5. Although no specific consultation has been done on a ministerial advisory group, it is clear from prior engagement with survivors that some expect to have a significant role in the Crown's response to the Royal Commission. Key themes from Royal Commission's public hearings between 2019 and 2022, and from the Crown's engagement with survivors over the last 18 months, underlines that expectation. This includes a desire to provide ongoing reflection on survivor experiences in care to reduce potential future harm for others.
6. The establishment of a ministerial advisory group would also align with the commitment's made as part of the tabling of the Final Report and the delivery of the public apology to

continue to work alongside of survivors in the design and delivery of the Crown’s response to the Royal Commission’s recommendations.

7. Due to the Royal Commission’s complex and ambitious vision and many broad ranging recommendations there is also intrinsic value in seeking a range of views and expertise, in addition to those of survivors, to inform the response plan, in particular. While there are several external advisory, monitoring and oversight bodies in the current care landscape, no existing groups have the purpose of looking across the Crown response.
8. This advice would complement and support ongoing work across the Crown Response to engage with survivors and external parties on individual work packages and is part of a broader suite of work being developed across the CRO Stakeholder Engagement Function.

### **Options analysis for providing external advice to you as Lead Minister across the Crown’s response to the Royal Commission’s recommendations**

9. On 10 February, joint ministers agreed that agencies will make decisions regarding partnering or co-design on responses to the Royal Commission recommendations at an individual work package level, using existing advisory and reference groups and drawing on known insights as appropriate and possible.
10. In addition to engagement at a work package level, there is an opportunity to establish a mechanism for providing external advice across the full response. This mechanism would help provide a degree of oversight across the entirety of the response, therefore providing a coherence that may otherwise be missing in a work package by package approach. It would also help to demonstrate that the Crown understands the scale of and learning from the findings and recommendations from the Royal Commission.

**Table 1: Options for external advice to the Lead Minister on the response to the Royal Commission**

Option	Process
Option A: Seek advice across the Response from existing Ministerial groups	Ministers seek advice across the Crown’s response from existing advisory groups such as the Oranga Tamariki Ministerial Advisory Board, the Survivor Experience Board, and/or the Social Investment Board.
Option B: Establish a new Ministerial advisory group to provide you with external advice on the Crown’s response (recommended)	Establish a new ministerial advisory group for the express purpose of providing external advice across phase one of the Crown’s response.

11. Option A, drawing on advice as needed from existing advisory groups, could provide avenues for external advice from well-informed, and already engaged experts. However, this approach would be difficult to operationalise given the complexity of the response. Existing groups may not have the necessary mix of credibility, lived experience and relevant expertise and the work could also detract from their core roles and priorities. Nor are there clear mechanisms to efficiently expand the roles or resourcing for existing groups.
12. On balance, officials recommend option B, establishing a Ministerial advisory group to provide you as Lead Minister (and through you, other Ministers when requested) with

external advice across phase one of the Crown's response, with the option to extend the group into subsequent phases of the work.

13. Option B also offers the advantage of a well-established process that would be more efficient than Option A.

**If you agree in principle, subject to the outcome of Budget 2025 decisions, to establish a Ministerial advisory group, there are options for its design and steps to its establishment**

14. Below is a preliminary outline of costs and key considerations involved if you decide to establish a Ministerial advisory group. These include purpose, reporting lines, nominations process, membership expertise, and membership numbers.
15. Officials will also consider how the group's advice can be informed by, and connected to, other external groups that advise on topics relevant to the response plan, given the complexity of both the current care landscape and the Crown response.

*Purpose of the Ministerial Advisory Group*

16. Officials recommend the purpose of the group is twofold. Firstly, to provide you (and other Ministers, when requested through you) with independent advice on the progress of phase one of the Crown's response and on the direction of the subsequent phases of work. Secondly, the group could provide advice directly to agencies working on priority work packages and projects on an "as agreed" basis.
17. The focus of both streams of advice would be particularly on the current care system because significant decisions on care system design have not yet been made and may benefit most from external advice. There would also be an opportunity for advice on implementation of policy decisions on redress (which are already well advanced).
18. It should be noted that a group that is working with the Crown but does not have a decision-making role has potential to be criticised by some as not having a strong enough mandate and failing to meet survivor aspirations for a survivor-led approach.
19. Advice on external advisory and/or oversight functions for phase two of the work would be provided as part of the annual updating of the response plan.

*Costs*

20. Funding to establish, maintain and service a group to advise Ministers on the process, delivery and outcomes of the Crown's response to the Royal Commission over the years 2025/6 and 2026/7 is being considered under the current budget 2025 process. This includes the bid to extend the operation of the CRO beyond its current term finishing June 2025 for an additional two financial years.
21. The funding of a ministerial advisory group would be sourced from the CRO budget for its 'Stakeholder Engagement Function'.
22. Assumptions have been made for an annual allowance of \$133,000 for the Ministerial advisory group (including fees, travel, wellbeing costs etc.) with secretariat or servicing

costs to be absorbed through the CRO staff costs. Further work to confirm the draft Terms of reference and other aspects of finalising establishment can be funded within the existing baseline.

23. Board fees would be set through the Cabinet fees framework. Although the Cabinet fees framework allows for variation on a case-by-case basis, and resourcing for fees, logistics, and support and would reflect the size of the group, this is a useful indication of the likely range of costs. Factors that can impact on costs include the scope and mandate of the group as per the draft Terms of reference, and the number of members.

#### *Reporting lines*

24. Officials recommend the Ministerial advisory group reports directly to you as Lead Coordination Minister rather than to a wider group of joint Ministers, although you could choose to engage with joint Ministers on the content of their advice as required. An advisory group could support you to bring together a coherent approach across the Crown's response. Because the Ministerial advisory group would be looking across the entirety of the Crown's response programme, this would align with the Lead Coordination portfolio and would complement the engagement approach agreed by Joint Ministers where they will receive external advice via engagement on individual work packages.

#### *Membership – expertise, representation, and numbers*

25. During phase one, members should bring to the table a balance of perspectives from survivors and others with relevant lived experience and credibility across sectors, including mental health, care and protection, youth justice, disability, social services, and community sectors. The group would be designed to reflect the experiences of the broad care population, including Māori, women, Deaf and disabled people, Pacific people and LGBTQI experiences. Membership should reflect the advisory group's primary focus - proposed to be making the current care system safe, but also allow for consideration of redress implementation advice.
26. Criteria should also include an appropriate level of standing, experience in governance, and the ability to offer robust, constructive and strategic advice that supports you to navigate the complex choices and decisions associated with this work. Members could potentially be drawn from existing Board appointments and advisory groups such as (for example) the Oranga Tamariki Ministerial Advisory Board, the Survivor Experiences Board, the Social Investment Board, and/or the Hauora Māori Advisory Committee if they met the outlined criteria.
27. Options for the number of members in a Ministerial advisory group can range from a small group of five to nine members to a larger group of 25-50 members. To provide external input and advice to Minister(s), including speed of decision making, we recommend a smaller group of five to nine members, including an independent chair.
28. We note, however, that survivors, including disabled people, who have served in an advisory capacity, have expressed feelings of difficulty being the voice for people they have not been given the authority to represent or that they do not have the ability and time to

seek their views. Further, members could still be open to criticism from some survivors for not directly representing their views.

29. This risk is mitigated by the fact that the role of the advisory group members would not be to 'represent' different survivor voices, as well as the fact that the group would not be the only engagement mechanism, with Ministers setting an expectation that engagement also occur as required at a work package level using existing advisory groups. Oranga Tamariki's VOYCE Whakarongo mai, or Mana Mokopuna (the former Children's Commissioner) could be involved, for example, in seeking input from children and young people with current or recent care experience as part of relevant work packages.

#### *Nominations processes*

30. The recommended process is for members to be nominated by you as Lead Minister in consultation with your ministerial colleagues. This would follow the model used for example to establish the Survivor Experiences Service Board.
31. Other options could be to use a public nominations process or a hybrid model where some members are nominated by Ministers and some via a public process. These processes would be more survivor and community-centred and could be perceived as more transparent and independent. However, such processes can be time consuming and expensive (in terms of using resources that could otherwise go to response actions).
32. Kāpuia, the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain advisory group, was established via a process that sought members from a range of affected communities, resulting in 28 members. The Redress Design and Advisory Groups were identified via a widely-publicised call for nominations across a range of public and more targeted media. These processes created a high degree of transparency and diversity in membership. However, these processes can take significant time to set up and support. For example, the Redress Design and Advisory groups required media advertising across Māori and Pacific networks and care agency and stakeholder social media channels with full-time support required to answer questions and process nominees.
33. Although a group appointed by the Crown without a public call for nominations could be open to criticism as not adequately enabling survivor participation and leadership, a public process can also be open to criticism from some survivors for not directly representing their views, as happened with the Redress Design and Advisory Groups.
34. Officials estimate that a ministerial nominations process would take between two and four months, depending on progress through Cabinet Committees. In contrast, a public nominations process would likely take at least six months, including progressing through Cabinet Appointments and Honours Committee at the end of the public nominations stage.
35. Seeking nominations from ministerial colleagues would also result in a relatively small group to support the start of the Crown response plan implementation. After implementation has begun, specific requests for advice or for particular topics that require a broader or different balance of expertise, could be met either through expanding the membership and/or the use of ex officio members.

## Timeframes

36. This advice has been developed to align with other Crown Response work programmes, including work on the Response Plan (including redress), the 2025 Budget process, and the development of a CRO Engagement Framework.
37. The table below sets out timeframes and key milestones to set up a proposed ministerial advisory group and for the Response plan work programme. It assumes an initial timeframe of two years for the ministerial advisory group from July 2025 to June 2027.

**Table 2: Key timeframes in the establishment and operation of a ministerial advisory group for the Crown’s response to the Royal Commission**

Approximate time periods	Response Plan Work Programme	Key milestones to establish a ministerial advisory group
20 February	-	Initial advice to the Lead Coordination Minister on options for a ministerial advisory group.
24 February	-	Your feedback is discussed with officials from the Crown Response Office; this could include initial discussion of membership options.
28 February	Lead Coordination Minister receives draft Response Plan and associated Cabinet Paper.	As part of this package, provide Lead Minister with refined proposal for a ministerial advisory group, including draft terms of reference.
3-7 March and 17 - 26 March	2 rounds of Ministerial consultation on Response Plan and associated Cabinet Paper.	As part of this, relevant Ministers consider draft Terms of Reference for a ministerial advisory group.
9 April	Social Outcomes Cabinet Committee decisions on the Response Plan (with Cabinet decision on 14 April)	This would include the decisions on taking the proposal for an external advisory group to Cabinet Appointment and Honours committee.
Early May	-	Advice to APH Cabinet Committee for decisions on Terms of Reference for an external group
Late May	-	Begin appointment process and establishment of operational ministerial servicing group processes within CRO.
July 2025 to June 2027	Implementation of Phase One of the Response plan programme and transition into next phase.	Ministerial advisory group operational and supported by CRO. Group provides advice to Minister(s) on implementation of Phase One of the response plan and the direction of Phase Two.
July 2027 onwards	Implementation of Phase Two of the response plan.	Potential review of the group may lead to an extension of its functions for a longer term.

## Next steps

38. We invite your feedback at the officials’ meeting of 24 February to guide next steps to establish a Ministerial advisory group. Feedback on costs, purpose, reporting lines, appointment process and membership expertise and total numbers is sought. We would also welcome a discussion on membership options as part of that conversation.

39. Once we have your feedback on the matters raised in this paper, we will provide you with a draft terms of reference for your consideration. You may wish to discuss this proposal with relevant Ministers during the Ministerial consultation on the Response Plan.
40. Once finalised, the proposal and terms of reference will be included in the paper on the response plan being prepared for Cabinet, scheduled for Cabinet Social Outcomes Committee meeting on 9 April. Following this, the nominees would need to be considered by Cabinet Appointment and Honours committee in early May. These steps as well as budget decisions, would enable the group to be able to be in place by July 2025.

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# Briefing



**Listening, learning, changing**  
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Crown Response to the Abuse in Care Inquiry

## Implementing legal advice on options for managing Cabinet decisions to increase payments between decisions and announcement

Date:	14 March 2025	Security level:	
Priority:	Medium	Report number:	CRACI 25/027

### Actions sought

Minister Simeon Brown  
Minister of Health

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

Hon Louise Upston  
Minister for Social Development and Employment

Hon Karen Chhour  
Minister for Children

This paper updates you on work being undertaken across redress agencies to implement Crown Law advice on managing the effect of Cabinet decisions on payments and their ability to continue settling claims.

