



20 August 2025

CRO OIA 496-25



Tēnā koe

We refer to your request for information received on 23 May 2025 and transferred to the Crown Response Office (CRO) from multiple agencies. Your request has been considered under the Official Information Act 1982 (OIA). Your request was refined on 26 June 2025 for the following information:

*“Since 1 December 2023, aide memoires, briefings, reports and powerpoints that the Crown Response Unit and/or Office holds about:*

- *the High-Level Design Group’s proposal Pūtahi Te Mauri He Wai Ora E*
- *establishing an independent redress system and scheme*
- *the redress changes announced by Minister Stanford on the 9 May 2025.”*

On 26 June 2025 we extended the timeframe to provide a decision on your request to 28 July 2025.

A decision was provided to you on 28 July 2025 granting your request to release documents within scope of your request. In our decision, as part of our decision we informed you that the release of documents would be made in two tranches (tranche 1 and tranche 2), with tranche 1 being released to you by 31 July 2025, and tranche 2 being released by 20 August 2025.

Tranche 1 of the documents found to be within scope of your request were sent to you on 31 July 2025.

### **Information being released in tranche 2**

We are releasing 24 documents as part of tranche 2 that fall within scope of your request. **Appendix one** lists all documents being released to you as part of tranche 2.

Some information within the listed documents is 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
- section 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions

Information not in scope of your request has been noted accordingly.

### **Information that will soon be publicly available**

Some of the documents that fall within scope of your request are already being processed for publication on our website as part of our commitment to open government and improving practices around the proactive release and publishing of official information. I expect these documents to be published on our website by the end of September 2025.

**Appendix two** lists all documents that are currently being processed for publication. I am therefore withholding these documents under section 18(d) of the OIA, as they will soon be publicly available.

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

In some of the documents released, the forecast number of claims for redress is based on current levels of demand and 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.

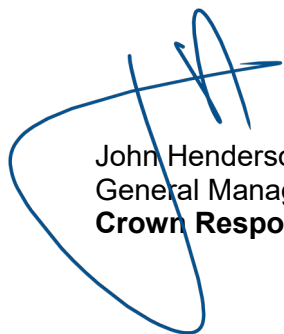
### **Explanation on options and assumptions for Budget 2025 bid**

Due to the tight timeframes the Crown Response Budget 2025 bid was required to be developed within, a dual process which saw financial costings and assumptions approved in January 2025 ahead of Cabinet policy decisions in March 2025 was followed. The costing assumptions used for Budget bid development were not binding policy decisions but rather assumptions to support the preparation of a maximum redress funding envelope for Budget purposes.

You have the right to seek an investigation and review by the Ombudsman of my decision to grant your request, and any decisions made to withhold information from the documents being released to you. Information about how to make a complaint is available via [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

We may publish this OIA response on [www.abuseinquiryresponse.govt.nz](http://www.abuseinquiryresponse.govt.nz) (with any personal details 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 public decision-making and administration of law and policies, and to promote the accountability of Ministers and officials.

Nāku noa, nā



John Henderson  
General Manager Enabling Services  
**Crown Response Office**

**Appendix one: Information being released in tranche 2**

<b>Item</b>	<b>Date</b>	<b>Document description</b>	<b>Decision</b>
1.01	22/02/2024	<b>Briefing:</b> High-level proposals for the design of a new redress system for survivors of abuse in care	Released with withholdings
1.02	9/04/2024	<b>Briefing:</b> Initial decisions to support the development of a draft payment framework for redress for abuse in care	Released with withholdings
1.03	30/04/2024	<b>Aide-memoire:</b> Agenda and discussion points for meeting with the Design Group's Co-Chairs	Released with withholdings
1.04	1/05/2024	<b>Meeting pack:</b> Ministerial Group – Crown Response to the Abuse in Care Inquiry 1 May 2024	Released with withholdings
1.05	1/05/2024	<b>Slide set:</b> Updated slide set of Ministerial Group meeting 1 May	Released with withholdings
1.06	22/05/2025	<b>Slide set:</b> Ministerial Group Crown Response to the Abuse in Care Inquiry	Released with withholdings
1.07	25/06/2024	<b>Meeting pack:</b> Ministerial Group – Crown Response to the Abuse in Care Inquiry 25 June 2024	Released with withholdings
1.08	17/07/2024	<b>Briefing:</b> Proposed approach to proactively releasing the Crown Response work programme Cabinet paper and the Design Group's redress proposals	Released with withholdings
1.09	17/07/2024	<b>Agenda Item Three:</b> Paper One – Redesign of redress for survivors of abuse in care – Stepped process for agreeing key redress parameters to support a detailed design process – Ministerial Group – Crown Response to the Abuse in Care Inquiry	Released with withholdings
1.10	17/07/2024	<b>Agenda Item Three:</b> Paper Two - High-level structuring of redress functions – Ministerial Group – Crown Response to the Abuse in Care Inquiry	Released with withholdings
1.11	24/07/2024	<b>Aide-memoire:</b> Proposed agenda and talking points for meeting with members of the former Design Group	Released with withholdings
1.12	7/08/2024	<b>Slide set:</b> Responding to the Royal Commission recommendations - Initial view and early opportunities	Released in full

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1.13	14/08/2024	<b>Discussion paper:</b> Consideration of three redress eligibility parameters	Released with withholdings
1.14	10/09/2024	<b>Discussion paper:</b> Initial decisions to support the development of a draft payment framework for redress for abuse in care	Released with withholdings
1.15	27/09/2024	<b>A3:</b> Redress policy design and decisions	Released in full
1.16	27/09/2024	<b>A3:</b> Redress, potential demand and cost, and mechanisms to manage this	Released with withholdings
1.17	12/12/2024	<b>Meeting pack:</b> Budget 2025 Ministerial Group – Crown Response to the Abuse in Care Inquiry	Released with withholdings
1.18	17/12/2024	<b>A3:</b> Addressing the Wrongs of the Past	Released with withholdings
1.19	19/12/2024	<b>Document pack:</b> Budget Placeholder Submission	Released with withholdings
1.20	28/01/2025	<b>Briefing:</b> Abuse in Care Inquiry Response Plan Framework	Released with withholdings
1.21	28/01/2025	<b>Appendix:</b> Abuse in Care Inquiry Response Plan Framework	Released in full
1.22	5/02/2025	<b>Appendix:</b> Key recommendations from the Royal Commission for a Survivor-Centred Redress System	Released in full
1.23	6/03/2025	<b>A3:</b> Redress System Package Alternative Scaling Options	Released with withholdings
1.24	13/05/2025	<b>Briefing:</b> Crown Response Work Programme and Summary of Budget '25 Package	Released with withholdings



**Appendix two: Information soon to be publicly available**

<b>Item</b>	<b>Date</b>	<b>Document Description</b>
2.01	15/07/2024	<b>Aide memoire:</b> The Final report of the Royal Commission of Inquiry into Abuse in Care: Whanaketia Through pain and trauma, from darkness to light - Receipt and response
2.02	18/07/2024	<b>Report summary:</b> Abuse in Care Royal Commission of Inquiry: Summary of final report Whanaketia
2.03	29/07/2024	<b>Aide memoire and slide set:</b> Agenda and items for discussion for Ministerial Group - Crown Response to the Abuse in Care Inquiry
2.04	29/07/2024	<b>Briefing and table:</b> High-level summary of findings in the Royal Commission's final report
2.05	14/08/2024	<b>Aide memoire and slide set:</b> Agenda and items for discussion for Ministerial Group - Crown Response to the Abuse in Care Inquiry
2.06	23/08/2025	<b>Briefing:</b> Design and transition choices for a new redress system for survivors of abuse in care
2.07	9/09/2025	<b>Aide memoire and appendices:</b> Agenda and items for discussion for Ministerial Group - Crown Response to the Abuse in Care Inquiry
2.08	12/09/2024	<b>Aide memoire and appendices:</b> Agenda and items for discussion for Ministerial Group - Crown Response to the Abuse in Care Inquiry
2.09	10/10/2025	<b>Aide memoire and appendices:</b> Redress system context and background information
2.10	14/03/2025	<b>Briefing:</b> Abuse in Care Response Plan (April 2025) Cabinet Submission for Ministerial Consultation
2.11	4/04/2025	<b>Briefing: Abuse in Care Inquiry:</b> Response Plan Scope
2.12	4/04/2025	<b>Briefing:</b> Confirming response to Royal Commission's redress recommendations
2.13	14/04/2025	<b>Briefing:</b> Crown response to the Royal Commission: draft Cabinet paper and response document for Ministerial consultation



High-level proposals for the design of a new redress system for survivors of abuse in care			
Date:	22 February 2024	Security level:	
Priority:	Medium	Report number:	CRACI 24/004

<p>Hon Erica Stanford Minister Responsible for the Crown Response to the Abuse in Care Inquiry</p>	<ul style="list-style-type: none"> <li>• In December 2023, a Ministerially appointed Redress Design Group provided the previous responsible Minister with high-level proposals for the design of an independent redress system for survivors of abuse in care. The high-level proposals and accompanying cover letter from the Group's Co-Chairs are appended to this briefing for your noting.</li> <li>• This briefing provides background to the redress development work and seeks your agreement to provide a briefing in March 2024 on a proposed approach for progressing detailed Cabinet decisions on redress.</li> </ul>
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Name	Position	Telephone	1 <sup>st</sup> contact
Isaac Carlson	Director, Crown Response Unit	s9(2)(a)	
Rebecca Martin	Head of Strategy and Policy, Crown Response Unit	s9(2)(a)	✓

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

### High-level proposals for the design of a redress system for survivors of abuse in care

**For:** Hon Erica Stanford, Minister Responsible for the Crown Response to the Abuse in Care Inquiry

**Date:** 22 February 2024

**Security level:**

**Priority:** Medium

**Report number:** CRAI 24/004

### Purpose

1. In December 2023, a Ministerially appointed Redress Design Group provided the previous Minister responsible for the Crown Response to the Abuse in Care Inquiry (the Crown Response) with high-level proposals for the design of an independent redress system for survivors of abuse in care.
2. This briefing provides you with a copy of the high-level proposals, sets out the background to the redress development work, and seeks agreement for a briefing to be provided to you in March 2024 setting out a proposed approach for detailed analysis and decision-making in the next stages of redress development.

### Recommendations

3. It is recommended that you:
  - a. **note** the Redress Design Group's high-level proposals and accompanying cover letter from the Group's Co-Chairs, as appended to this briefing; **Noted**
  - b. **note** the Crown Response Unit is working with your office to arrange a meeting between yourself and the Redress Design Group Co-Chairs, Dr Annabel Ahuriri-Driscoll and Ruth Jones QSM; **Noted**
  - c. **agree** the Crown Response Unit reports back to you in March 2024 on a proposed approach to progress Cabinet decisions on redress development; and **Yes / No**
  - d. **note** further briefings will include advice on how survivors can continue to be involved with the work. **Noted**



Isaac Carlson  
Director, Crown Response Unit

22 / 02 / 2024

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

/ /

**The Abuse in Care Royal Commission of Inquiry has made adverse findings relating to the Crown's response to abuse in care, further findings are also expected in its final report**

4. In the 1990s, a growing number of claims were made in relation to abuse and neglect of children and young people while in State care. In the early 2000s, the Crown developed a litigation strategy to respond to these claims, which included ad-hoc processes to settle claims out of court. Later, in-house claims processes were formally developed by agencies at different times to respond to the early claims. As the scale of abuse became more apparent, claims processes were updated to respond to increased claims.
5. The terms of reference for the Abuse in Care Royal Commission of Inquiry (the Royal Commission) required it to investigate redress pathways for survivors, in State and faith-based settings. In December 2021, the Royal Commission published its redress report – *He Purapura Ora, he Māra Tipu: From Redress to Puretumu Torowhānui*. The Royal Commission outlined a number of inadequacies, including that institutions:
  - a. designed processes to suit their needs, not those of survivors, and as a result have added to survivors' harm and trauma;
  - b. offer only basic forms of wellbeing support, fail to offer meaningful payments, and take far too long, sometimes years, to come up with a settlement offer;
  - c. fail to meaningfully acknowledge and apologise for the abuse, harm, and trauma inflicted and suffered;
  - d. lack independence because the organisations tend to investigate themselves and control every part of the process and outcome; and
  - e. do not recognise the mana of survivors or offer genuine support for survivors to heal their lives or restore their mana and oranga (wellbeing).
6. Agencies have been working for a number of years to try and improve claims processes to address some of the same issues identified by the Royal Commission, including more consistent messaging, streamlined pathways, and simplified application processes.
7. Claims processes remain, however, fundamentally settlement-based and continue to function within operating, organisational and funding models, and legislative frameworks that make it difficult to address the issues identified by the Royal Commission associated with independence, meaningful apologies and payments, healing, and timeliness.

8. To address the issues identified in its redress report, the Royal Commission made a series of recommendations relating to public apologies, litigation, the Accident Compensation scheme, and the design and operation of claims processes. The significant recommendations in the redress report were:
- a. the establishment of a new, independent redress system that is open to survivors of abuse in State and faith-based care; and
  - b. establishing an independent group to lead the design of this redress system.
9. The Royal Commission also highlighted that there would be further consideration on redress in its final report.

## **The development of a new independent redress system for survivors**

### **Cabinet tasked a Redress Design Group to provide high-level design proposals for a new redress system**

10. In December 2021, in response to the recommendations made in the Royal Commission's redress report, Cabinet agreed [SWC-21-MIN-0204 refers]:
- a. the urgent need for a significant shift from settlement-based claims processes to an integrated support-based approach to redress; and
  - b. to develop an independent, survivor-focused redress system, informed by the Royal Commission's findings and recommendations in its redress report.
11. Following consultation with survivors by the Crown Response Unit, in December 2022 Cabinet agreed [SWC-22-MIN-0214 refers] to establish a Redress Design Group, supported by an Advisory Group, to develop high-level proposals for the Minister for the Public Service for the design of a new redress system. The report you have received from the Redress Design Group is the outcome of that work.
12. The Terms of Reference approved by the Cabinet Social Wellbeing Committee [SWC-23-MIN-0027 refers] for the Redress Design Group (Appendix Three) set out the following tasks:
- a. feedback on the principles, purpose, functions, and scope for a redress system agreed in principle by Cabinet<sup>1</sup>;
  - b. how the system should safely connect with and support survivors and whānau to navigate their redress journey – how redress needs to “look and feel” to give survivors confidence in the redress system and to provide them with a safe, accessible, trauma informed, and culturally responsive experience;
  - c. the types and mix of services and supports that should ideally be provided as part of each of the redress system's functions;
  - d. feedback on draft apology and payment frameworks<sup>2</sup>, with a focus on what is needed to support meaningful recognition of the harms people have experienced; and

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<sup>1</sup> To support the development of a redress system, survivors highlighted they did not want a design process to start from a blank state. Therefore, it was agreed the Design Group would be given a range of draft proposals and models to react to, including a set of principles, purpose and functions of a redress system as articulated by the Royal Commission and endorsed in principle by Cabinet [SWC-22-MIN-0214 refers] (See Appendix One).

<sup>2</sup> See previous footnote.

- e. an outline of the critical issues that will need to be considered as part of the detailed design and implementation planning needed to give effect to the overall design.
13. Cabinet agreed a public nomination process would be run for the Redress Design and Advisory Groups' membership, with the members appointed by the Minister for the Public Service drawing on the advice of an independent candidate selection panel [SWC-22-MIN-0214 refers]. The appointments were then noted by the Cabinet Appointments and Honours Committee. Almost all of the members appointed to the Redress Design and Advisory Groups were survivors of abuse in State and non-State care.

#### **The high-level proposals have been delivered**

14. The Redress Design Group started work in June 2023 and delivered its high-level proposals on 8 December 2023 to the previous Minister responsible for the Crown Response, the Minister for the Public Service. In addition to the supporting Advisory Group, input had also been provided by young people, Deaf, disabled, and Lake Alice Psychiatric Hospital Child and Adolescent Unit survivors. The last group represents a specific cohort, the Crown Response Unit will provide a briefing to your office on this cohort shortly.
15. In the meeting held with Crown Response Unit officials on 14 February, you expressed interest in meeting with the Redress Design Group's Co-Chairs, Dr Annabel Ahuriri-Driscoll and Ruth Jones QSM. Crown Response Unit officials are working with your office to arrange a suitable time for this meeting and provide appropriate material to support the discussion as required.

#### **Cabinet invited you as responsible Minister to report back following receipt of these proposals**

16. Cabinet invited the responsible Minister to report back following receipt of the high-level design proposals [SWC-22-MIN-0214 refers]. Cabinet also invited the Minister to provide advice on options for the scope of a new redress system, including:
- a. the forms of abuse and neglect and care settings to be covered by a new redress system; and
  - b. the potential inclusion of whānau as indirect survivors.

#### **Officials propose reporting back to you with advice on next steps in March 2024**

17. To respond to the Redress Design Group's proposals, the Royal Commission's redress report, and invited Cabinet report back, the Crown Response Unit proposes staging advice to Cabinet. Subject to your agreement, we will brief you on the proposed approach in March 2024. In essence, the proposed staged advice to Cabinet would cover the core problem definition and policy intent for redress, the design fundamentals of a redress system, scope and key framework options, and options for a detailed design process.
18. The proposed March briefing would:
- a. provide advice and options on how to progress the proposals;
  - b. outline a timeline for proposed report backs to Cabinet and the associated decisions being sought;
  - c. highlight areas for survivors to continue to be engaged and inform the work;

- d. provide options for the public release of the Redress Design Group's proposals; and
  - e. highlight areas you may wish to receive further advice on.
19. Ahead of the proposed redress approach briefing in March, you will shortly be provided with the draft Cabinet paper discussed with you in the officials meeting of 14 February that is intended to brief your Cabinet colleagues on the Royal Commission and Crown Response and highlight expected upcoming decisions related to the Royal Commission's final report and redress development. The draft Cabinet paper speaks to the latter at a general level to avoid pre-empting your consideration of the March advice.
20. The first Cabinet paper will provide your Cabinet colleagues with an overview of the broad issues and enable them to prepare for the cross-portfolio nature of this work.