### Contact for discussion

Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Chief Executive, Crown Response Office	9(2)(a)	
Delwyn Clement	Chief Advisor, Crown Response Office	9(2)(a)	✓

### Agencies consulted

Ministry of Social Development, Ministry of Education, Ministry of Health, Oranga Tamariki

### Minister's office to complete

- Noted
  - Seen
  - See Minister's notes
  - Needs change
  - Overtaken by events
  - Declined
  - Referred to (specify)
- \_\_\_\_\_

### Comments

# Briefing



**Listening, learning, changing**  
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Crown Response to the Abuse in Care Inquiry

## Implementing legal advice on options for managing Cabinet decisions to increase payments between decisions and announcement

**For:** Hon Simeon Brown, Minister of Health  
Hon Erica Stanford, Lead Coordination Minister, Minister of Education  
Hon Louise Upston, Minister for Social Development and Employment  
Hon Karen Chhour, Minister for Children

**Cc** Hon Mark Mitchell, Minister of Corrections  
Hon Tama Potaka, Minister for Māori Development

**Date:** 14 March 2025

**Security level:**

**Priority:** Medium

**Report number:** CRACI 25/027

### Purpose

1. This paper updates you on the work being undertaken by the Ministries of Education, Social Development, Health and Oranga Tamariki to implement Crown Law advice on managing any increase in redress payments between Cabinet consideration of redress proposals anticipated at the 2 April Social Outcomes Committee meeting and public announcements.

### Recommendations

2. It is recommended that you:
    - a. **note** that a Cabinet paper relating to decisions on redress for survivors of abuse in State care is being prepared for consideration at the Social Outcomes Committee on 2 April 2025, which includes proposals to increase the size of payments and to increase alignment across agencies;
    - b. **note** that the Crown Response Office sought Crown Law advice on how to manage settlements in the period between Cabinet decisions and the public announcement of those decisions;
    - c. **endorse** the approach to managing settlements in the period between Cabinet decisions and the public announcement which takes account of Crown Law's advice, as outlined in paragraphs 6-10 of this briefing; and
- YES / NO

- d. **note** that officials will report back to Joint Ministers on the outcome of implementing Crown Law advice and options to respond to inconsistencies between agencies respective redress payments following Cabinet decisions.



Rajesh Chhana  
**Chief Executive, Crown Response Office**  
**Crown Response to the Abuse in Care Inquiry**  
14 / 03 / 2025

Hon Simeon Brown  
**Minister of Health**

/ /

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

/ /

Hon Louise Upston  
**Minister for Social Development and Employment**

/ /

Hon Karen Chhour  
**Minister for Children**

/ /

**The Crown Response Office has obtained Crown Law advice on the redress system in anticipation of SOU decisions on 2 April 2025.**

3. A paper is being prepared for the Cabinet Social Outcomes Committee (SOU) meeting on 2 April 2025 which will recommend changes to the current redress systems in response to the recommendations of the Royal Commission of Inquiry into Abuse in Care.
4. Amongst other things, the paper will recommend changes to:
  - a. increase the size of the payments that are currently being made under the schemes being run by the Ministries of Education, Social Development and Health and Oranga Tamariki; and
  - b. address inconsistencies between the schemes in payment size.
5. Any increase in payment could apply prospectively or be applied to previously settled schemes depending on Cabinet's decision.
6. The Crown Response Office sought advice from Crown Law on how to manage the period between any Cabinet decision to increase the payment size and announcement of that decision because it would be unfair to continue settling claims on the current basis during this period when it would be known if an increase in payment size was imminent. 9(2)(h)

[Redacted]

9(2)(h)

[Redacted]

7.

8.

**Agencies are working on implementation issues to ensure readiness when Cabinet makes its decision and on the design of the top up scheme.**

9. 9(2)(h) [Redacted]

10. A key issue is how to design a system of top up payments that will be fair to all claimants. This issue will be particularly acute if Cabinet decides that top ups should be available to previously settled claimants, as well as to those who settled between the time of the decision and announcement. The practical reality is that the numbers are too large to allow an individual assessment of all the claims that would be eligible for a top up. Therefore, a formula that is broadly fair and simple to apply will need to be developed. Related to this issue is how to address inconsistencies between the size of current redress payments made by each of the agencies.
11. The Crown Response Office and Redress agencies have undertaken some analysis of the payment sizes made by agencies for particular types of claims. Preliminary assessment indicates that while the payment size is broadly similar for settlements made by the Ministry of Education, the Ministry of Social Development and Oranga Tamariki, payments made by the Ministry of Health have historically been considerably lower.
12. We will report further on how decisions about payment levels and top-up payments will be implemented following confirmation of Cabinet's decisions.

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# Briefing



**Listening, learning, changing**  
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Crown Response to the Abuse in Care Inquiry

## Overview of Survivor Experiences Service: overview of current expenditure and delivery and potential for future direction

Date:	14/03/2025	Security level:	
Priority:	Medium	Report number:	CRACI 25/030

### Actions sought

Hon Erica Stanford Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions	Direct CRO and SES if further work is required to explore funding options or operational changes.
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### Contact for discussion

Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Chief Executive, Crown Response Office	9(2)(a)	
Delwyn Abraham	Head of Treaty Partnerships & Head of Redress, Crown Response Office	9(2)(a)	✓

### Agencies consulted

Department of Internal Affairs
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### Minister's office to complete

<input type="checkbox"/> Noted <input type="checkbox"/> Seen <input type="checkbox"/> See Minister's notes <input type="checkbox"/> Needs change <input type="checkbox"/> Overtaken by events <input type="checkbox"/> Declined <input type="checkbox"/> Referred to (specify)	Comments
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# Briefing



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

## Overview of Survivor Experiences Service: overview of current expenditure and delivery and potential for future direction

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

**Date:** 14 March 2025

**Security level:**

**Priority:** Medium

**Report number:** CRACI 25/030

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### Purpose

1. This briefing provides you with an overview of the Survivor Experiences Service (SES) and an update on the initiatives implemented to provide interim support to survivors while Cabinet decisions are progressing on redress.
2. It also provides you with advice on potential considerations for the SES functions and services going forward. This includes:
  - a. if funding were to cease for the SES;
  - b. the SES continuing with the full range of services with operational efficiencies; and
  - c. the SES continuing with reduced range of services with operational efficiencies.

### Recommendations

3. It is recommended that you:
  1. **note** establishment of the Survivor Experiences Service and outcomes of its work to date.
  2. **note** cost, performance and value of the Survivor Experiences Service.
  3. **note** potential considerations for the Survivor Experiences Service functions and services going forward.
  4. **direct** CRO and SES if further work is required to explore funding options or operational changes.

Rajesh Chhana  
Chief Executive, Crown Response  
Office

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

/ /

14 / 03 / 2025

## **Establishing the Survivor Experiences Service**

*In response to the Royal Commission's recommendations, a listening service was implemented as an interim measure that could continue as part of the new redress system*

1. In December 2022, Cabinet agreed to establish the interim listening service, now known as the Survivor Experiences Service (SES) [SWC-22-MIN-0252 refers] in response to Recommendations 26 and 27 in the Royal Commission's (RC) interim 2021 redress report *He Purapura Ora*.
2. The Department of Internal Affairs (DIA) was identified as the most appropriate location for the SES, having previously hosted two other confidential listening services and is independent of the current care-system.
3. An Independent Board (the Board) with a strong survivor voice was established to oversee operations, provide strategic direction, advice and insights from Māori, Pacific and disability survivors' perspective, and ensures their voice is reflected in the operation of the SES.
4. The SES was launched on 3 July 2023, with a focus on providing a confidential forum for survivors to share and record their experiences of abuse in care, in a trauma-informed and culturally responsive setting to facilitate healing.

*Expansion of Survivor Experiences Service to include the provision of records support for survivors*

5. In December 2022, the Cabinet agreed to a new records support service for survivors. This was followed September 2023 by a decision to expand the SES to deliver as a cost-effective and low risk approach [Briefing CRACI 23/033 refers]. Joint Ministers signed-off a draw-down of \$987,000 to establish the service.

## **The SES has matured and evolved in response to survivor needs and delivered on a range of requests for support**

6. SES has been operating for 18 months and has an overall expenditure to date of \$9.75m. The services SES delivers have evolved to a range of complementary supports and services in response to survivors needs. (See Appendix 1 for a full range of SES services) SES also supports current provision of care by acting on any safety concerns that are raised by survivors.

*Overview of support for survivors*

7. Currently the SES is the sole survivor-specific service that combines recording survivors experience, navigation of current services across State and non-State care sector provision, immediate wellbeing support, and assistance for survivors to request their records and understand the records they receive.
8. As of January 2025, 548 survivors have registered with the SES, including survivors who were abused in care within the inquiry period and post 1999. Registrations continue to increase and are influenced by significant events as seen with the tabling of the RC's Final Report and the National Public Apology.

*Lodging claims*

9. Across December 2024 and January 2025, SES assisted 16 survivors to lodge claims with the Ministries of Social Development, Health, Education, as well as the Catholic Church, Salvation Army, and the Open Home Foundation.

### *Private sessions for survivors to share their experiences and create a recording of this*

10. Due to demand, the delivery of private sessions has increased. As of January 2025, SES has helped 280 survivors access private sessions and wellbeing support. This includes:
  - approximately 57% identify as Māori, 5% as Pacific peoples, and 11% with disabilities;
  - 21% of sessions have been with incarcerated survivors; and
  - 159 of the 163 survivors who gave feedback on their private sessions gave positive feedback.

### *Records support for survivors*

11. The records support function has been operational since August 2024. SES assists survivors to understand where their records may be held and engages with agencies on survivors' behalf if they do not wish to engage directly with the organisations responsible for their care. The complexity that SES help survivors navigate is illustrated by the example of a survivor that had their care records spread across seven agencies.
12. As of January 2025, the SES had worked with approximately 100 survivors on over 200 records requests spread across a variety of state and non-state record holders.
13. To deliver this service the SES has established formal agreements with care agencies allowing them to act on survivors' behalf with these organisations. In the process, SES streamline requests so that claims agencies only receive the requests that are relevant to them rather than having to perform this navigation and sorting themselves.

### *Navigation of support services*

14. In response to requests from survivors, SES has increasingly stepped up to a role of providing a navigation of the claims processes and care system for survivors who, upon sharing their experiences and building relationships, want to know where to go and what comes next on their journey.
15. As part of this, SES has also built the capability to support and assist survivors with disabilities including Learning Disability, Neuro Diversity, and Cognitive Impairment (LDNDCI) by connecting them to other wrap-around supports through community providers.

### *Support to the Crown Response*

16. For the National Public Apology in November 2024, SES staff were present at Parliament and concurrent events in a support capacity for survivors and others attending the events.

### *The Board*

17. The SES Board provides independent advice to Ministers as part of their work within survivor communities.

## **Year-to-date funding (line-by-line) of the Survivor Experiences Service**

18. For the financial year 2024/25 and year-to-end of February 2025, Table 1 shows actual expenditure compared to Budgeted (at March Baseline Update) and the variance, and full Year Forecast compared to Budgeted and the variance.
19. Table 1 also includes Board related costs. Taking the five-month period of normal operating between August to December 2024, the average monthly Board-associated cost is \$18,412<sup>1</sup>.

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<sup>1</sup> Board expenses for July 2024 unusually high due to several Wellington-based events happening during this month.