### **Next steps**

21. Expectations in some survivor communities will be high for the Government to publicly respond to the Redress Design Group's proposals. These decisions are, however, complex and potentially fiscally significant and will need to be carefully considered in light of Government priorities.
22. As outlined above, with your agreement a briefing will be provided to your office in mid-March. The briefing will seek decisions on a proposed approach for providing advice and securing Cabinet decisions for redress development.
23. The Crown Response Unit expects to continue to receive a small number of survivor enquiries around the status of the Redress Design Group's proposals. If there are any media enquiries about the work, we will liaise with your office on suitable responses.
24. The Crown Response Unit is also available to meet with you to discuss any matters outlined in this briefing.

### **Appendices**

**Appendix One:** The principles, purpose and functions of a redress system as articulated by the Royal Commission and endorsed in principle by Cabinet;

**Appendix Two:** Letter from the Redress Design Group's Co-Chairs to the responsible Minister;

**Appendix Three:** the Redress Design Group's Terms of Reference; and

**Appendix Four:** the Redress Design Proposals – Putahi te mauri, he wai ora.

## **Appendix One: The principles, purpose and functions of a redress system as articulated by the Royal Commission and endorsed in principle by Cabinet**

### ***Purpose***

1. The redress system has a three-part purpose:
  - a. to apologise for the tūkino (abuse, harm, and trauma) suffered by survivors;
  - b. to support the healing or restoration of the mana, tapu, and mauri of people; and
  - c. to take steps towards preventing abuse.

### ***Functions***

2. Flowing from the overall purpose, the functions of the system are:
  - a. provides a safe, supportive environment for survivors to share their care experiences;
  - b. facilitates acknowledgements and apologies by the relevant institutions;
  - c. facilitates access to support services, financial payments and other measures that enable te mana tāngata; and
  - d. makes recommendations on identified issues, to help prevent further abuse in care.

### ***Principles***

3. The principles, as articulated by the Royal Commission, to guide the operation of the redress system are:
  - a. Te mana tāngata: the restoration of and respect for the inherent mana of people affected by tūkino.
  - b. Utua kia ea: pathways with the scope for survivors, both as individuals and collectively, to chart their own unique course to account for tūkino and restore mana.
  - c. Manaakitia kia tipu: the nurturing of the oranga or wellbeing of survivors and their whānau so that they can prosper and grow. This includes treating survivors and their whānau with atawhai, humanity, compassion, fairness, respect and generosity in a manner that upholds their mana (this includes being survivor-focused and trauma-informed) and nurtures all dimensions of oranga including physical, spiritual, mental, cultural, social, economic and whānau, in ways that are tailored to, culturally safe for, and attuned to, survivors.
  - d. Mahia kia tika: fair, equitable, honest, impartial, and transparent. In this context it includes a puretumu torowhānui system that has clear, publicly available rules and other information about how it works, and regular reviews of its performance.
  - e. Whakaahuru: processes protect and safeguard people including actively seeking out, empowering, and protecting those who have been, or are being abused in care, as well as implementing systemic changes to stop and safeguard against abuse in care.
  - f. Whanaungatanga: refers to the whakapapa, or kinship, connections that exist between people. In this context, it reflects that the impact of tūkino can be intergenerational and can also go beyond the individual and affect whānau, hapū, iwi and hapori or communities. Therefore, puretumu torowhānui should facilitate individual and collective oranga and mana, connection or reconnection to whakapapa, and cultural restoration.



- g. Teu le vā / tauhi vā: tending to and nurturing of vā, or interconnected relationships between people and places, to maintain individual and societal oranga. Where there has been abuse, harm or trauma steps must be taken to heal or re-build the vā and re-establish connection and reciprocity.
- h. He mana tō tēnā, tō tēnā – ahakoa ko wai: each and every person has their own mana and associated rights, no matter who they are. In this context, it means that a new puretumu torowhānui system and its underlying processes must value disabled people and diversity, accept difference, and strive for equality and equity. This includes challenging ableism – the assumptions and omissions that can make disabled people, the tūkino and neglect they experience and their needs for restoration of mana and oranga, invisible.

#### **Scope**

- 4. Cabinet endorsed the following in-principle scope parameters to assist in the design process, that the new redress system includes:
  - a. non-State care (faith-based institutions and private schools) survivors, subject to the Crown being able to agree suitable funding mechanisms with those institutions to support the operation of the redress system; and
  - b. current and future survivors, to prevent the need for parallel systems or process to be established in the future.

# Discussion paper



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

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

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

**Date:** 10 September 2024

**Security level:**

### Decision required

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

### Recommended approach

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

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

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

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

### **Considerations for developing a redress payment framework**

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

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

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

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

- b. facilitate acknowledgements and apologies by institutions for abuse in care;
  - c. provide financial payments that acknowledge abuse in care;
  - d. facilitate access to support services that enable survivors to restore their inherent dignity; and
  - e. share insights on systemic issues relevant to abuse in care and the harms experienced.
10. As can be seen from this list, payments are only one options within a wider redress system that is intended to provide survivors with choice in having accountability for the abuse they experienced and achieve a better quality of life. If survivors do not want to seek a payment they could still access an apology or support services. Survivors could alternatively choose to defer a payment claim until they felt ready.
11. In line with the Abuse in Care Royal Commission of Inquiry's (the Royal Commission's) findings, as endorsed by the Redress Design Group, it is proposed that the payment's purpose is to acknowledge the abuse survivors have experienced and is not meant to act as compensation for the potentially complex and lifelong impacts of the abuse. The effects of abuse and neglect are intended to be addressed through the support services provided by the redress system, and an acknowledgement-based payment does not displace or replace survivors' needs for support facilitated through the system.
12. In addition to the redress system, the Royal Commission recommended that survivors should be able to more easily access the Accident Compensation Scheme or have easier access to the courts to seek compensation, if the survivor so wished. Consideration of the recommendations related to ACC and civil litigation settings is being coordinated by the Ministry of Business, Innovation and Employment and the Ministry of Justice, 9(2)(f)(iv)
13. The alternative to an acknowledgement-based payment would be a full compensation payment. Determining compensation for specific experiences of abuse or neglect would require a complex and time-consuming investigation and assessment approach that has significant potential to retraumatise a survivor. A compensation payment would remove the need for a system to provide support services, since it is intended to provide full monetary recompense for the impacts of abuse on a survivor's life and would therefore allow a survivor to purchase whatever individual services they wished to receive, subject to market availability.

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

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

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

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

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

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

**Next steps**

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

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

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

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## Aide-memoire

### Agenda and discussion points for meeting with the Design Group's Co-Chairs

Date:	30 April 2024	Security level:	
Priority:	High	Report number:	CRACI 24/018

### Information for Minister

Hon Erica Stanford <b>Minister responsible for coordinating the Crown Response to the Abuse in Care Inquiry</b>	You are meeting with the Redress Design Group Co-Chairs at 9am 30 April 2024, to discuss the Design Group's High Level Design proposals for a new redress system for survivors of abuse in care.
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### Contact for discussion

Name	Position	Telephone	1 <sup>st</sup> contact
Isaac Carlson	Director, Crown Response Unit	s9(2)(a)	
Rebecca Martin	Head of Strategy and Policy, Crown Response Unit	s9(2)(a)	✓

### Agencies consulted

N/A
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### Minister's office to complete

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

## Agenda and discussion points for meeting with the Design Group's Co-Chairs

**For:** Hon Erica Stanford, Minister responsible for coordinating the Crown Response to the Abuse in Care Inquiry

**Date:** 30 April 2024

**Security level:**

**Priority:** High

**Report number:** CRACI 24/018

### Purpose

1. You are meeting with Dr Annabel Ahuriri-Driscoll and Ruth Jones QSM, Redress Design Group Co-Chairs, at 9am 30 April 2024 to discuss the Design Group's redress proposals. The meeting will also be attended by Isaac Carlson, Director, Crown Response Unit and Rebecca Martin, Head of Strategy and Policy, Crown Response Unit.
2. This aide-memoire proposes an agenda and talking points to aid your discussion with the Co-Chairs. It also provides background information on the Co-Chairs and the broader Design Group. We have briefed the Design Group Co-Chairs on the matters that will likely be raised at this meeting.

### Proposed agenda

	Item	Timing
1.	Introductions	5 minutes
2.	Discussion of the Design Group's redress proposals	10 minutes
3.	Next phase of work on redress design and potential role for the Design Group	15 minutes
4.	Next steps and closing	

### Talking points

*Thanking the Co-Chairs for delivering the proposals and inviting their reflections on the Design Group's report*

3. Firstly, thank you both for your work in leading this process. I know that you and the Design and Advisory Group members will have felt strong responsibilities on behalf of other survivors. No doubt it was an intense process to prepare and deliver the proposals in such a focused time period. Thank you for your thoughtful leadership and commitment throughout the process.
4. I have carefully read your report. The proposals are innovative and ambitious and set out a clear vision for a survivor-led system that enables healing and connection for survivors.
5. I am interested to hear from you what you consider to be the most important elements of the proposals.

*Outlining how decisions will be made on redress proposals*

6. I am aware that expectations are high among survivors and survivor advocates for a meaningful response to these proposals from the Government.
7. Cabinet has established a joint Minister's group that is meeting monthly to help support joined-up and responsive decision making on these proposals as well as the broader Crown Response work programme. I am chair of this group.
8. Our first meeting is tomorrow and at the meeting I am planning to take my colleague Ministers through our proposed work programme for the next six months. In preparation I have shared your proposals with this group of Ministers.
9. The meeting will provide an opportunity to discuss these proposals and to hear their thoughts, questions, and concerns. We will also discuss our timing and approach to making decisions around redress design and the ongoing role of survivors in this work.

S9(2)(g)(i)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



# S9(2)(g)(i)

## Information about the Co-Chairs

16. Both of the Co-Chairs are experienced in working in partnership with diverse stakeholders, including government agencies and Ministers. Our experience from working alongside of them over the past year is that they are both committed to pragmatic solutions that deliver real change for people on the ground.

Co-Chair	Biography
<p><b>Dr Annabelle Ahuriri-Driscoll</b> [Ngāti Porou, Ngāti Raukawa, Ngāti Kahungunu]</p> 	<p><b>S9(2)(a)</b></p> <p>Annabelle is an Associate Professor, University of Canterbury, School of Health Sciences, Faculty of Health.</p> <p>She has been working as a Māori/public health researcher since completing her Masters degree in public health in 2000. She has been involved in research across a wide range of areas relating to Māori advancement, including traditional Māori healing, Māori-focused service, programme and organisational evaluation, and Māori community, iwi and hapū development.</p> <p>Annabelle has a PhD in Health Sciences, investigating the concept of identity as it features in the lives and experiences of Māori adoptees. She has also completed research to support the work of the Royal Commission on the history of State care pertaining to Māori as well as the range of harms/impacts.</p> <p>Annabelle is a member of the Māori Health Committee, a statutory committee of the Health Research Council responsible for advising the Health Research Council on health research for Māori.</p>
<p><b>Ruth Jones QSM</b> [Ngāti Porou, Rongowhakaata]</p> 	<p>Ruth Jones has a long history as a leader in the disability sector.</p> <p>She and her husband Gary Williams (a survivor) started Hei Whakapiki Mauri with the aim of bringing Māori with disabilities and their whānau together to build confidence, knowledge, and a sense of belonging.</p> <p>Born in Christchurch, Ruth is proud to serve her community in a variety of leadership roles across the health, disability, not-for-profit, education and community sectors. Initially as a social worker, then a manager, and now as a consultant, Ruth's work focuses on empowering leaders within whānau, teams and communities to create change.</p> <p>Ruth brings both her professional experience, and her perspective as a disabled Māori woman to her work and has been awarded a QSM for her ongoing leadership and transformation work in the disability sector.</p> <p>Ruth has worked at the Royal Commission, where her role was to listen to survivors' experience of abuse. She was a member of the Ministerial Advisory Board to Oranga Tamariki that ended its tenure earlier this year and we understand the Minister of Children</p>



	<p>is seeking Cabinet agreement to have the Board, including Ruth, re-appointed to that role. She is a member of the Māori Monitoring Group for the Minister of Health, and contracted to the Joint Venture approach to addressing family and sexual violence – Te Puna Aonui to facilitate and actively influence the inclusion of disabled people's voice in the Strategy.</p> <p>Alongside leading Hei Whakapiki Mauri, Ruth is a co-founder of the Earthquake Disability Leadership Group, set up to advocate for accessibility in post-earthquake Christchurch. She is on the Bishopdale Community Trust, is Chair of the Marralameda Trust and has previously held governance and advisory roles with Workbridge, the Ministry of Education, and the Ministry of Health. She also continues to advise on the transformation of New Zealand's disability support system using her whānau ora knowledge.</p>
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Design Group member	Skills and expertise
Dr Filipo Katavake-McGrath	s9(2)(a)
Māhera Maihi	s9(2)(a)
Tyrone Marks	s9(2)(a)
Te Pare Meihana	s9(2)(a)
Paora Moyle [resigned August 2023]	s9(2)(a)
Bernie O'Donnell	s9(2)(a)
Dr Michael Roguski	s9(2)(a)
Tupua Urlich	s9(2)(a)
Keith Wiffen	s9(2)(a)
Dr Steve Winter	s9(2)(a)



## Meeting pack – 1 May 2024

### Ministerial Group – Crown Response to the Abuse in Care Inquiry

#### Membership:

- Hon Erica Stanford as Minister responsible for coordinating the Crown Response to the Abuse in Care Inquiry (Chair) and as Minister of Education;
- Hon Dr Shane Reti as Minister of Health and Minister for Pacific Peoples;
- Hon Paul Goldsmith as Minister of Justice;
- Hon Louise Upston as Minister for Social Development and Employment and Minister for Disability Issues;
- Hon Mark Mitchell as Minister of Corrections and Minister of Police;
- Hon Tama Potaka as Minister for Māori Development, Minister for Whānau Ora and Minister for Māori Crown Relations: Te Arawhiti;
- Hon Matt Doocey as Minister for ACC, Minister for Mental Health and Minister for Youth;
- Hon Karen Chhour as Minister for Children and Minister for the Prevention of Family and Sexual Violence; and
- Hon Casey Costello, as Associate Minister of Health and Associate Minister of Police.

#### Meeting pack:

- Aide-memoire: agenda and items for discussion;
- Appendix One: Draft Crown Response work programme Cabinet paper; and
- Appendix Two: Redress design discussion paper.

#### Additional material provided to support the meeting pack (to come):

- Appendix Three: Slide-deck summary of Redress Design Group proposals;
- Appendix Four: Redress Design Group proposals – *Putahi te mauri, he wai ora e: Connected we find vitality*, with summary;
- Appendix Five: Royal Commission's redress report – *He Purapura Ora, he Māra Tipu: From Redress to Poretumu Torowhānui*;
- Appendix Six: Cabinet paper – Crown Response to the Royal Commission of Inquiry into Abuse in Care: Overview and upcoming decisions; and
- Appendix Seven: Crown Response work programme.

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# Aide-memoire



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

## Agenda and items for discussion

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

**Date:** 1 May 2024

**Security level:**

2

### Purpose

1. This meeting pack provides the Ministerial group for the Crown Response to the Abuse in Care Inquiry (the Ministerial Group) with background and papers to support its meeting on 1 May 2024.

### Agenda

	Item	Timing
1.	Background and purpose of the Ministerial Group	10 minutes
2.	Crown Response work programme	20 minutes
3.	Redress for survivors of abuse in care	30 minutes

### Item 1: Background and purpose of the Ministerial Group

2. The Royal Commission was established in 2018 to investigate children, young people, and vulnerable adults' experiences of abuse and neglect in State and non-State care in Aotearoa New Zealand between the years of 1950-1999. The Royal Commission's final report is expected in June 2024 and will include findings on the nature, extent, and impacts of abuse and neglect, with recommendations for strengthening the care system.
3. To assist in overseeing the Crown's response to the findings and recommendations of the Royal Commission, this Ministerial Group enables the Crown to progress this work at pace and in a way which realises the possibility of changes for survivors of abuse in care, children, young people, and vulnerable adults.
4. Due to the nature, scale, and complexity of the work, decisions sought are likely to have cross-portfolio implications. The Ministerial Group will act as a forum to support decisions taken to Cabinet but is not a decision-making body itself.
5. Table One provides an overview of the scheduled dates and proposed forward agenda. Meetings beyond September 2024 will be confirmed at a later date.

**Table One: Proposed forward agenda for the Ministerial Group** (note this will be revised to reflect updated Cabinet paper schedule)

Meeting	Focus areas
Wednesday 29 May	• Public apology – overall plan

	<ul style="list-style-type: none"> <li>• Redress system Design</li> <li>• Lake Alice – acknowledgement of torture</li> </ul>
Tuesday 25 June	<ul style="list-style-type: none"> <li>• Royal Commission final report – themes and recommendations</li> <li>• Redress system Design</li> </ul>
Wednesday 24 July	<ul style="list-style-type: none"> <li>• Public apology – apology text</li> <li>• Redress system – redress organisational form and governance options</li> </ul>
Wednesday 21 August	<ul style="list-style-type: none"> <li>• Redress system – redress scope parameters</li> </ul>
Tuesday 17 September	<ul style="list-style-type: none"> <li>• Royal Commission final report – response</li> <li>• Redress system – redress payment and support service frameworks, and funding models</li> </ul>

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## Item 2: The Crown Response work programme

6. In response to the Royal Commission's recommendations and in preparation for its final report in June 2024, Crown Response agencies<sup>1</sup> are progressing work in a number of areas including:
  - a. redress for survivors of abuse in care (see Item 3), including considering the wider redress context (civil litigation and ACC);
  - b. the planning and delivery of a public apology to survivors of abuse in care as soon as practicable following the delivery of the Royal Commission's final report;
  - c. improving access to records processes for survivors of abuse in care and other care-experienced people;
  - d. enhancements to an interim Survivor Experiences Service;
  - e. actions to acknowledge some survivors of the Lake Alice Psychiatric Hospital Child and Adolescent Unit who experienced torture; and
  - f. planning for the final report and coordinating a timely Government response to the final report.
7. The Cabinet Social Outcomes Committee (the Committee) noted a paper on the Crown Response's significant cross-portfolio work programme on 27 March 2024 (SOU-24-MIN-0019 refers) which is appended to this meeting pack (Appendix Six).
8. The Minister Responsible for coordinating the Crown Response to the Abuse in Care Inquiry is anticipating taking a paper to the Committee as soon as practicable to agree the Crown Response programme of work and to support a discussion about Cabinet's priorities for this work. This is particularly important given the likely scale, complexity and cost

<sup>1</sup> ACC, Archives New Zealand, Crown Law Office, Department of Corrections, Manatū Hauora - Ministry of Health, Ministry for Pacific Peoples, Ministry of Business, Innovation and Employment, Ministry of Education, Ministry of Justice, Ministry of Social Development, New Zealand Police, Oranga Tamariki – Ministry for Children, Te Kawa Mataaho – Public Service Commission, Te Puni Kōkiri, and Whaikaha - Ministry of Disabled People.