**Table 1: Year-to-date funding (line-by-line) of the Survivor Experiences Service**

	Y-T-D Actual (February)			Full Year Forecast (FY25)		
	Actual	Budget Prelim Final MBU	Variance \$	February Forecast	Budget Prelim Final MBU	Variance \$
<b>DIRECT EXPENSES</b>						
Committee Member Fees	88	40	(48)	107	60	(47)
Contractors	-	54	54	-	97	97
SSRSS -Retire Scheme	1	8	6	1	12	11
Employer SuperSub KS	52	62	10	86	95	10
Annual Leave Accl	5	-	(5)	(2)	-	2
Long Service Leave	(4)	-	4	(3)	-	3
ACC Workplace Cover	3	5	2	5	7	2
Recruitment Fees	2	-	(2)	2	-	(2)
Health, Safe & Med	108	-	(108)	81	-	(81)
Salary Recoveries	3	-	(3)	3	-	(3)
Employee Proj Resource On-charge	4	-	(4)	4	-	(4)
Salaries/Wages	1,995	2,259	264	3,102	3,479	377
Employee Allowances	(15)	-	15	(9)	-	9
Temporary Staff Exp	2	-	(2)	-	-	-
<b>Personnel</b>	<b>2,246</b>	<b>2,427</b>	<b>181</b>	<b>3,376</b>	<b>3,750</b>	<b>374</b>
Venue Hire	3	24	21	18	36	18
Office Relocation	1	-	(1)	1	-	(1)
Overhead recoveries	700	700	-	1,050	1,050	-
Stationery	1	2	2	2	4	1
Equip Consumables	-	1	1	1	1	1
Cafe/Kitchn Supplies	7	3	(4)	9	5	(4)
Photocopy External	6	-	(6)	6	-	(6)
Couriers,Crtg &Frght	2	1	(1)	2	1	(1)
IT Serv/Var Contr	57	144	87	88	216	128
Website Costs	8	-	(8)	8	-	(8)
S/w Maint Supp & Lic	42	-	(42)	40	-	(40)
Data Network	-	-	-	1	1	-
Phone Rental	4	18	15	15	28	13
Library Resources	1	2	1	2	2	1
Database Subs	-	2	2	1	3	2
Purchased Carbon Credits	5	-	(5)	3	-	(3)
Advert/Publicity	60	-	(60)	60	-	(60)
Sundry Expenses	5	-	(5)	5	-	(5)
Koha Payments	1	-	(1)	1	-	(1)
P-card Uncoded	(1)	-	1	(2)	-	2
Consultants	13	24	11	28	36	8
Outsourcing - Other	676	1,191	514	1,207	1,600	393
Experts	57	179	123	92	269	177
Legal Costs - Dept	48	-	(48)	32	-	(32)
External Course Fee	6	20	14	18	30	12
Seminar/Conference	3	-	(3)	3	-	(3)
Internal Trng/Mtgs	8	30	22	28	40	12
Domestic Air Travel	74	160	86	161	240	79
Domestic Accommodation	76	-	(76)	112	-	(112)
Domestic Other Travel Expenses	28	-	(28)	44	-	(44)
Domestic Other Transport Expenses	37	-	(37)	53	-	(53)
<b>Other Operating Expenses</b>	<b>1,928</b>	<b>2,501</b>	<b>574</b>	<b>3,090</b>	<b>3,562</b>	<b>471</b>
<b>Controllable Expenses</b>	<b>4,174</b>	<b>4,928</b>	<b>755</b>	<b>6,466</b>	<b>7,312</b>	<b>845</b>

## Appendix 1: Services delivered by the Survivor Experiences Service

1. The following initial services were proposed and are still being delivered through the SES:
  - a. community engagement through whānau, hapū, iwi, Māori and Pacific health and social service provides, and Disabled People's Organisations and disability advocacy groups to build awareness of and confidence in the Service;
  - 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 introducing survivors directly to services where needed; and
  - g. referral to existing ongoing supports where necessary, for example counselling and other hauora services.
2. The expansion of the SES included the records support function. The purpose of the record function is to make requesting and receiving records safer and easier for survivors. SES does this through:
  - a. helping survivors to understand which records exist about them and their time in care, which organisations hold them, and how to access them;
  - b. requesting records on survivors' behalf if they wish;
  - c. collating records and information from multiple sources on survivors' behalf;
  - d. helping survivors read and understand the information and language used in their records;
  - e. helping survivors decide what to do with the information they have received; and
  - f. identifying and recommending general improvements that could be made in records holders' processes.

# Cover note



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

Confirming the Crown Response Budget 2025 package			
Date:	14 March 2025	Security level:	
Priority:	High	Report number:	CRACI 25/033

Information for Minister	
Hon Erica Stanford Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions	This cover note seeks your confirmation of the Crown Response Budget 2025 package (the Annex of Appendix One). Confirmation from your office is required by 5pm Monday 17 March.

Contact for discussion			
Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Chief Executive, Crown Response Office	9(2)(a)	
Molly Elliott	Chief Advisor, Crown Response Office	9(2)(a)	✓

Agencies consulted
N/A

## Minister's office to complete

<input type="checkbox"/> Noted <input type="checkbox"/> Seen <input type="checkbox"/> See Minister's notes <input type="checkbox"/> Needs change <input type="checkbox"/> Overtaken by events <input type="checkbox"/> Declined <input type="checkbox"/> Referred to (specify) <hr/>	<b>Comments</b>
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## Cover note

### Confirming Crown Response Budget 2025 package

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

**Date:** 14 March 2025

**Security level:**

**Priority:** High

**Report number:** CRACI 25/033

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### Purpose

1. This cover note seeks your confirmation of the elements and amounts of the Crown Response Budget 2025 package and provides you with a letter (Appendix One) to give to the Minister of Finance by close of business 17 March 2025, which confirms the size and components of this package.

### Recommendations

2. It is recommended that you:

- a. **confirm** in writing the approach to the Crown Response Budget 2025 package as outlined in the Annex of Appendix One by close of business Monday 17 March; Yes / No
- b. **note** a letter has been drafted from you to the Minister of Finance to confirm each initiative and the total funding sought as part of Budget 2025 (Appendix One) Yes / No

Rajesh Chhana  
Chief Executive  
Crown Response Office

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


14 / 03 / 2025

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## Crown Response Budget 2025 package

3. To inform Budget Ministers' decisions on the Government's Budget 25 package, the Crown Response Budget package components and amount needs to be finalised next week (17 March). The Crown Response Office received notice of this from the Treasury on Thursday 13 March.
4. Confirmation of the Crown Response Budget 2025 package is required in writing to the Treasury by close of business Monday 17 March and to the Minister of Finance the following day. This will require confirmation of total funding sought and high-level details on the initiatives sought as part of the package.
5. The Annex One of Appendix One outlines the details associated with the Crown Response Budget 2025 package including:
  - a. Redress, as per the latest direction from you and your office on the Cabinet proposals;
  - b. Out of scope  
[Redacted]
  - c. Out of scope  
[Redacted]
6. Officials are available to discuss any components of this package with you, if you wish.

Out of scope



### Redress package

10. Following your feedback on the week 10 March, Crown Response Office officials have refined the redress bid in line with the option to increase average payments to \$30k and capacity to resolve 2000 claims in the 2026/27 financial year. Further changes to the costs and assumptions have also been made to reflect your feedback. Key changes include:
  - a. the removal of costs that will be absorbed into the Crown Response Office work programme;
  - b. the removal of costs associated with introduction independent advice into the assessment process;
  - c. scaling down costs to support the 2027 review of system changes; and
  - d. an updated number of closed claims to ensure they reflect the current state.
11. All options include \$27.18 million over four years (\$6.79 million per year) to continue to fund the Survivor Experience Service. Following a request from your office, you will have received a briefing – *Overview of Survivor Experiences Service: overview of current expenditure and delivery and potential for future direction*. The briefing provides an update on potential considerations for the Survivor Experiences Service going forward.

12. In the process of confirming the numbers of closed claims it has been identified that claims against the Crown Health Financing Agency (CHFA) settled prior to its disestablishment (and subsequent transfer of responsibilities to the Ministry of Health) had not been included in previous costings. There were 330 claims settled by CHFA with payments ranging from \$4,000 to \$18,000. The Ministry of Health advise the average payment for this cohort is approximately \$12,000, which is higher than the average for closed Health claims (\$6,000).

Out of scope

### Envelope approved by the Minister of Finance

14. The Minister of Finance approved a total envelope of \$700 million for the Redress <sup>Out of scope</sup> of the package. Table Two below provides an outline of the funding profile of each of the initiatives and how the package compares to the approved envelope. <sup>Out of scope</sup>

Crown Response Budget 2025 Package	Total over forecast period (\$m)	Average per year for 4 years (\$m)
Redress package	\$518.387	\$129.596
Out of scope		
Envelope approved by the MoF	\$700.000	\$175.000
Out of scope		

15. You may want to consider if there are areas in the Crown Response package to further invest that difference or explore if a Government Response Plan contingency fund would be appropriate for any unanticipated costs that may occur.

### Next steps

16. Confirmation of the Crown Response Budget 2025 package is required to the Treasury by 5pm Monday 17 March and to the Minister of Finance the following day. This will require confirmation of total funding sought and high-level details on the initiatives sought as part of the package.
17. If you are comfortable with the proposed funding profile of the package, outlined in the Annex of Appendix One, please have your office provide written confirmation to the Crown Response Office by 5pm Monday 17 March. The signed letter to the Minister of Finance can follow the next day. We have included a draft letter in Appendix One.

# Office of Hon Erica Stanford

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



17 March 2025

Hon Nicola Willis  
Minister of Finance  
Parliament Buildings

Dear Nicola,

Thank you for inviting me to co-ordinate the development of a survivor-focused package of initiatives for the Budget 2025 process.

I am confident this package will support survivors of abuse in care, strengthen the safety of the care system and enable the government to respond to the Royal Commission's recommendations.

## Confirming the Crown Response Budget 2025 package

I have coordinated a multi-year budget package with relevant Ministers. The proposed package has three components:

1. **Addressing the wrongs of the past.** This part focuses on redress for survivors of abuse in care, which includes monetary payments, enhanced supports and services, and operational costs of handling claims;
2. Out of scope [Redacted]
3. Out of scope [Redacted]

A summary of the initiatives and the high-level costings associated with each part is attached to this letter as an Annex.

I am copying this letter to Ministers and Chief Executives who have been involved in the development of this package.

Thank you for your continued support with this work.

Sincerely,

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

Cc Hon Simeon Brown, Minister of Health  
Hon Erica Stanford, Minister of Education  
Hon Paul Goldsmith, Minister of Justice  
Hon Louise Upston, Minister for Social Development and Employment  
Hon Judith Collins KC, Minister for the Public Service  
Hon Mark Mitchell, Minister of Corrections  
Hon Tama Potaka, Minister for Māori Development  
Hon Matt Doocey, Minister for Mental Health  
Hon Karen Chhour, Minister for Children  
Andrew Bridgman, Oranga Tamariki – Ministry for Children  
Paul James, Department of Internal Affairs  
Andrew Kibblewhite, Ministry of Justice  
Jeremy Lightfoot, Department of Corrections  
Ellen MacGregor-Reid, Ministry of Education  
Debbie Power, Ministry of Social Development  
Sir Brian Roche, Public Service Commission  
Dave Samuels, Te Puni Kōkiri  
Audrey Sonerson, Ministry of Health

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**Annex One: Crown Response Budget 2025 Package**

<b>Component</b>	<b>Total over forecast period (m)</b>	<b>Average per year for 4 years (m)</b> <i>Noting not all initiatives are for four years</i>
Redress package	\$518.387	\$129.596
Out of scope		

**Addressing the wrongs of the past – redress package**

<b>Multi-Vote initiative</b>	<b>Total redress costs over forecast period (m)</b>	<b>Average redress costs per year for 4 years (m)</b>
\$30K payment and increased capacity to 2000 claims in 2026/27	\$518.387	\$129.596

Out of scope



# Briefing



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

Revised Redress Policy Decisions Cabinet paper following Ministerial Consultation			
Date:	25 March 2025	Security level:	
Priority:	High	Report number:	CRACI 25/035

Actions sought	
Hon Erica Stanford <b>Lead Coordination Minister for the Government’s Response to the Royal Commission’s Report into Historical Abuse in State Care and in the Care of Faith-based Institutions</b>	This briefing appends the updated Cabinet paper <i>Delivering an enhanced redress system for survivors of abuse in State care</i> (Appendix One). It details proposed changes to the Cabinet paper to address feedback received through Ministerial consultation, by agencies, and responds to your office’s requests for further information on matters addressed in the Cabinet paper.

Contact for discussion			
Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Chief Executive, Crown Response Office	9(2)(a)	
Rebecca Martin	Head of Policy, Crown Response Office	9(2)(a)	✓

Agencies consulted
N/A

### Minister’s office to complete

<input type="checkbox"/> Noted <input type="checkbox"/> Seen <input type="checkbox"/> See Minister’s notes <input type="checkbox"/> Needs change <input type="checkbox"/> Overtaken by events <input type="checkbox"/> Declined <input type="checkbox"/> Referred to (specify) _____	<b>Comments</b>          
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# Briefing

## Revised Redress Policy Decisions Cabinet paper following Ministerial Consultation

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

**Date:** 25 March 2025

**Security level:**

**Priority:** High

**Report number:** CRACI 25/035

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### Purpose

1. This briefing conveys an updated *Delivering an enhanced redress system for survivors of abuse in State care* Cabinet Social Outcomes Committee paper (Appendix One) for lodging on 27 March 2025 and consideration at the Committee on 2 April 2025. It details proposed changes to the Cabinet paper to address feedback received through Ministerial consultation and from agencies, and responds to your office's requests for further information on matters addressed in the Cabinet paper.

### Recommendations

2. It is recommended that you:

- a) **agree** to progress decisions on whether claims will continue to be settled on a full and final basis in accordance with one of the following approaches:

Option 1: seek Cabinet decision through April Cabinet paper confirming that claims will continue to generally be settled on a full and final basis (status quo);

Yes / No

OR

Option 2: defer Cabinet decision on full and final settlement, pending Government decisions responding to the Royal Commission's recommendations on litigation and compensation pathways, noting that claims will continue to generally be settled on a full and final basis in the meantime (in practical terms, similar to Option 1 but requires re-positioning in Cabinet paper);

Yes / No

OR

Option 3: seek Cabinet decision through April Cabinet paper to remove requirement for State claims processes to generally settle on full and final basis, pending Government decisions in response to the Royal Commission's recommendations on litigation pathways (requires changes to Cabinet paper).

Yes / No



Rajesh Chhana  
Chief Executive, Crown Response Office  
Crown Response to the Abuse in Care Inquiry

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

25 / 03 /2025

/ /

Released under the Official Information Act 1982

## Crown Resolution Strategy

3. Your office has sought clarifying information on which Minister is responsible for the Crown Resolution Strategy. On 4 December 2019, Cabinet agreed that the Crown Litigation Strategy be renamed the Crown Resolution Strategy for historic claims of abuse in State care, to better recognise its key objective of resolving claims outside of the court process [SWC-19-MIN-0193 refers]. The review of the Strategy was led by Crown Law Office, working with the relevant agencies who received claims of abuse in State care. The Cabinet paper was submitted by the offices of the Attorney-General and Minister of State Services - who previously held portfolio responsibilities for responding to the Royal Commission of Inquiry into Abuse in Care.

4. 9(2)(h)

[REDACTED]

## Full and final settlements

5. Following feedback from your office, we have provided more detail in the Cabinet paper on the rationale for continuing to settle claims on a full and final basis and how this does not align with the Royal Commission's recommendations.

6. The Cabinet paper currently proposes that claims continue to generally be settled on a full and final basis. This approach means that if survivor elects to accept an offer through a claims process, they will generally be precluded from bringing further litigation against the Crown in connection with the matter that has been settled. To be clear, this approach does not remove the claimant's access to the courts unless the claimant chooses to accept a full and final settlement. This approach is inherent to the alternative dispute resolution model and is an orthodox feature of any settlement process.<sup>a</sup> The underlying rationale for settling on a full and final basis is that finality is important to minimise the Crown's fiscal and legal exposure and to provide certainty for both parties.

7. The Royal Commission did not support full and final settlements and recommended that claimants should have access to litigation pathways irrespective of whether they had settled a claim with the Crown via the redress system. The Royal Commission considered that the purpose of the redress system was to fulfil a restorative function rather than providing compensation and/or accountability and that claimants should be able to seek compensation and accountability through the courts as well as redress through the redress system. However, the distinction between a restorative process and compensation and accountability mechanisms is not clearcut as most restorative processes involve elements of both compensation and accountability.

8. The Royal Commission was also concerned that requiring settlement to be full and final might cast doubt on 'the genuineness of the institutions' apologies. However, this concern would be directly addressed through proposed changes to the legislative framework to enable more meaningful apologies. Finally, the Royal Commission suggested that requiring full and final settlements 'where there are credible allegations of torture' may be inconsistent with a claimant's rights under human rights instruments. We do not agree. The Government has entered a reservation to the Torture Convention that makes it clear that compensation is at the discretion of the Attorney General rather than through the courts.

9. State claims processes currently operate under the principles of the Crown Resolution Strategy, with principle two stating that claims should generally be settled on a full and final basis. A Cabinet decision is required to amend any part of the Strategy, including principle two. If no decision is taken through the Redress Cabinet paper, the Strategy will continue to apply and State claims processes will still be required to generally<sup>1</sup> settle on a full and final basis.
10. The Royal Commission's recommendations on full and final sit within a broader group of recommendations around survivors' access to litigation pathways, including recommendations to remove the statutory bar currently preventing survivors from suing the Crown for compensation. The Cabinet paper notes officials will be preparing advice in response to these recommendations later in the year.
11. Based on the matters discussed above, we seek direction from you on how you would like to progress decisions on the full and final matter. You have three broad options:
- a. Option 1 (status quo): seek Cabinet decisions through April Cabinet paper that claims will continue to generally be settled on a full and final basis. As discussed above, this continues the current approach and provides the Crown (and survivors) with the greatest degree of certainty of outcome and minimises any fiscal or legal risk.
  - b. Option 2: defer Cabinet decisions on full and final until further advice is provided on litigation pathways and continue to settle claims on a full and final basis until a decision is reached. This option would provide you with more time to consider the issue, while maintaining certainty and minimising any fiscal and legal risk. In practical terms, the outcome is much the same as Option 1, in that settlements would continue to be made on a full and final basis, pending Government decisions in response to the Royal Commission's recommendations on litigation pathways. However, it would signal that the Government will give further consideration to the Royal Commission's recommendations on full and final settlements at the time it considers its other recommendations affecting the ability to bring civil proceedings for abuse in care. The April Cabinet paper would need to be amended to reflect this option and we will provide you with proposed text should you elect this option.
  - c. Option 3: seek Cabinet decisions through the April Cabinet paper to remove the requirement for State claims processes to settle on full and final basis, pending Government decisions in response to the Royal Commission's recommendations on litigation pathways. This option is not recommended, as it provides the least degree of certainty for the Crown and would create a category of claimants that would be able to sue. The April Cabinet paper would need to be amended to reflect this option.
12. 9(2)(g)(i), 9(2)(h)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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<sup>1</sup> This is the current wording provided in the Crown Resolution Strategy. It allows claims agencies to apply some discretion when opting to include a full and final settlement clause when settling claims. We understand that some agencies have applied this discretion, for example, Oranga Tamariki does not use full and final settlement clauses as part of its claims process. For the most part, claims agencies settle claims on a full and final basis.

13. 9(2)(g)(i), 9(2)(h)

## Functions

14. Following feedback from your office, we have provided more detail in the paper and in Appendix One on the functions of redress recommended by the Royal Commission, their consistency with existing redress processes, and the proposed work to enable functions to be delivered more consistently across claims processes.

## System capacity

15. Following feedback from your office, we have updated the section on streamlining assessment processes to reflect the proposal to increase annual capacity to 2,000 claims in 26/27 and then to 2,150 from 27/28 from 1,550.
16. Additionally, a new recommendation (17) has been added, seeking Cabinet's agreement to this proposed uptake in capacity.

## System review

17. The proposed review of the redress system in 2027 has been clarified to focus on an assessment of the impact of the changes proposed in the paper, rather than a review of the entirety of the system. We have also revised recommendation 24 for consistency with the description of the review in the main body of the paper (paragraph 19.9).
18. Treasury recommended the Terms of Reference for the review be agreed by Cabinet (consistent with previous versions of the paper). Cabinet consideration of the Terms of Reference would help to support other Ministers' awareness of and support for the process and its outcome. We have proposed amending the wording of the recommendation to reflect the original approach.

## Approach to responding to the Royal Commission's redress recommendations

19. Following discussions with your office and strong feedback from Crown Response agencies, particularly the Ministry of Social Development, we have suggested an alternative approach to formally responding to the Royal Commission's redress recommendations.
20. We suggest the paper summarises how the proposals align or otherwise with the Royal Commission's recommendations and seek Cabinet's authorisation for joint Ministers to progress (i.e. categorise) the Government's response to the specific recommendations, within the parameters set by Cabinet's decisions on the policy proposals. As the Royal Commission's recommendations are numerous and detailed, often containing multiple parts or highly prescriptive changes, this option helps to manage the volume of information that needs to be considered by Cabinet as well as ensuring decisions around responses to each recommendation are fully informed.
21. If you are comfortable with this approach, we will provide you with a briefing immediately following Cabinet consideration of the redress proposals to ensure joint Ministers'

decisions can be taken ahead of public announcements. We are working closely with agencies to develop this briefing.

22. To support this approach, we have removed the detail which broke down the response to recommendations numerically and recommend the removal of the table of recommendations and response categories (consulted on as Appendix One). References to the previous appendix have been removed, meaning the paper only has one appendix containing the background advice.

## Joint Ministers

23. Treasury has recommended joint Ministers provide an update report to Cabinet following their decisions on delegated design and implementation matters, particularly the work on support service consistency and the coordinated policy frameworks, shared governance arrangements and single point of entry. They also suggested recommendation 20 could more clearly spell out the pieces of work delegated to this group of Ministers and when decisions are expected to be made.
24. As Cabinet is being asked to authorise this group of Ministers to make decisions, with the intention of progressing at pace, and given an update on this work will be provided through an updated Crown Response Plan in 2026, we do not recommend requiring this group to report back to Cabinet. Also, as recommendation 20 now includes 'other relevant Minister/s' there is scope to involve additional Ministers as needed.
25. We do think it would be useful for recommendations to more clearly describe the pieces of work being advanced by joint Ministers and we have proposed an additional recommendation (recommendation 21) in support of this.

## Costings

26. The Budget 2025 envelope is forecast as \$533.449 million for the redress package (total over a forecast period of 4 years). This equates to an annual average of \$133.362 million. The table in the Financial Implications section of the Cabinet paper has been updated to reflect the costings and proposals.
27. We have also commenced work to support a pre-budget announcement (currently scheduled for 12 May) and are working with Crown Response agency media teams as part of this.

## Other changes to note

28. We have also made the following minor changes to the paper:
  - a. *Payment framework timeframes*: Following discussions with your office, we have changed the timeframes for the work on the common payment framework to July. We have added more text to the paper to describe more clearly what this work means for survivors accessing redress.
  - b. *Advice on survivor support services*: We have revised recommendation 9 relating to advice on the Survivor Experiences Service, records website, and new legal costs framework so this is delivered to Joint Ministers rather than Cabinet.
  - c. *Reinvesting cost savings in increasing capacity*: We have revised recommendation 16 to seek Cabinet's agreement to reinvest any cost savings found through making processes more efficient into processing capacity. Treasury has advised that normal practice is for

cost savings to be returned to the centre and therefore considers Cabinet's agreement is required in order to reinvest savings as proposed;

- d. *Background to the proposals*: The appendix containing background advice (now Appendix One) has been reviewed and edited for consistency with the revised proposals and content in the Cabinet paper.

29. You also requested we provide the following updates to the paper:

- a. the date on which the Ministers of Justice and for Accident Compensation are expected to receive advice on matters relating to litigation and compensation. We are still awaiting this information and will provide it to your office once it is received;
- b. updated claims numbers. We have not been able to update claims numbers in the available time. The Cabinet paper is clear that these numbers are through to the end of 2024 (November 2024 for the Ministry of Health).

### **Next steps**

30. Following the lodgement of this paper, we will continue to work with Crown Response agencies towards the implementation of the work outlined in the Cabinet paper.