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associated with it as well as the relatively high expectations for a meaningful response by Government to survivors' long-standing calls for change.

9. A draft outline of the proposed Cabinet paper is attached in Appendix One for discussion.

### **Item 3: Redress for survivors of abuse in care**

10. The Minister responsible for coordinating the Crown Response to the Abuse in Care Inquiry is planning to take three Cabinet papers to the Committee from June to September seeking decisions on redress for survivors of abuse in care. Decisions associated with this work are complex and potentially costly.
11. To support Ministers' discussion around redress design the following papers are appended:
  - a. a discussion paper (Appendix Two);
  - b. a summary slide deck of the Design Group's proposals (Appendix Three). As the Design Group's proposals have not been made public yet, please do not distribute these proposals widely.
  - c. the Design Group's proposals (Appendix Four)
  - d. the Royal Commission's redress report (Appendix Five).

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## Appendix One



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Crown Response to the Abuse in Care Inquiry

s18(d) - Cabinet paper is publicly available ↷

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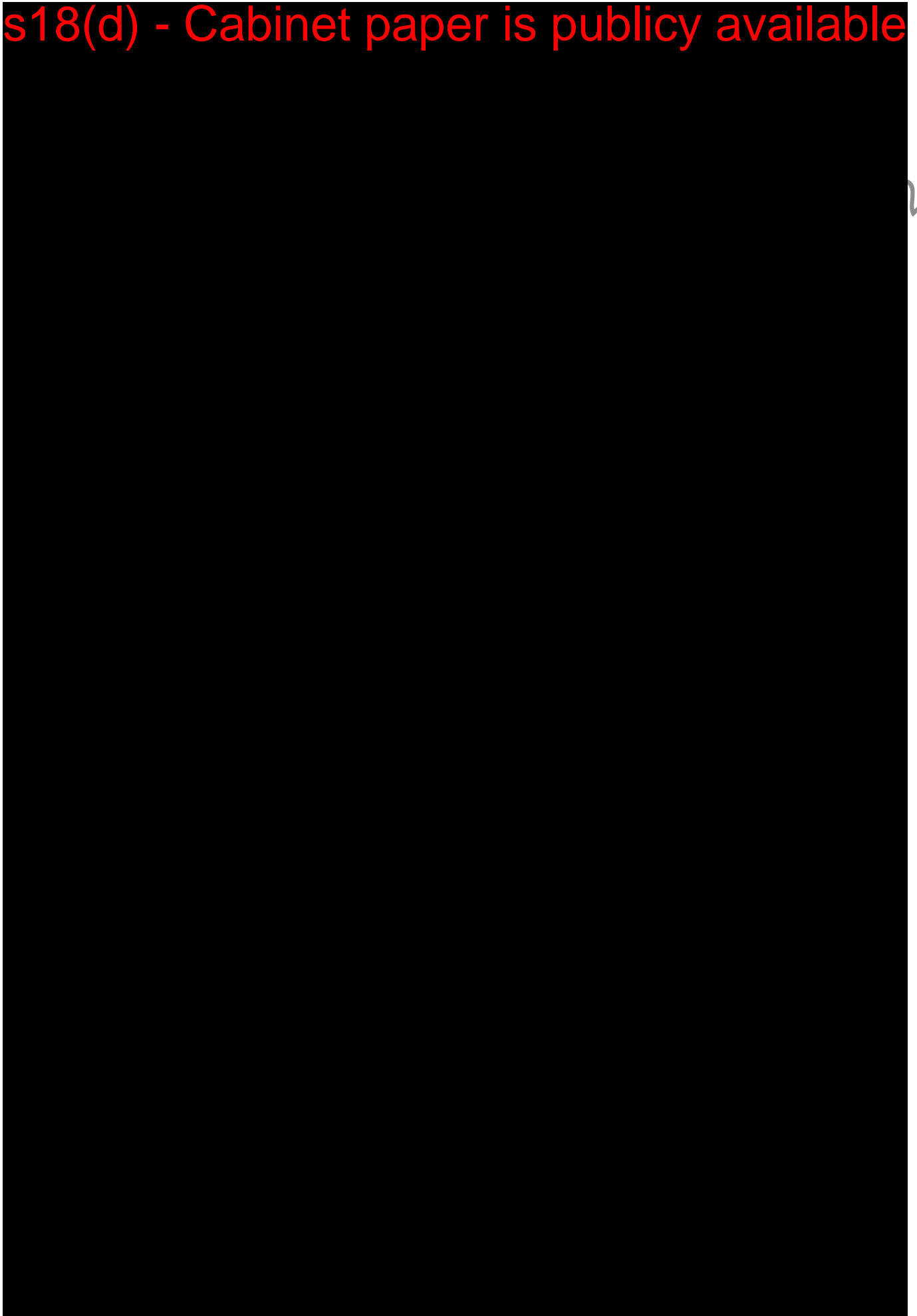
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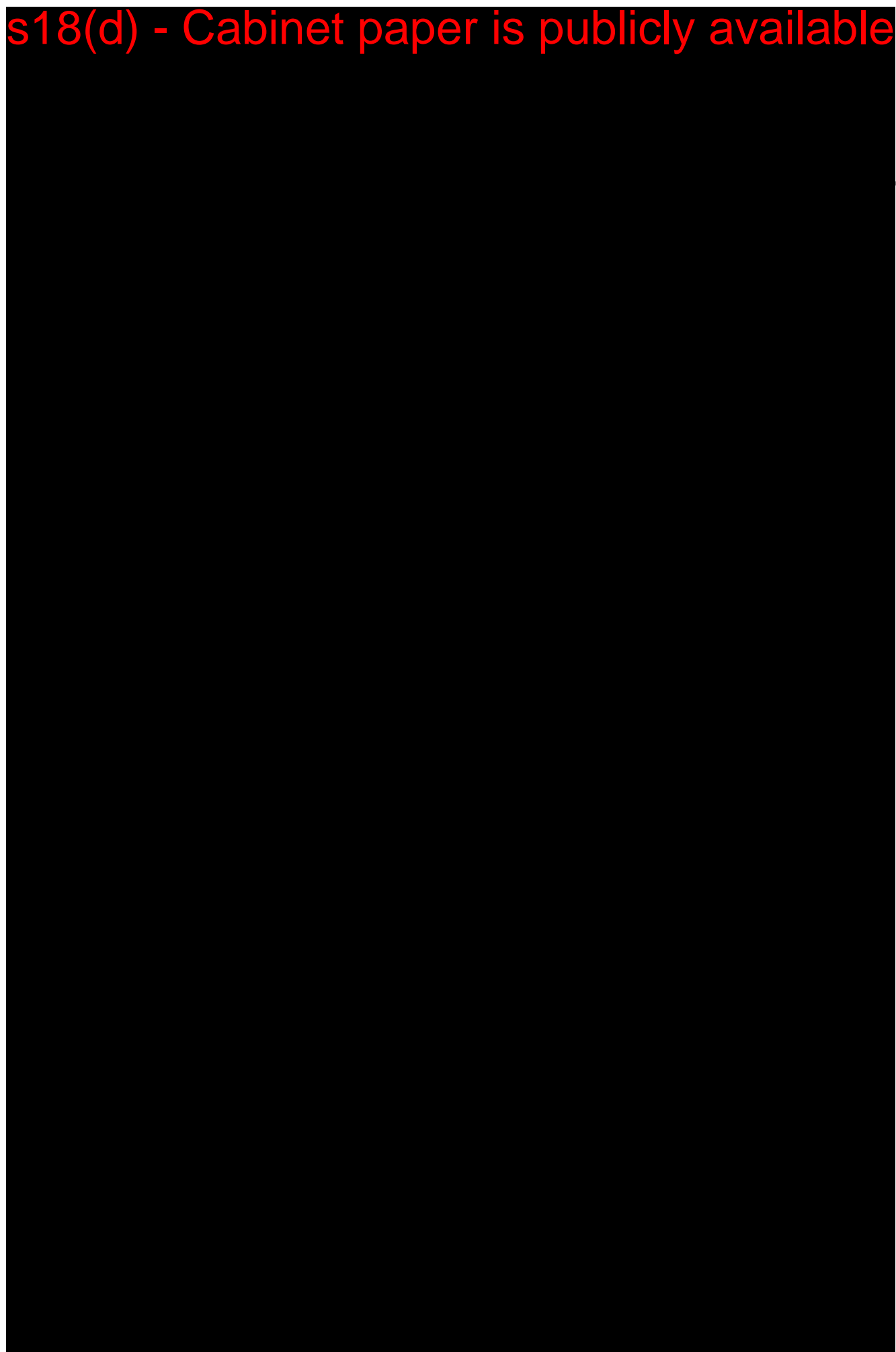
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# Appendix Two



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Crown Response to the Abuse in Care Inquiry

## Discussion paper: development of redress for survivors of abuse in care

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

**Date:** 1 May 2024

**Security level:**

2

### Purpose

1. This paper outlines findings and work to date on redress for survivors of abuse in care (survivors), and a proposed stepped approach for Cabinet to make decisions on how work should be progressed. The information is provided to give Ministers a common view of key issues to support a discussion by the Ministerial Group on the way forward.
2. It is recommended that you:
  - a. note the background information set out in this paper on the need for significant change in the way redress is delivered to survivors;
  - b. note the range of key decisions for Ministers in setting the parameters for redress, as set out in Table 2; and
  - c. consider the proposed Crown objectives for redress as set out below, and the relative weighting each objective should be given when considering design options.