Released under the Official Information Act 1982

# Briefing



<b>Redress options for high tariff offenders and gang members</b>			
<b>Date:</b>	3 April 2025	<b>Security level:</b>	
<b>Priority:</b>	High	<b>Report number:</b>	CRACI 25/036

<b>Actions sought</b>	
<p>Hon Erica Stanford                      Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions</p>	<p>This briefing sets out initial advice and options on providing redress for abuse in care to high tariff offenders and gang members to support Ministerial bi-laterals scheduled for the week of 7 April.</p> <p>Forward this briefing to:</p> <ul style="list-style-type: none"> <li>• Hon Simeon Brown, Minister of Health</li> <li>• Hon Paul Goldsmith, Minister of Justice</li> <li>• Hon Louise Upston, Minister for Social Development and Employment and with transferred responsibilities from the Minister for Children for redress decisions</li> </ul>

<b>Contact for discussion</b>			
<b>Name</b>	<b>Position</b>	<b>Telephone</b>	<b>1<sup>st</sup> contact</b>
Rajesh Chhana	Chief Executive, Crown Response Office	9(2)(a)	
Rebecca Martin	Head of Policy, Crown Response Office	9(2)(a)	✓

<b>Agencies consulted</b>
Ministry of Justice, Crown Law Office, Ministry of Social Development (note the Ministry of Education, Ministry of Health, Oranga Tamariki, Department of Corrections, and Te Puni Kōkiri were informed)

**Minister's office to complete**

<input type="checkbox"/> Noted <input type="checkbox"/> Seen <input type="checkbox"/> See Minister's notes <input type="checkbox"/> Needs change <input type="checkbox"/> Overtaken by events <input type="checkbox"/> Declined <input type="checkbox"/> Referred to (specify)  _____	<p><b>Comments</b></p>    
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# Briefing

## Redress options for high tariff offenders and gang members

**For:** Hon Simeon Brown, Minister of Health  
Hon Erica Stanford, Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions and Minister of Education  
Hon Louise Upston, Minister for Social Development and Employment and with transferred responsibilities from the Minister for Children for redress decisions

**CC:** Hon Paul Goldsmith, Minister of Justice

**Date:** 3 April 2025 **Security level:**

**Priority:** High **Report number:** CRACI 25/036

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### Purpose

1. This briefing provides initial advice and options on the legal and operational implications of policy changes that would limit high tariff offenders' and gang members' entitlement to redress payments under the improved redress system.

### Legal privilege

2. The paper references material that may be subject to legal privilege.

### Recommendations

3. It is recommended that you:
  - a) **note** the status quo is for State claims agencies to treat claimants equally and provide redress payments for abuse in care based on the merits of their claim;
  - b) **note** a blanket exclusion of high tariff offenders and/or gang members from the State redress system 9(2)(h) would likely reduce trust in the integrity of the Crown's response to the Royal Commission of Inquiry into Abuse in State Care and in the Care of Faith-Based Institutions and is therefore not recommended by officials;
  - c) **note** officials have not been able to identify any options for imposing controls on access to redress purely on the basis of someone's status as a gang member 9(2)(h) or operationally workable and we do not recommend progressing this option;
  - d) **note** should Ministers wish to progress policy advice on access to redress for high tariff offenders, officials have identified three options which would put some controls around access to redress for this group 9(2)(h)
  - e) **discuss** the advice and options set out in this paper with your colleague Ministers at the bi-laterals arranged for the week of 7 April, noting officials

from the Crown Response Office are available to meet with you to discuss the advice set out in this paper if required;

f) **agree** to one of the following options:

- i. do not progress any of the options set out in this paper;

Minister of Health Yes/No/Discuss

Lead Coordination Minister and Minister of Education Yes/No/Discuss

Minister for Social Development and Employment Yes/No/Discuss

- ii. progress advice on option 1 (make redress payments available to the victims of a redress claimants' crimes);

Minister of Health Yes/No/Discuss

Lead Coordination Minister and Minister of Education Yes/No/Discuss

Minister for Social Development and Employment Yes/No/Discuss

- iii. progress advice on option 2 (introduce control mechanisms around redress payments);

Minister of Health Yes/No/Discuss

Lead Coordination Minister and Minister of Education Yes/No/Discuss

Minister for Social Development and Employment Yes/No/Discuss

- iv. progress advice on option 3 (introduce a discretion to exclude high tariff offenders); and

Minister of Health Yes/No/Discuss

Lead Coordination Minister and Minister of Education Yes/No/Discuss

Minister for Social Development and Employment Yes/No/Discuss

**g) note**, if Ministers agree to progress one of sub-recommendations f(ii)-(iv), officials from the Crown Response Office will meet with the Lead Coordination Minister to determine next steps on this matter.



Rajesh Chhana  
**Chief Executive, Crown Response Office**  
**Crown Response to the Abuse in Care**  
**Inquiry**  
03/04/2025

Hon Simeon Brown  
**Minister of Health**

/ /

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

/ /

Hon Louise Upston  
**Minister for Social Development and**  
**Employment and with transferred**  
**responsibilities from the Minister for**  
**Children for redress decisions**

/ /

## Background and context to current state

4. State claims practices currently treat claimants equally and provide redress payments for abuse in care, based on the merits of the claim. This includes the recent approach taken to settle claims relating to torture occurring at Lake Alice Psychiatric Hospital Child and Adolescent Unit. This approach allows for claims against the Crown to be resolved and any agreed settlement sum paid out immediately. Claimants receive and have free use of any redress payments due to them. An exception is prisoners who do not have an external bank account to be paid into.
5. The Royal Commission recommended that redress should be open to all survivors, including those in prison or with a criminal record (recommendation 18). The Lead Coordination Minister for Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions has commissioned advice on this matter for redress Ministers and the Minister of Justice.
6. The issue of whether people who have committed serious offences and are subject to long prison sentences (referred to as 'high tariff offenders') should receive redress has been considered at different points by previous administrations between 2011 and 2017, but no changes have ever been implemented.
7. Making substantial payments to high tariff offenders could be regarded as repugnant by some New Zealanders. 9(2)(h) [REDACTED]
8. 9(2)(h) [REDACTED]
9. When the issue was last considered in 2017, the underlying policy question was whether the practice of making large unconditional cash payments to prisoners upon release from long sentences was consistent with the Government's objective of reducing reoffending. The then Attorney General and Minister of Social Development agreed that this should be further explored and put a paper to Cabinet on managing the risks of Crown compensation made to high tariff offenders. The paper proposed an approach that would have provided for redress payments to be managed on behalf of the high tariff offender to ensure that the funds could only be applied to purposes that were consistent with rehabilitation. At the time, the Ministry of Justice expressed concern that the proposal was inconsistent with BORA. In the event, the proposal did not proceed following a change of Government.

## Limiting gang members' and high tariff offenders' access to redress risks compromising trust in the integrity of the Crown's response to the Royal Commission

10. Throughout its reports, the Royal Commission pointed to the high correlation between abuse in care and subsequent high rates of criminal behaviour, imprisonment, and the

membership of gangs. It recommended that this context be considered in the design of any new redress system. Accordingly, any proposal to deny high tariff offenders or gang members access to the redress system would run directly counter to the Royal Commission's reports. Moreover, it would likely compromise trust in the integrity of the Crown's response to the Royal Commission and whether the Crown has fully engaged with the Royal Commission's proceedings and the case studies and evidence set out in its reports.

11. Further detail on the Royal Commission's views on this issue is provided in Appendix One.

9(2)(h)



*Option Three: Introduce a discretion to exclude high tariff offenders*

27. Another option that could be explored is introducing a discretion to decline payments if the making of the payment would be contrary to the public interest, justice, or some similar test. This is the approach that has been taken with the Scottish redress system.
28. Under the Scottish system, redress decisions are made by a redress panel. The panel has the ability to decline to award redress to certain categories of offenders if the panel considers awarding redress is 'contrary to the public interest.'
29. In determining whether the payment is in the public interest, the panel is required to consider a number of factors, including the nature of the offence, the sentence, the length of time since the offence took place, any rehabilitative activities undertaken by the offender, and any other matter the panel considers to be relevant. The category of offenders caught by the Scottish scheme includes persons convicted of murder, rape, and sexual offending punishable by more than 5 years imprisonment. We understand that, to date, no offenders have been excluded from the scheme on the ground that the payment is contrary to the public interest.
30. Further consideration could be given to how discretion of this kind could be introduced within the New Zealand system. Under our system, redress decisions are made by departmental officials, whereas the exercise of a discretion of this kind is more appropriately vested in an independent expert. However, it should be possible to create a referral mechanism so that the claims of certain categories of offender would be referred to an independent decision maker. Further work would be necessary to settle on the precise formulation of the test, the relevant factors, and the category of offenders any discretion should apply to.
31. It is likely that few, if any, offenders would be precluded from redress under a regime of this kind, 9(2)(h) [REDACTED]  
[REDACTED] It could also entail some cost because of the need for an independent decision maker. However, introducing a discretion to exclude certain types of offenders would provide some acknowledgement of any public concern about making redress payments to high tariff offenders.

**We have not been able to identify any workable 9(2)(h) options for controlling gang members' access to redress and therefore do not recommend progressing on this front**

32. 9(2)(h)

33. Additionally, we have not been able to identify a solid basis for establishing whether someone is a gang member. Corrections holds some information on gang affiliation of the current prison population, although there will be issues with the comprehensiveness, accuracy and timeliness of this information. Further, it would require legislation to enable them to share it with redress agencies. The Privacy Commissioner is unlikely to be willing to support this. Additionally, self-identification is unlikely to be effective if its consequence was to bring the gang member under a restrictive regime.

**Cabinet authorisation and implementation considerations**

34. 9(2)(h)

35. All three options would involve some costs and further consideration would need to be given to the way in which any options that are progressed are funded, including whether any new funding is needed on top of the Budget 2025 redress funding.

36. There would also be transitional matters to work through as any new system will impose limitations that have not previously existed. For example, early decisions would be needed on whether the new policy should only apply to claims made after the implementation date or whether it should also apply to claims in the pipeline.

**Next steps**

37. The Lead Coordination Minister has set up a series of Ministerial bi-laterals for the week of 7 April to discuss the options and advice set out in this paper. Officials from the Crown Response Office are available to meet with you to discuss the advice if required.

38. Following Ministerial bi-laterals, Crown Response Office officials will meet with the Lead Coordination Minister to determine next steps on this matter.

39. Subject to decisions, communications will be provided to support the Budget 2025 announcement, including key messages and questions and answers around high tariff offenders to support survivor, stakeholder or media enquiries.

## Appendix One – Further detail on Royal Commission findings and recommendations in relation to the relationship between abuse in care and subsequent criminal behaviour and imprisonment

1. The Royal Commission found in [Pathways to Prison](#) through State-care: “Rates of imprisonment were especially high for survivors of abuse and neglect in care. Previous research has found that one in five, and sometimes as many as one in three, individuals who went through social welfare residences during the Inquiry period went on to serve a criminal custodial sentence later in life. This experience was worse for Māori survivors, who experienced disproportionate entries into social welfare residences and disproportionate entries into prison.”<sup>1</sup>
2. The Royal Commission also found in [Pathways to Gang Membership](#) through State-care: “Social welfare institutions played a significant role in gang formation. Many Māori survivors shared how their time in care introduced them to gangs and gang life. Joining was often in response to the violence, isolation and disconnection they experienced in care, including disconnection from their identity, culture, whānau, communities and society. Some survivors shared that joining gangs gave them a home, whānau, and a place to feel like they belonged and were safe.”<sup>2</sup>
3. A key finding from the Royal Commission was the correlation between abuse in care and subsequent criminal behaviour and imprisonment (care to prison pipeline) and gang affiliation<sup>3</sup>. A submission to the Royal Commission supported this finding (Arewa Ake te kaupapa)<sup>4</sup>.
4. Further, the Royal Commission recommended that survivors should not be unduly penalised for previous convictions, especially when such offences were a direct result of the abuse experienced while in care (rec 27 Whanaketia).
5. The Royal Commission advocated for a redress system that acknowledges this context, ensuring that all survivors, regardless of their subsequent life choices, have access to justice and support.

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<sup>1</sup> [Summary of key findings | Abuse in Care - Royal Commission of Inquiry](#)

<sup>2</sup> [Summary of key findings | Abuse in Care - Royal Commission of Inquiry](#)

<sup>3</sup> [Summary of key findings | Abuse in Care - Royal Commission of Inquiry](#)

<sup>4</sup> [Arewa-Ake-te-Kaupapa-Gang-Independent-Submission-.docx](#)

# Briefing



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

## Key decisions on interim approach to adjusting settlement payments to support redress pre-Budget announcements

Date:	15 April 2025	Security level:	
Priority:	High	Report number:	CRACI 25/043

### Actions sought

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

Hon Simeon Brown  
Minister of Health

Hon Louise Upston  
Minister for Social Development and Employment

- agreement by Tuesday 22 April to the following decisions required to support implementation prior to 6 May public announcements:
  - the interim approach to adjusting settlement payments; and
  - the implementation of a joined-up approach across redress agencies to receive and process applications for top-up payments for survivors with closed claims.

### Contact for discussion

Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Chief Executive, Crown Response Office	9(2)(a)	
Molly Elliott	Chief Advisor, Crown Response Office	9(2)(a)	✓

### Agencies consulted

Ministry of Education, Ministry of Health, Ministry of Social Development, Oranga Tamariki, Corrections, Te Puni Kōkiri, Treasury, Crown Law

### Minister's office to complete

- Noted
- Seen
- See Minister's notes
- Needs change
- Overtaken by events
- Declined
- Referred to (specify)

### Comments



## Key decisions on interim approach to adjusting settlement payments to support redress pre-Budget announcements

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

Hon Simeon Brown, Minister of Health

Hon Louise Upston, Minister for Social Development and Employment

**Cc:** Hon Mark Mitchell, Minister of Corrections

Hon Tama Potaka, Minister for Māori Development

Hon Nicola Willis, Minister of Finance

**Date:** 15 April 2025

**Security level:**

**Priority:** High

**Report number:** CRACI 25/043

### Purpose

1. This paper informs you of the work being undertaken by the Crown Response Office and redress agencies (Ministries of Education (MOE), Health (MOH), and Social Development (MSD), Oranga Tamariki (OT)) as well as Te Puni Kōkiri (TPK) and Department of Corrections (Corrections)) to support redress pre-Budget announcements currently planned for Tuesday 6 May 2025.
2. It seeks immediate decisions needed to support the implementation of the following:
  - a. the interim approach to adjusting settlement payments that enables Ministerial decisions to be implemented ahead of developing the common payment framework; and
  - b. the implementation of a joined-up approach across redress agencies to receive and process applications for top-up payments for survivors with closed claims.

### Recommendations

3. It is recommended that you:

1. **note** there is a disparity between MOH payments and other redress agencies payments;
2. **agree** to implement the two-step approach to:
  - a. first lift MOH average payment levels approximate to MOE, MSD, OT average payment levels and
  - b. second increase all average payments by 50% across all four agencies from \$20,000 to \$30,000;

**Yes / No**

3. **agree** that where a survivor has received multiple payments for their abuse in care experience, top-up payment is to be calculated on the total combined payment; **Yes / No**
4. **agree** to the eligibility statement for applying for top-up payments being *“any individual who has received a payment(s) from MOE, MOH (including CHFA), MSD and OT relating to a claim for abuse in state care will be eligible to apply for a top-up payment with exception of the following eight eligibility exceptions”*; **Yes / No**
5. **agree** to the following eight eligibility exceptions for applying for top-up payments:
- a. those who have received a payment arising from the outcome of a Court decision addressing their abuse in state care experience; **Yes / No**
  - b. payments for matters that are not directly related to their abuse in state care experience (e.g. ex-gratia payments for service failures in the processing of a claim or settlement payments to recognise a potential privacy breach associated with the processing of the claim); **Yes / No**
  - c. individuals that received a small nominal payment which is not reflective of their claim and was not calculated in-line with agency assessment processes that were operating at the time (e.g. individuals who may have received a ‘wellness payment’ by MSD or those that withdrew from the Crown Health Financing Agency Litigation but received a nominal \$2,500 payment); **Yes / No**
  - d. ex-gratia payments for service failures made through OT’s complaint process; **Yes / No**
  - e. settlement payments made through MOE’s prioritised payment policy as the payment policy is based on compassionate grounds on the premise that the claimant has less than 12 months to live and may not live to see their claim settled. This process does not rely on records or research to underpin a settlement offer; **Yes / No**
  - f. payments made for claims relating to the Lake Alice Child and Adolescent Unit; **Yes / No**
  - g. family and whānau of a survivor who settled their own claim when alive and is now deceased; and **Yes / No**
  - h. family and whānau of a survivor who passed away during the settling of their claim, with the exception of settlements during the period between Cabinet decisions and pre-Budget announcements where the clause regarding top-up payments is included in their settlement agreement; **Yes / No**
6. **agree** that where claims have previously been settled on a full and final basis, top-up payments will be made as ex-gratia payments; and **Yes / No**

7. **agree** that on the basis that where top-up payments are ex-gratia, no reimbursement of legal fees or legal aid will be provided as part of the top-up payment process as top-up payments are ex-gratia and do not affect any clause in full and final settlements.

**Yes / No**



Rajesh Chhana  
**Chief Executive, Crown Response Office**  
**Crown Response to the Abuse in Care Inquiry**

/ /

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

/ /

Hon Louise Upston  
**Minister for Social Development and**  
**Employment**

/ /

Hon Simeon Brown  
**Minister of Health**

/ /

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## **Cabinet agreed to the delivery of an enhanced redress system for survivors of abuse in state care**

1. The Cabinet Social Outcomes Committee (SOU) met on Wednesday 2 April 2025 and agreed to changes to the current redress systems in response to the recommendations of the Royal Commission of Inquiry into Abuse in Care (Royal Commission) [SOU-25-MIN-0039 refers]. These decisions were confirmed by Cabinet on Monday 7 April 2025 (subject to final Budget 2025 decisions) and include agreement to:
  - a. increase the average settlement payments made by core State redress agencies to \$30,000 per claim;
  - b. allow survivors with previously settled claims to access a fixed top up payment that does not involve reopening or reassessing their claim;
  - c. develop and implement a common payment framework for the State redress system to offer comparable settlement payments for comparable experiences of abuse and/or neglect in care;
  - d. implement a more consistent offer of support services to survivors, within funding levels agreed through Budget 2025.
2. Funding has also been sought through Budget 2025 for a continuation of existing arrangements for meeting claimant legal costs, the independent records support website, and the Survivor Experiences Service.
3. The Lead Coordination Minister is planning to announce the redress improvements as part of a pre-Budget announcement package, currently scheduled for Tuesday 6 May 2025. There are some immediate decisions required to enable agencies to implement work to support the public announcements, including:
  - a. changes to the average level of settlement payments; and
  - b. processes for survivors with closed claims to apply for a top-up payment.
4. Officials have been working through the operational implications of these changes ahead of Ministerial announcements.
5. Advice on the remaining initiatives will be provided as part of the broader implementation plan in July this year [SOU-25-MIN-0039 refers].

## **The approach to managing claim settlements in the period between Cabinet decisions on redress proposals and public announcements is currently in place**

6. In March 2025, a briefing was provided to you outlining Crown Law's legal advice and redress agencies' recommended approach on how to best ensure fairness for survivors while allowing agencies to continue settling claims on the current basis during the period of Cabinet decisions (Monday 7 April 2025) to pre-Budget announcements [CRACI 25/027 refers].
7. 9(2)(h) The following clause, developed by the Crown Response Office, Crown Law and redress agencies has been included in settlement agreements from Monday 7 April 2025:
  - a. *"In response to the Royal Commission of Inquiry into Abuse in Care, the Government is currently considering issues relating to redress. If the Government increases the level of payments that are available through the redress system as part of the 2025 budget process, the Government will make a top up payment, the effect of which will be to make the claimant's settlement more consistent with the level of payments reflected in*

*the 2025 Government's decisions. Any top up payment is made on an ex-gratia basis and does not affect the full and final nature of the settlement."*

8. Once budget decisions are announced, this clause will no longer be necessary and will be removed from any agency settlement documents as offers after this period will reflect the payment adjustment increase.

### **Work is underway to prepare for Ministerial public announcements**

9. The CRO is working with redress agencies to prepare for Ministerial announcements, which includes:
  - a. the development of an interim approach to adjusting settlement payments that enable Ministerial decisions to be implemented ahead of developing the common payment framework; and
  - b. a joined-up approach to receiving an increased volume of queries, including from potential new claimants, as well as applications for top-up payments.
10. You will receive a subsequent briefing on Wednesday 30 April 2025 with more details on the joined-up approach, what is being set up and what that means for survivors' engagement with government agencies.

### **Decision on an interim approach to adjusting settlement payments are needed**

11. As part of the redress proposals, Cabinet agreed to increase the average settlement payments made by core State redress agencies to \$30,000 [SOU-25-MIN-0039 refers].
12. The interim approach will enable redress agencies to adjust current settlement recommendations to reflect Ministerial decisions and to better align settlement offers across the system until the common payment framework and updated rapid payment frameworks have been developed.
13. An interim approach is needed as the common payment framework is yet to be developed, tested with all redress agencies and agreed by joint Ministers. The common payment framework will ensure that payments are equitable across redress agencies and have more clearly defined steps or levels which enable a survivor to understand how their experience relates to the financial settlement they have been offered. The framework needs to have sufficient flexibility so it can be useful in the context of complex abuse in care claims across multiple redress agencies, care settings, and forms of abuse.
14. In addition to the common payment framework, MSD and MOE's rapid payment framework will need to be updated to reflect the increased average payment.
15. To provide consistency across agencies between past and future claimants, Cabinet also agreed to provide top-up payments to survivors with previously settled claims that does not involve reopening or reassessing of their claim [SOU-25-MIN-0039 refers]. Top up payment amounts are to be determined by both the increase to the average payment amount and the new common payment framework, once it is developed.

*We propose a two-step approach to adjusting settlement payments and calculating top-up payments to ensure the \$30,000 average per claim across the redress agencies*

16. As part of the analysis exercise, redress agencies explored options on how to equitably achieve the \$30,000 average per claim across the redress agencies. The best option was identified as a 50% increase to settlement payments.

17. A proportional increase is a more equitable approach than a flat payment across the board as it enables the redress system to meaningfully improve its payment offerings for all survivors and achieves the agreed average increase of \$30,000.
18. We propose a two-step process to calculate the \$30,000 average per claim across the agencies.
  - a. Step one (applies to MOH only): is to lift the payments made by MOH (including prior settlement payments made by the Crown Health Financing Agency<sup>1</sup>) to a level that is comparable to MOE, MSD, and OT.
  - b. Step two: is to then lift the payment to align with the new average settlement payment so that the average across the system shifts from approximately \$20,000 to \$30,000. This will be done by applying a 50% increase to each individual's settlement amount as agreed to by Cabinet.

*An alternative option of a flat payment of \$10,000 for all closed claims across all redress agencies was explored and is not recommended*

19. Officials considered a flat payment of \$10,000 for all closed claims across all redress agencies as an alternative option to the approach described above. As a general rule, final settlement payments reflect the severity and nature of the abuse experienced by a survivor. This approach would cause further inequities by providing the same payment to all and not taking into account survivors received a certain settlement amount as a result of their abuse experienced.

*Analysis has shown there is a clear disparity between payments made by MOH and other redress agencies*

20. Redress agencies have undertaken a payment analysis exercise to understand the differences in average payments between agencies and to inform advice on how we better align payments between agencies ahead of the development and implementation of a common payment framework. This work looked at the nature and severity of abuse for which payments were made.
21. Analysis between MSD, MOE and OT identified a relatively comparable approach to payment category levels for similar types of abuse when having regard to the type, severity, and frequency of abuse. While average payments differ between the three agencies this is reflective of the nature and complexity of the allegations in each claim, and not an inconsistent application of a payment matrix.
22. In comparison, a clear disparity was identified between MOH and the remaining redress agencies which would lead to an inequitable outcome for MOH claimants. Survivors who received settlement payments from MOH received a lower amount than would have been paid by other redress agencies for similar claims of severity and nature of abuse.
23. This approach will also enable top-up payments for survivors with closed claims to be calculated.

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<sup>1</sup> The Crown Health Financing Agency (CHFA) was a Crown Entity whose functions included administering funding and advising the then Minister of Health, which included being responsible for settling claims of abuse in state-run psychiatric facilities and psychopaedic hospitals before 1993. This function was then absorbed by the Ministry of Health once CHFA was disestablished in 2012.

*Step one: adjusting MOH payments to be more comparable with MSD, MOE, and OT*

24. Survivors with closed claims made to the Crown Health Financing Agency or Ministry of Health will be adjusted to bring these claims into line other redress agencies as outlined in the table below.

Category	Current payment level	Step one: Adjusted settlement payment to align with MSD, MOE, and OT
<b>Ministry of Health</b>		
1	\$9,000	\$25,000
2	\$6,000	\$20,000
3	\$4,000	\$10,000
4	\$2,000	\$6,000
<b>Crown Health Financing Agency</b>		
CHFA 1	\$18,000	\$25,000
CHFA 2	\$12,000	\$20,000
CHFA 3	\$8,000	\$16,000
CHFA 4	\$6,000	\$12,000
CHFA 5	\$4,000	\$10,000
CHFA 6	\$2,500	\$5,000

*Step two: applying the 50% increase to all payments to attain an average payment of approximately \$30,000 across all redress agencies*

25. Survivors with closed claims will receive a top-up payment which is the difference between the new amount calculated using this method and the amount they have already received.