### Executive summary

3. The Abuse in Care Royal Commission of Inquiry (the Royal Commission) found that wide-ranging abuse in care has resulted in significant, ongoing individual and collective harm. Previous attempts to acknowledge and address the abuse and the harm it has caused have been ineffective for a large range of survivors.
4. The Royal Commission recommended the establishment of a new, independent redress system covering survivors of abuse in State and faith-based care. The Royal Commission also recommended a survivor-focused design process.
5. In response to the Royal Commission's findings, Cabinet has previously agreed there was a need for a new redress system and initiated a phased development process involving high-level and then detailed design phases, with Cabinet considering proposals and analysis at key points to reach a full design plan for final approval and implementation.
6. An independent Design Group was appointed to produce high-level design proposals on key aspects of a redress system. The Design Group's proposals present an ambitious and innovative vision for a comprehensive, independent redress system. They contain a mix of more novel aspects alongside those that reflect more standard aspects of domestic and international redress systems.
7. It is proposed that a stepped approach is taken by Cabinet in considering the options for redress at this point. The proposed stepped approach will allow Ministers to take informed

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decisions on the most appropriate ways to address the complex issues raised by the Royal Commission's findings and systematically consider the Design Group's proposals and wider analysis.

8. While the Design Group's proposals are presented as an entire package, a stepped approach will see Cabinet consider different parts of the proposals (and their implications, risks, and opportunities) in sequence. This will allow Ministers to consider different options, based on the different policy questions raised by the proposals and the broader strategic considerations for Cabinet.
9. It is proposed there are four core objectives for redress, to be used when developing and assessing options:
  - a. delivers accountability for survivors, including apologies and financial payments that serve to acknowledge or compensate survivors for the harm experienced, and furthers obligations to prevent future abuse in care;
  - b. 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;
  - 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 many survivors and subsequent generations as a result of the injury and trauma caused by abuse.
10. Based on the Royal Commission's findings and work of the Design Group, it is clear that to deliver meaningful improvements to survivor outcomes there will need to be reform of legislative, funding, structural and delivery models.
11. While some aspects of what is needed are not fundamentally complex and/or costly, other aspects do have combinations of high cost and complexity. It is vital that Cabinet has a clear view on the potential scale, complexity, and cost implications of the different aspects and options at each stage of decision-making.
12. In addition to its recommendations on the establishment of a new redress system, the Royal Commission also recommended significant changes to civil litigation and ACC settings to enable survivors to be able to more easily pursue compensation through those systems.
13. In June 2023, the then Minister of Justice and Minister for ACC agreed to defer further consideration of the civil litigation and ACC recommendations until after the Royal Commission provides its final report. There are significant potential issues with any changes to civil litigation or ACC, and they should be considered in light of the Royal Commission's full findings and with a clearer view of a new redress system. It is proposed the deferral approach is endorsed.

**How we got here – the Royal Commission has identified wide-ranging abuse in both State and faith-based care**

14. The Abuse in Care Royal Commission of Inquiry (the Royal Commission) was established in 2018 to investigate children, young people, and vulnerable adults' experiences of abuse and neglect in State and faith-based care in New Zealand from 1950-1999 with the ability to look at experiences outside of this period.
15. The Royal Commission's findings have highlighted the widespread and severe nature of abuse and neglect that took place in children's homes, youth justice residences, foster care homes, community care providers, disability care settings, schools, churches, psychiatric and psychopaedic hospitals, and borstals.
16. Survivors of abuse in care (survivors) testimony speaks to the physical, sexual, emotional, and psychological nature of abuse experienced including cruel and degrading treatment, isolation, improper use of medication and medical misadventure. Survivors also highlighted experiences of educational, spiritual, and cultural neglect. Many survivors have spoken of abuse and neglect in multiple care settings, across both State and non-State care.
17. The impacts of the abuse and neglect experienced by survivors have been long lasting with significant intergenerational consequences. Survivors' testimony spoke to the detrimental impacts on their lives including loss of personhood, harm, trauma, loss of education and employment opportunities, poverty, homelessness, mental illness, addiction, interpersonal problems, family breakdowns, and loss of cultural identity.
18. Survivors' testimony also highlighted their longstanding struggle for justice and redress to acknowledge their experiences of abuse in care. Survivors highlighted the ineffective, long, and re-traumatising nature of existing claims processes and share their experiences in the hopes to prevent further abuse.

**Table 1. Significant reports published by the Royal Commission**

Published	Report title	Report description
July 2023	Stolen Lives, Marked Souls - The Inquiry into the Order of the Brothers of St John of God at Marylands School and Hebron Trust	Examines the historic abuse at the Marylands School for Boys with Learning Disabilities, run by the Roman Catholic order the Brothers Hospitallers of St John of God from 1955 to 1984.
December 2022	Beautiful Children – Inquiry into the Lake Alice Child and Adolescent Unit	Examines the torture, abuse, harm and trauma and neglect suffered by children and young people admitted to Lake Alice Psychiatric Hospital's child and adolescent unit from 1972 to 1980.
September 2022	Tell Me About You: A life story approach to understanding disabled people's experiences in care (1950-1999)	Provides an insight into the lives of people with learning disabilities and neurodiversity, in State and faith-based care between 1950 and 1999.
August 2022	Care to Custody: Incarceration Rates Research Report	Analyses the interagency records of more than 30,000 children and young people spanning five decades.



Published	Report title	Report description
December 2021	He Purapura Ora, he Māra Tipu: From Redress to Pūretumu Torowhānui	Outlines the struggle of many survivors of abuse in care to restore their lives, regain their mana and hold previous and current governments, State and faith-based institutions to account for the abuse survivors suffered.
July 2021	Hāhā-uri hāhā- tea, Māori involvement in State Care 1950-1999	This independent research was commissioned by the Crown Response to the Abuse in Care Inquiry and provided to the Royal Commission to help understand what sits behind Māori involvement with the State care system, its impacts, and how Māori involvement has changed over time.
April 2021	Issues faced by ACC Claimants	Identifies issues facing survivors of abuse in care when seeking cover, compensation, and rehabilitation from the Accident Compensation Corporation.
December 2020	Interim Report – Tāwharautia: Pūrongo o te Wā (Tāwharautia)	Identifies key themes and common issues from the experiences shared with the Royal Commission so far.
October 2020	Indicative estimates of the size of cohorts and level of abuse in State and faith-based care – 1950 to 2019	Provides indicative estimates of: i) the numbers of people who were in various settings of State care and faith-based care from 1950 to 2019; and, ii) the numbers of people who suffered abuse in State and faith-based care, to the extent known.
September 2020	Economic cost of abuse in care	Provides a high-level estimate of the cost of abuse in care of children, young people, and vulnerable adults in the care of State and faith-based institutions in Aotearoa New Zealand between 1950 to 2019.

### **The Royal Commission also found that a fundamental change is needed in providing redress to survivors of abuse in care**

19. The terms of reference for the Royal Commission also required it to investigate redress for survivors, in State and faith-based settings. In December 2021, the Royal Commission published its redress report – *He Purapura Ora, he Māra Tipu: From Redress to Pūretumu Torowhānui*.
20. The Royal Commission found that accessing meaningful redress for experiences of abuse in care has been a long-standing issue for survivors resulting in considerable social, cultural, and economic costs. The Royal Commission's findings highlighted that Crown and faith-based institutions providing abuse claims services:
  - a. designed processes to suit their needs, not those of survivors, and as a result have added to survivors' harm and trauma;
  - b. offer only basic forms of wellbeing support, fail to offer meaningful payments, and take far too long, sometimes years, to come up with a settlement offer;
  - c. fail to meaningfully acknowledge and apologise for the abuse, harm, and trauma inflicted and suffered;

- d. lack independence because the organisations tend to investigate themselves and control every part of the process and outcome; and
- e. do not recognise the mana of survivors or offer genuine support for survivors to heal their lives or restore their wellbeing.