26. Once step one of adjusting MOH and CHFA payments to address the disparity is complete, all payments across all agencies will then be adjusted by applying a 50% increase to each payment.

27. For example:

a. A MOH category 1 closed claim would be calculated by:

i. Adjusting the claim to align with other agencies: Claim of \$9,000 will be adjusted to \$25,000, and then

ii. Applying the 50% increase (50% of \$25,000 equalling \$12,500).

iii. In this case the survivor would receive a top-up payment of \$28,500 the difference between what they had already received (\$9,000) and adjusted settlement amount of \$37,500.

28. Survivors who have settled their claim following the redress announcement will receive a settlement offer that reflects the total amount after these adjustments have been made.

29. For example:

a. If survivor settling a claim with MOE is assessed under their current framework as receiving a payment of \$8,000, then a 50% increase of \$4,000 would be added to this payment.

b. The total settlement offer they would receive would be \$12,000.

30. This approach is proposed as it aligns with our understanding of how Ministers envisaged these increases would apply, with survivors receiving a proportional top-up amount based on their settlement payment. For example, a survivor who had a lower settlement

payment will receive a top-up amount, and a survivor who had a higher settlement payment will receive a higher top-up amount.

*We propose that where a survivor has received multiple payments from one or more agencies, the top-up is calculated on the combined total*

31. Officials recommend that where a survivor has received multiple payments for their abuse in care experience from one or multiple agencies, any top-up payment is to be calculated on the total combined payment. Where a payment has been made by multiple agencies, redress agencies will work together to determine which agency will provide the top-up payment.

*We propose some payments be excluded when calculating a top-up payment*

32. To ensure consistency across applications for top-up payments, redress agencies explored whether there are payments that have been made that fall outside of the scope intended by Cabinet and should be considered when applying for and calculating a top-up payment.
33. The following eligibility statement for applying for top-up payments is being recommended by redress agencies. We seek your agreement to the listed eligibility exceptions.

Any individual who has received a payment(s) from MOE, MOH (including CHFA), MSD and OT relating to a claim for abuse in state care will be eligible to apply for a top-up payment with exception of the following situations in the table below:

Exception:	Rationale:
a. those who have received a payment arising from the outcome of a Court decision addressing their abuse in state care experience;	We are aware of at least two claims where payments of more than \$150,000 were paid for the survivor's experience in care after a Court had made liability findings. As these payments far exceed current redress process payments, a top-up is not required.
b. payments for matters that are not directly related to their abuse in state care experience (e.g. ex-gratia payments for service failures in the processing of a claim or settlement payments to recognise a potential privacy breach associated with the processing of the claim);	These payments vary between agencies. As these are not directly related to the person's abuse in state care experience, a top-up payment is not required.
c. individuals that received a small nominal payment which is not reflective of their claim and was not calculated in-line with agency assessment processes that were operating at the time;	For example, individuals who may have received a 'wellness payment' by MSD or those that withdrew from the Crown Health Financing Agency Litigation but received a nominal \$2,500 payment. For any individual that this exclusion may impact, they are welcome to contact the relevant claims agency for their claim to be reassessed.
d. ex-gratia payments for service failures made through OT's complaint process;	There is one case where the fiscal redress payment to the claimant was made at the same time as an ex-gratia payment at direction of the Office of the Ombudsman. The ex-gratia portion of the payment should not attract a top up.

Exception:	Rationale:
e. settlement payments made through MOE's prioritised payment policy as the payment policy is based on compassionate grounds on the premise that the claimant has less than 12 months to live and may not live to see their claim settled. This process does not rely on records or research to underpin a settlement offer;	Prioritised payments are an option available to terminally ill claimants who have less than 12 months to live regardless of any treatment options available to them. It consists of a set payment of \$10,000, an apology from the Secretary of Education and payment of legal fees (if any). Claimants seeking this option only need to provide a medical certificate confirming their terminal diagnosis (and meet the sensitive claims eligibility criteria). No assessment of the claim is undertaken.
f. payments made for claims relating to the Lake Alice Child and Adolescent Unit;	These payments are excluded as the Government has recently separately considered the position of Lake Alice survivors and have approved increased payments for this specific cohort.
g. family and whānau of a survivor who settled their own claim when alive and is now deceased; and	Family members of estates of settled claimants who have died since receiving redress will not be able to access top up payments, to maintain consistency with all State redress payments. Should a survivor with a settled claim die after initiating a claim for a top up, their next-of-kin or the administrator of their estate can continue with the claim as per the current process.
h. family and whānau of a survivor who passed away during the settling of their claim, with the exception of settlements during the period between Cabinet decisions and pre-Budget announcements where the clause regarding top-up payments is included in their settlement agreement.	

*The proposed interim approach will assist the development of the common payment framework*

34. Implementing an interim approach allows agencies to immediately adjust their settlement offers to reflect Cabinet's decisions to increase settlement levels to an average of \$30,000 across the redress system. During this period, settlement offers will continue to be developed using individual agencies' current payment frameworks<sup>2</sup> and subsequently adjusted to reflect this payment uplift.
35. This means that whilst agencies settlement offers will be generally comparable, there will continue to be some inconsistencies across agencies. The common payment framework, when developed, will address the individual inconsistencies and support agencies to ensure survivors with similar experiences receive similar payments. However, developing this framework will take time as it will be important the framework is well tested and works across all redress agencies settings.
36. The proposed interim approach provides a clear simple methodology for adjusting redress payments to reflect Minister decisions to increase settlement amounts and the ensure settlement offers are broadly comparable across the agencies until the common payment framework is approved for implementation.

<sup>2</sup> The exception to this is MOH who will use the new framework outlined in this paper to address the identified disparity between MOH and other Redress agencies.

9(2)(h)

- [REDACTED]
- [REDACTED]

### **Recommendations regarding legal advice for top-up payments**

39. As most survivors will likely receive an ex-gratia payment, seeking legal advice is not necessary as the ex-gratia payment will not affect any clause within their full and final settlement. It is therefore proposed that no reimbursement of legal fees or legal aid would be necessary for this group<sup>3</sup>.
40. However, in the instance where a survivor has previously received a settlement payment on ex-gratia basis (and not within the exceptions to eligibility as listed above) then in line with redress agencies' current processes, survivors are offered funding to meet the costs of receiving legal advice to ensure they understand the effect of signing the full and final settlement. Costs associated with this advice are anticipated to be low. MSD currently offer to contribute \$400 towards the initial consultation with a lawyer, although this may adjust following engaging with a lawyer if \$400 is insufficient and the costs that they are seeking are reasonable.

### **Work underway to be ready to receive queries and applications for top-up payments**

41. While it is unknown how many or how quickly survivors with closed claims may apply for top-up payments, CRO and redress agencies are anticipating a high demand as there are approximately 5000 closed claims across agencies.
42. Data from Lake Alice redress indicates there may be a high initial response rate that decreases over time. Sixteen percent of all forms of contact regarding Lake Alice redress were received in the first two days following the announcement. Assuming approximately 80% of survivors seek a top-up, we could receive approximately upwards of 650 contacts across forms of contact from survivors in the first few days following announcements. The CRO and redress agencies are working together to explore opportunities to best manage the level of demand.

#### *Shared process for receiving and processing applications for top-up payments*

43. The CRO and redress agencies propose a joined-up approach to receiving and registering applications for top-up payments from survivors with closed claims. This will be supported by a single top-up payment webpage, an online application form and shared phone line

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<sup>3</sup> This excludes survivors whose settlement agreement included the new clause implemented from 7 April 2025.

that is branded as a Crown scheme, and will clearly identify the redress agencies that are working together to support the delivery of top-up payments.

44. This approach reflects the Cabinet recommendation to move from the current state of operations to a whole system approach going forward. It also provides an opportunity for redress agencies to test the systems and processes that they may wish to adopt to support the single point of entry for redress claims proposed to be implemented later this year.
45. Options have been explored as to what is possible to be implemented in time to support redress announcements. This has included seeking feedback from agencies about the technology they have available to support this approach.
46. MSD is currently exploring the technology and processes within their agency and what is possible to be in place prior to pre-Budget announcements that could support the webpage, application form and shared phonenumber. MSD is working with other redress agencies to ensure the necessary processes are in place for redress agencies to work together. MSD have applied and is awaiting confirmation on the website domain which is proposed to be [topupsabuseincare.govt.nz](http://topupsabuseincare.govt.nz). Work is underway to implement the shared phonenumber, with the potential phonenumber number as 0800 TOP UPS (0800 867 877).

*Other activities underway to support receiving and processing applications*

47. The CRO and redress agencies are also working together to explore what other processes are needed to be in place to support receiving and processing applications for top-up payments such as information sharing processes, stakeholder engagement and communication material and implementing necessary business processes.

**Next steps**

48. Officials will provide you with further advice on Wednesday 30 April 2025 outlining the processes in place to support receiving and processing of applications of top up payments and the operational risks and proposed mitigations relating to general redress announcements prior to pre-Budget announcements.

# Briefing



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

## The processes in place to support receiving and processing of applications for top up payments

Date:	30 April 2025	Security level:	
Priority:	Medium	Report number:	CRACI 25/044

### Actions sought

Hon Simeon Brown  
Minister of Health

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

Hon Louise Upston  
Minister for Social Development and  
Employment and with transferred  
responsibilities from the Minister for  
Children for redress matters

- This briefing outlines the processes in place to support receiving and processing of applications of top up payments and the operational risks and proposed mitigations relating to general redress announcements prior to pre-Budget announcements.

### Contact for discussion

Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Chief Executive, Crown Response Office	9(2)(a)	
Delwyn Clement	Chief Advisor, Crown Response Office	9(2)(a)	✓

### Agencies consulted

Ministry of Education, Ministry of Health, Ministry of Social Development, Oranga Tamariki, Department of Corrections, Te Puni Kōkiri

### Minister's office to complete

- Noted
- Seen
- See Minister's notes
- Needs change
- Overtaken by events
- Declined
- Referred to (specify)

### Comments



d) **note** that agencies will initially focus resources on ensuring survivors can register applications, and subsequently the focus will shift to processing applications.



Rajesh Chhana  
**Chief Executive, Crown Response Office**  
**Crown Response to the Abuse in Care Inquiry**

/ /

Hon Simeon Brown  
**Minister of Health**

/ /

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

/ /

Hon Louise Upston  
**Minister for Social Development and**  
**Employment and with transferred**  
**responsibilities from the Minister for Children**  
**for redress matters**

/ /

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## **Cabinet agreed to the delivery of an enhanced redress system for survivors of abuse in state care**

3. On 2 April 2025, the Cabinet Social Outcomes Committee (SOU) agreed redress system changes in response to the recommendations of the Royal Commission of Inquiry into Abuse in Care (Royal Commission) [SOU-25-MIN-0039 refers]. These decisions were confirmed by Cabinet on 7 April and associated Budget decisions were made by Cabinet on 14 April. The decisions include agreement to:
  - a. increase the average settlement payments made by core State redress agencies to \$30,000 per claim;
  - b. allow survivors with previously settled claims to access a fixed top up payment that does not involve reopening or reassessing their claim;
  - c. develop and implement a common payment framework for the State redress system to offer comparable settlement payments for comparable experiences of abuse and/or neglect in care;
  - d. implement a more consistent offer of support services to survivors, within funding levels agreed through Budget 2025.
4. Funding has also been sought through Budget 2025 for a continuation of existing arrangements for meeting claimant legal costs, the independent records support website, and the Survivor Experiences Service.
5. The Lead Coordination Minister is planning to announce the redress improvements as part of a pre-Budget announcement package, currently scheduled for Wednesday 7 May 2025. This includes the following initiatives which will be implemented immediately:
  - a. an increase to the average level of settlement payments; and,
  - b. processes for survivors with closed claims to apply for a top-up payment.
6. Officials have been working through the operational implications of these changes ahead of Ministerial announcements. Advice on the remaining initiatives will be provided as part of the broader implementation plan due with joint redress Ministers in July this year [SOU-25-MIN-0039 refers].