21. Appendix One summaries existing State historic abuse claims processes. Agencies have been working for a number of years, and across multiple administrations, to try and improve claims processes in order to address some of the same issues identified by the Royal Commission. However, claims processes remain based on financial settlements and continue to function within operating, organisational and funding models and legislative frameworks that make it difficult to address the depth of issues identified by the Royal Commission.
22. To address the identified issues, the Royal Commission recommended the establishment of a new, independent redress system covering survivors of abuse in State and faith-based care. The Royal Commission recommended a survivor-focused design process.
23. In response to the Royal Commission's findings, Cabinet agreed there was a clearly demonstrated need for a new redress system and initiated a phased development process involving high-level and then detailed design phases, with Cabinet considering proposals and analysis at key points to eventually reach a full set of detailed proposals for final approval and implementation.
24. To support the high-level design phase an independent Design Group was commissioned to produce proposals that covered five elements):
  - a. feedback on the system's intended principles, purpose, functions, and scope, drawing on the recommendations of the Royal Commission and agreed in principle by Cabinet;
  - b. how the system should safely connect with and support survivors and whānau to navigate their redress journey – how redress needs to “look and feel” to give survivors confidence in the redress system and to provide them with a safe, accessible, trauma informed, and culturally responsive redress experience;
  - c. the types and mix of services and supports that should ideally be provided as part of each of the redress system's functions;
  - d. feedback on apology and payment frameworks, and any draft redress models and example proposals, with a focus on what is needed to support meaningful recognition of the harms people have experienced; and
  - e. an outline of the critical issues that will need to be considered as part of the detailed design and implementation planning in order to give effect to the overall design.
25. The Minister responsible for coordinating the Crown Response to the Abuse in Care Inquiry has received the proposals (which are provided separately and summarised below). This paper identifies key decisions for Ministers to guide the next stage of work. The Ministerial Group provides an opportunity to discuss these decisions ahead of reporting to Cabinet.
26. There are high survivor expectations that the Government will deliver meaningful change for improved redress.

## The Design Group proposals

27. The independent Design Group commissioned by Cabinet to produce redress system high-level design proposals has proposed:

- a. bringing all redress functions into one entity independent of the Crown and non-State care organisations, and under the governance of survivors;
- b. ensuring the system's long-term sustainability with a capital investment managed by the entity, using investment earnings to self-fund the operating budget;
- c. the Crown would provide the initial capital investment, and then secure contributions from non-State care organisations to recoup an appropriate share of the funding cost;
- d. the redress system would have five functions:
  - i. provide a safe, responsive environment where survivors can share and access support for their experiences;
  - ii. facilitate acknowledgements and apologies;
  - iii. provide access to monetary payments and targeted services and supports for survivors to restore their own mana;
  - iv. monitor, investigate, and advocate for system-level changes to care settings, to help eradicate abuse; and
  - v. manage investment funds to ensure certainty of funding and maintain a sustainable system for future survivors.
- e. have broad coverage in terms of both the types of abuse experienced and the settings the abuse occurred in;
- f. operate a high-trust model with significant decision-making about redress pathways resting with individual survivors;
- g. a focus on the supports and services survivors needed to move from a traumatised to a flourishing state, including by drawing on and expanding effective existing services, and creation of new services only where there are gaps;
- h. the delivery of personal apologies, developed through a guided process underpinned by a set of apology principles that acknowledges the limitations on what can be said so as not to create legal risk;
- i. providing access to three forms of monetary payment – with each payment having a different evidentiary requirement reflecting its purpose and monetary level:
  - i. a flat-rate welcome (whakatau) payment (of \$10,000), that helps a survivor feel valued and minimises immediate financial pressure on a survivor as they engage with the system;
  - ii. 'standard' stepped payments (of \$30,000–\$400,000) reflecting different levels of survivor experience – with suggested monetary amounts for each step which are higher than payments made by existing historic claims services, although with an expectation that the number of survivors at the upper levels of experience would be limited; and

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- iii. a flat-rate whānau harm payment (of \$10,000) available to those cared for by survivors and impacted by the latter's trauma, to help mitigate further intergenerational harm;
  - j. the need for strong performance monitoring to support continuous improvement and assurance the system is effectively using its resources to deliver against its purpose;
  - k. the importance of keeping bureaucracy to a minimum – maximising the proportion of resources that go to survivors rather than to the operation of the system;
  - l. phased implementation of different aspects of the system, prioritising older survivors, those receiving end of life care, and those living with multiple comorbidities; and
  - m. that the design and establishment of the system can itself be an opportunity for healing and should be led out by an interim survivor leadership (kaitiaki) group that works closely with the Crown.
28. Taken as a whole, the Design Group's proposals present an ambitious and innovative vision for a comprehensive, independent redress system. They contain a mix of more novel aspects alongside those that reflect more standard aspects of domestic and international redress systems, and which have design and financial implications that are more clearly understood.
29. Among the aspects that have clearer implications and design and parameter choices are the listening, apology and payment functions, performance monitoring, minimising bureaucracy, and phased implementation.
30. It is important to note, however, that the payment function is one important driver of the overall cost of redress, as well as scope and the range and nature of services and supports that could be available.
31. The areas of higher potential complexity, particularly around the level of independence and autonomy in the design and operation of a redress system including its funding model, have few direct parallels in other systems to be drawn on as design guides. Careful analysis and consideration of options will be needed to support decisions on these aspects.
32. Survivors have been clear about the lack of control and personal autonomy they experienced as children, young people, or vulnerable adults in care, and through many subsequent systems. There is an expectation from survivors, expressed through the Royal Commission and the Design Group, that they should have a role in the governance of at least some aspects of a redress system.
33. Ministers will need to consider the level of complexity they would be prepared to accept through a detailed design process. It would be vital that any detailed design process has a clearly agreed scope – agreed by Cabinet – that includes specified survivor types or groups and minimum service levels they should receive from a system.

### **It is proposed there are stepped Cabinet decisions to move forward on redress**

34. It is proposed that a stepped approach is taken by Cabinet in considering the options for redress at this point. The proposed stepped approach will allow Ministers to take informed decisions on the most appropriate ways to address the complex issues raised by the Royal



Commission's findings and systematically consider the Design Group's proposals and wider analysis.

35. There are two Cabinet papers proposed that would by their end define the parameters for how redress is delivered. A detailed design process would then follow to produce the full specifications, business case, and draft legislation. The outcome of the detailed design process would then be subject to final approval by Cabinet.
36. The papers in this phase would, in sequence, consider the:
- core issues set out by the Royal Commission related to redress for abuse in care, the Crown's objectives for redress, the nature and scale of change required and the cost implications of key choices that will be sought in subsequent papers, and the wider context of redress (ACC and civil litigation);
  - functions for a redress system, options for core system features, and consequential options for the organisation type for a system; and
  - key scope parameters for the redress system (which determine who would be eligible for redress), apology, payment and support service frameworks, the overall funding model for the system, and the structure of the detailed design process to be undertaken.
37. While the Design Group's proposals are presented as an entire package, the stepped approach will see Cabinet consider different parts of the proposals (and their implications, risks, and opportunities) in each of the three proposed Cabinet papers. This will allow Ministers to consider different options for each part, based on the different policy questions raised by the proposals and the broader strategic considerations for Cabinet – including fiscal constraints, discharging natural justice requirements, and guaranteeing the effective delivery of services to the most vulnerable survivors.
38. Table 2 provides a sense of the range of key decisions for Ministers and their high-level implications, expanding on the focus areas noted in the summary of the Cabinet papers above. Options analysis will be provided to support each decision.

**Table 2. Range of key decisions for Ministers in setting the parameters for a detailed design process**

Decision	Implications
<ul style="list-style-type: none"><li>The core objectives for redress and the objectives' relative weighting</li></ul>	<ul style="list-style-type: none"><li>Guides the development and assessment of options across the redress design process</li></ul>
<ul style="list-style-type: none"><li>The overall level and nature of change needed</li></ul>	<ul style="list-style-type: none"><li>Guides pace and cost of development process and decisions on the nature of the system to be developed</li></ul>
<ul style="list-style-type: none"><li>The system's functions</li></ul>	<ul style="list-style-type: none"><li>Key guide for scale of system, shaping overall cost – noting subsequent decisions for frameworks for each function will be direct drivers of cost in that function</li></ul>