## **Agencies are quickly creating solutions to meet the demand for top-up payments**

7. Public announcements on Cabinet decisions will trigger demand for top-ups and a spike in general queries. Agencies are collaborating to quickly build the technological and process solutions, including a webpage, form and phone line, to meet that demand. With the speed required to have these in place, agencies will need to adapt to the demand as it arises, improve the process as it is used, and resolve operational issues as they emerge.
8. An estimated 5000 survivors may be eligible for top up payments, based on previous closed claims. An unknown proportion will be deceased, some may not be eligible for a top up based on the agreed criteria, and some settled claimants may choose not to come forward. Applications to register may be higher than this, however, as survivors may be unclear about their eligibility.
9. Beyond this it is not possible to accurately forecast demand for top-ups, and how rapidly that demand will appear. High demand (including higher than anticipated use of the phone line) will mean that processing payments will take longer as resource is focused on

supporting registration. Lower demand (and use of the phone line) will mean that resource can also focus on processing applications through to calculating and making payments.

10. Overall interest in redress is anticipated to be higher than simply seeking top up payments as many survivors will have general queries about changes to redress. In addition, agencies anticipate an increase in new claims being lodged, privacy information requests for care records, and general enquiries.
11. Agencies have been developing a joined-up response to register and process applications for top-up payments. This approach will enable agencies to test and learn how they could work together to operate a single-entry point for claims. The response includes:
  - a. a process for registering applications, assessing eligibility, calculating top-up payment levels, and then providing payments with appropriate documentation. This involves detailed process steps within each agency;
  - b. developing a webpage (including frequently asked questions about top ups) and an online form to register. Claims agencies and stakeholder communications will direct people to this form in order to register;
  - c. a phone line will be established and resourced to answer queries and complete the form. This is intended to be primarily for those who cannot access the webpage (for example those in prison), and where possible, messaging will direct people to the webpage and form;
  - d. an additional option for those in prison who cannot access the webpage;
  - e. stakeholder communications to help survivors find out about registering applications for top up payments; and
  - f. training for claims staff on the top up payments process, managing privacy issues according to the principles of the Privacy Act 2020, and good information management practices.

**A webpage and form will be the primary mechanism for registering applications, but other methods will be available**

12. The webpage and form ([www.abuseincaretopup.govt.nz](http://www.abuseincaretopup.govt.nz)) will be the preferred mechanism for receiving applications as this can be automated and requires less resource to operate. Upon completion, the form will provide survivors with an automatic response containing information about the next steps, which will reduce the need for follow up queries. Key features of the webpage include:
  - a. a single page explaining what the top up is for, who is eligible, how to apply, and how top up payments will be calculated.
  - b. the form contains the core information needed for agencies to identify the most relevant redress agency for the survivor, and for that agency to reach out to the survivor and begin processing their top up application.
13. A phone number dedicated solely to top up registration (0800 TOP UPS – 0800 867 877) is being developed and hosted by MSD. This line will provide an alternative method for survivors who are not able to register their application online and will be answered by specifically allocated resource across the four redress agencies who have settled claimants. The phone line will split incoming calls across redress agencies in proportionate volumes. Whilst staff will sit in different agencies, they will then use a shared script and FAQs to register applications, as well as address any queries survivors may have about top up

payments. Where possible, the phone line will direct people to the webpage and form (for example, in the after-hours recorded message)

14. Both the webpage and phone line are targeting a go-live date of 7 May, and as of 30 April are 90% complete and on track to be ready for announcements.
15. People in prison will be able to call the top up registration phone number. As prisoners will not be able to use the online form a hard copy of the form will be made available that they can fill out and return. The CRO will support this process by entering completed forms into the system so they can be processed by redress agencies. Briefing materials are being prepared for Corrections staff to enable them to support prisoners to apply.
16. Proactive communications following the announcement are planned to key stakeholders with information about the top up payments and the webpage.
17. The tight timeframes and Budget sensitive nature of decisions has meant that the opportunity for testing the new material and technology has been limited. Given this, a continuous improvement approach will be taken with a focus on ensuring the required infrastructure is place from day one, with ongoing improvements and refinements to continue over time.
18. For survivors who have existing claims that settle between the 2 April SOU decisions and the pre-Budget announcement, their top up payments will be calculated and applied automatically, and these claimants will not need to apply for a top up payment. Agencies are identifying the most effective way to operationalise this within their respective schemes.

### **Resources are in place to manage the registration of applications for top up payments**

19. Agencies have allocated resource to manage the top up payment process. MSD is recruiting 10FTE from new funding to meet this need (and will be using up to 40 additional BAU staff), and Education is allocating 2 additional FTE, and Oranga Tamariki are allocating 3FTE from existing teams. Health is allocating 2FTE to support the registration of applications and answer calls from survivors contacting the phoneline.
20. Resource will initially focus on registering for top up payments, and agencies are planning for high demand in the initial two weeks. To reduce the impact as much as possible, survivors will be encouraged to use the webpage and form, as this will allow staff to focus on confirming applicants' eligibility and processing payments.
21. Should the influx of calls be greater than the allocated resourcing can manage, redress agencies will look to manage demand as much as possible through messaging to callers about alternative ways to register their application. Agencies can also redirect BAU resources if needed. For example, MSD has identified up to 40 additional BAU FTE that can be used to support this work if needed.
22. Redress agencies and Crown Response Office staff will be briefed so that if survivors call existing redress agency phone lines or reach out through agency stakeholder relationship channels, they can be directed to the right webpage and phone number.

## **Agencies have a joined-up approach in place to process applications for top up payments**

23. Following registration, a lead agency will be allocated for each application. This lead agency will be responsible for confirming the applicant's eligibility and arranging the top up payment. Depending on Cabinet's decision on Monday 5 May regarding serious violent and/or sexual offenders' eligibility for top up payments, a Ministry of Justice criminal history check may be required. If confirming an applicant's criminal history is required, they will also work with the applicant to complete this check prior to any top up payment being made. This will predominantly be determined by the agency that processed the survivor's original claim. Where a survivor has received multiple claims and payments, the lead agency will co-ordinate with other agencies.
24. The processing steps include:
  - a. confirming an applicant's eligibility (including identifying multiple redress claims across schemes, whether a Ministry of Justice criminal conviction check is required, and replying to survivors who are not eligible) and verifying their identify;
  - b. calculating the top up payment, according to the framework developed by agencies;
  - c. seeking internal approval (in line with existing *ex gratia* and settlement payment delegations) for each payment; and
  - d. generating letters to applicants confirming the top up amount they will receive, confirming the terms of the *ex gratia* payment (i.e. that by accepting it, claimants agree it does not affect full and final settlement), and steps required for payment (for example, confirming bank account).
25. A Privacy Impact Assessment has been conducted, covering the collection, use, storage, access, retention and disposal of information created when survivors register, and the ways in which agencies will process the top up applications. The information being collected is the minimum necessary to enable agencies to identify which is most appropriate to process the top up. More detailed and sensitive information is not anticipated to be required during the registration process or calculating entitlements, although some information will need to be shared between agencies where a survivor has had multiple claims.

## **Demand will affect the speed of processing, with the initial focus being on successful registration, and subsequently processing applications**

26. Immediately following the pre-Budget announcement, agencies will focus on registering applications and addressing queries from survivors about top-up payments. Agencies have estimated receiving up to 650 contacts (via webpage or phone lines) in the first week. Once the initial influx of registrations has reduced and as capacity allows redress agencies will then move to processing payments to survivors as soon as the system allows.
27. The timeframe for payments to begin is dependent on the number of survivors registering for top up payments. For example, if there is higher demand from survivors of closed claims in the first few weeks, the focus of agencies will be on registering those applications and processing will be slower. Alternatively, slower demand will mean that resource can be allocated to processing applications sooner.

28. The more the webpage and form is used, the more resource can be allocated to processing top up payments. If demand is lower and/or slower than this, processing top up applications can happen concurrently with registration.
29. It is difficult to estimate the time needed to process an application as some of the steps rely on responsiveness from the applicant (such as confirming their identity and bank account information). Agencies are working to simplify processes to enable eligibility confirmation and payments to be made as soon as possible after receipt of the application. Given the initial influx of applications anticipated, we expect initial timeframes to be slightly longer before reducing overtime after the initial backlog has been processed.
30. It is expected that agencies will progress through the applications at different speeds, as each agency will have a different volume they are responsible for. Given this, it is difficult to estimate when the first top up payments will be made. However, in the first few days after the announcement, officials will have a better sense of the demand and in the first couple weeks, we will be in position to estimate how long it will take to process claims to payment. We will keep Ministers updated on progress.

***Likely impacts of a decision to exclude serious offenders from accessing top up payments***

31. On 5 May Cabinet is expected to consider a paper with options to exclude some serious violent and/or sexual offenders from accessing redress payments. One option put to Ministers would exclude claimants who meet the criteria from accessing a top up payment. If this eligibility step is required, a Ministry of Justice criminal conviction check will be needed for all applications for top up payments.
32. This will have implications for the processing of applications and will delay the provision of payments, as additional resources will need to be allocated to managing the criminal records check process. Access to redress is not currently affected by a claimant's criminal status, meaning it is highly likely that closed claimants will react unfavourably to the need for a criminal record check. This will likely lead to delays in completing the initial processing steps. This request could retraumatise some claimants, and while agencies are not required to provide wellbeing support services through the top up payment process, it will still likely result in additional pressure on agencies or services like the Survivor Experiences Service.

**Given the pace of the build and unknown nature of demand, there are risks and unknowns that agencies will adapt to**

33. There are several unknowns that agencies are trying to anticipate and will need to adapt to. These include the volume of demand for top ups and general enquiries, the type of questions and queries survivors will ask, and the extent to which plans and scripts need to be adapted as the process gets underway. Agencies will initially meet daily to share insights and work together to resolve issues or barriers as they arise.
34. To manage the anticipated high volume of calls on the phone line, survivors will be encouraged to use the online form to register their top up application. There is a risk that survivors may have a long wait time on the phone line, however we are putting mitigating factors in place to try and avoid this. In addition to encouraging use of the online application form, agencies will closely monitor volume and adjust as needed including drawing on BAU resources if needed.
35. If significant BAU resources are needed (for example, if a majority of the 40 additional BAU resources identified by MSD are required) this will impact processing of current and new claims for redress and potentially delay responses to current claimants' queries. If this does

eventuate, this will primarily affect MSD given their large proportion of the demand and the potential pivoting of their BAU staff to manage top up applications and general enquires.

36. Due to the speed of development, there may be technical issues with the webpage, form and/or phone number. These will be addressed as quickly as possible and as a priority by agency ICT teams.
37. Survivors may be confused about top ups, their purpose, and eligibility. Stakeholder communications will seek to clarify this as much as possible, and all redress agency staff will also be briefed on FAQs to help survivors understand what is available and how.
38. Cabinet agreed that alongside increasing the average payment, a common payment approach would be introduced. 9(2)(h)

Cabinet agreement will be sought on the top up formula Ministers agreed to [CRACI 25/043 refers] though the 5 May Cabinet paper on serious violent and/or sexual offenders. There will need to be clear communication about the way the formula works and how it addresses historical inequities in the size of redress payments. The communications material developed to support announcements has been developed with this in mind.

### **Stakeholder communications are in place to help survivors find out about registering for top up payments**

39. Key stakeholders will receive a 'heads-up' email from the CRO around 10 minutes prior to the Minister's pre-Budget announcement. This will simply alert them to the fact there will be pre-Budget announcement about the Government's response, the time and where they can watch/listen to the announcement. These stakeholders have been identified by agencies on the basis of their relationships and their work on the Royal Commission over the last few years. They include community partners, legal representatives, and other organisations with an interest in this area (for example, the Ombudsman).
40. Following the announcement, the CRO will issue a pānui newsletter to these stakeholders as well as its subscriber database that provides detailed information about the redress improvements including how to register for a top-up payment. This will be translated into alternate formats. Specific communications to those in prison will be developed and made available to those in prison after the pre-Budget announcement.
41. Oranga Tamariki has 15 claimants who are potentially eligible for top-up payments. As the volume is low, and in most cases, they have an ongoing relationship with these survivors. Oranga Tamariki will attempt to contact each of these to inform them of the process for registering an application. Other agencies are not able to do this as the volume of claimants is too high and contact information for many of these survivors will be out of date. Therefore, survivors will receive the information from the selected stakeholders, media coverage of the announcement, the CRO pānui, agency websites and directly from redress agencies if survivors contact them.

### **Next steps**

42. On Monday 5 May, Cabinet is due to consider a proposal on redress payments to serious violent and/or sexual offenders. Communications and operational implementation processes will be adjusted to reflect Cabinet's decision.

43. We can discuss this briefing and any question you have regarding preparations for the public announcement at the Crown Response Official's meeting with you on Monday 5 May.
44. We will keep you updated on implementation post the public announcement.

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