Decision	Implications
<ul style="list-style-type: none"> <li>How the different functions within the redress system are organised across entities and governance for the new system – including extent of survivor leadership</li> </ul>	<ul style="list-style-type: none"> <li>Guides complexity of the system, shaping design process and legislation that may be needed for the system</li> </ul>
<ul style="list-style-type: none"> <li>How survivors are supported to navigate redress services, taking account of decisions around the role of different entities in the provision of different elements of redress.</li> </ul>	<ul style="list-style-type: none"> <li>Guides service design, and consequential cost and workforce implications</li> </ul>
<ul style="list-style-type: none"> <li>The scope of the system:               <ul style="list-style-type: none"> <li>forms of abuse to be covered</li> <li>care settings to be covered – State and non-State care, and which forms of each</li> <li>time period to be covered (e.g. past, present, and future abuse)</li> <li>length of time the system needs to operate (e.g. fixed time period, ongoing)</li> <li>extent to which those who have previously settled claims through existing processes can access the system</li> <li>which survivor groups or types are prioritised</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Determines eligibility for the system and therefore has a significant role in the number of people accessing the system, one of the major drivers of overall cost</li> </ul>
<ul style="list-style-type: none"> <li>The apology framework for the system:               <ul style="list-style-type: none"> <li>principles and process for developing a personal apology to a survivor</li> <li>what legislative changes might be required to support more meaningful apologies</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Guides key aspect of the redress system and survivor experience, although limited financial costs. Affects legislative programme and the nature of the legislative basis for the system</li> </ul>
<ul style="list-style-type: none"> <li>The payment framework for the system:               <ul style="list-style-type: none"> <li>categories of payment</li> <li>nature of payment steps and levels for each category</li> <li>evidentiary standards for payment categories</li> <li>treatment of the payments – tax status, influence on other payments or benefits, whether they are ‘full and final’</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Determines key aspect of the redress system that is a major driver of overall cost and affects the nature of survivor experience</li> </ul>
<ul style="list-style-type: none"> <li>The support services framework for the system:               <ul style="list-style-type: none"> <li>types and levels of support services to be accessed</li> <li>how service provision and access is to be prioritised</li> <li>extent to which the system invests in or guides broader sector capability</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Determines key aspect of the redress system that is a major driver of overall cost and affects the nature of survivor experience</li> </ul>
<ul style="list-style-type: none"> <li>The system’s funding model:               <ul style="list-style-type: none"> <li>overall funding approach</li> <li>non-State organisations contributions</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Determines both short and long-term fiscal implications for the Crown</li> </ul>



Decision	Implications
<ul style="list-style-type: none"> <li>The system's legislative basis:               <ul style="list-style-type: none"> <li>application of existing legislation to system, and any amendments required</li> <li>what new legislation is required for the system – including purpose, scope, powers, and accountability</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Affects phasing of system implementation and Government's legislative programme</li> </ul>
<ul style="list-style-type: none"> <li>Structure of the detailed design process:               <ul style="list-style-type: none"> <li>who does the detailed design work –</li> <li>oversight arrangements – including extent of survivor leadership</li> <li>how diverse survivor perspectives are to be balanced or synthesised</li> <li>critical milestones and timing</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Determines complexity, duration, and cost of detailed design process</li> </ul>

## Initial redress decisions

### *Approach to option development and analysis*

39. Officials are working through the recommendations from the Design Group and to also provide the Minister with advice on options for meaningful change that could be considered alongside of these recommendations, using the Design Group's recommendations as a starting point, and including working with the agencies to identify what opportunities there are for further improvements within their existing frameworks
40. It is proposed there are four core objectives for redress, to be used when developing and assessing options:
- e. Delivers accountability for survivors, including apologies and financial payments that serve to acknowledge or compensate survivors for the harm experienced, and furthers obligations to prevent future abuse in care.
  - f. 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.
  - g. 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.
  - h. Contributes to reducing the negative social, cultural and economic costs arising from the poor outcomes experienced by many survivors and subsequent generations as a result of the injury and trauma caused by abuse.
41. The Minister responsible for the Crown Response into Abuse in Care has asked officials to work with the Design Group in this next phase and to engage them in the development and testing of these options. This is key to ensuring important decisions are informed by survivor perspectives. Transparency will also help to build survivor trust and confidence in this Government.

***Level and nature of change required to deliver improved outcomes and accountability for survivors***

42. Whilst there will be choices available to Cabinet, it is clear that any changes to the existing system without significant reform of existing models will not deliver meaningful improvements to survivor outcomes.
43. While some aspects of what is needed is not fundamentally complex and/or costly, other aspects do have combinations of high cost and complexity. It is vital that Cabinet has a clear view on the potential scale, complexity, and cost implications of the different aspects and options at each stage of decision-making.
44. To support Ministerial discussion on an acceptable fiscal scale for redress, the following financial information will be provided to Ministers:
- a. potential costs for a redress system under different scenarios based on the numbers accessing a system, payment levels, and support service offerings;
  - b. contrasting information on the:
    - i. current spend on existing abuse claims processes;
    - ii. current spend on ACC sensitive claims;
    - iii. costs of claims that have been defended in court;
    - iv. costs of other jurisdictions' redress schemes;
    - v. scale of current non-State care redress services; and
    - vi. total estimated economic and social costs of abuse in care; and
  - c. an outline of the more detailed financial implications to be provided as part of subsequent papers (particularly related to functions, scope parameters, and payment and support service frameworks), subject to Cabinet decisions with the first paper.

***Operation of the redress system within the wider redress context, specifically ACC and civil litigation settings***

45. In addition to its recommendations on the establishment of a new redress system, the Royal Commission also recommended significant changes to civil litigation settings to enable survivors to be able to more easily pursue compensation through the courts. The Royal Commission further recommended that if the government did not amend civil litigation settings, then either ACC should be expanded to cover the same abuse as a redress system (providing survivors with complementary access to "fair compensation and other appropriate remedies") or the redress system could award "compensation".
46. The Royal Commission considered that most survivors currently have no effective remedy for abuse in care through the civil litigation system, as a result of what they consider to be legal obstacles. These include the accident compensation bar on compensatory damages for personal injury, and limitation periods. The overall aim of the Royal Commission's recommendations is to remove perceived barriers to civil redress for survivors and to make it easier to sue the Crown and non-State care organisations in respect of abuse in care or to be able to access ACC in a full range of situations, as a complementary pathway to redress.

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47. At present, some survivors may be able to access ACC for physical injury, and for 'mental injury' caused by sexual violation or indecent assault, or by physical injury.
48. For survivors who suffered harm after 1974, if the harm is covered by ACC then this operates as a bar to litigation. If the harm suffered falls outside the scope of the ACC legislation (either being pre-1974 or the harm is not covered by the ACC legislation), then survivors have access to the courts for a claim subject to the operation of the Limitation Act 2010. Generally speaking, court action would need to be brought within 6 years of one of the following (whichever is later) – the action giving rise to the claim, the survivor turning 20, "discoverability" of the harm in question, or where the claimant is suffering from a demonstrable and recognised mental illness or disability that prevents them from bringing proceedings, the recovery from that impairment.
49. The Royal Commission's central emphasis on the need for a new redress system informed Cabinet's previous decision to prioritise work on such a system. Consideration of the recommendations related to civil litigation and ACC settings, as part of the broader approach to redress, were referred to the relevant Ministers, supported by their agencies.
50. In June 2023, following joint advice from the Ministry of Justice and the Ministry for Business, Innovation and Employment, the then Minister of Justice and Minister for ACC agreed to defer further consideration of the civil litigation and ACC recommendations until after the Royal Commission provides its final report. This approach allows the recommendations from the redress report to be considered in light of the Royal Commission's full findings and the wider context they are expected to provide.

51. 9(2)(f)(iv)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

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53. We propose the first Cabinet paper sets out the wider redress context and the high-level considerations for the other remedy pathways, and seeks endorsement of the approach to defer any consideration of civil litigation and ACC settings until the Royal Commission's full recommendations are received and decisions on redress are further progressed.

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## Appendix One: Summary of New Zealand State abuse claims processes and overseas' redress schemes

1. There are a number of services for historic claims of abuse in State care operated by multiple agencies, based on the care setting and time period:
  - a. the Ministry of Education handles claims related to State primary schools before 1989 (prior to the implementation of Tomorrow's Schools) and any State schools that have closed;
  - b. school boards of trustees (noting there are approximately 2,500 boards) handle claims related to primary schools after 1989 and secondary schools for any time period;
  - c. the Ministry of Health handles claims related to psychiatric institutions before 1993 (prior to the disestablishment of the Department of Health and Area Health Boards);
  - d. Te Whatu Ora – Health New Zealand handles claims related to psychiatric institutions after 1993 (replacing the former responsibility of individual district health boards);
  - e. the Ministry of Social Development handles claims related to child protection and care and youth justice settings before April 2017; and
  - f. Oranga Tamariki handles claims related to child care and protection and youth justice settings since April 2017 – Oranga Tamariki has an interim claims process, based on the agreement it would take responsibility for claims dating from 1 April 2017.
2. Similarly, non-State care organisations, such as faith-based institutions and private schools, operate their own claims processes which can vary significantly in coverage and the redress offered.
3. Most State historic abuse claims processes currently sit across four of the agencies listed above, the Ministry of Education, Ministry of Health, Ministry of Social Development, and Oranga Tamariki. Table 1 summarises the four agency claims processes.

**Table 1. Summary of current New Zealand State agency abuse claims processes**

Agency	Ministry of Education	Ministry of Health	Ministry of Social Development	Oranga Tamariki
Care setting covered	Residential special schools and primary schools before 1989, any closed State school	Psychiatric and psychopaedic institutions	Child welfare settings prior to April 2017	Child welfare settings since April 2017
Average claim payment (NZ\$)	\$15,000	\$6,000 (excluding Lake Alice Child and Adolescent Unit, which has an average payment of \$68,000)	\$20,000	The claims service is currently progressing a small number of claims which are at various stages, and redress payments have not yet been agreed.

Agency	Ministry of Education	Ministry of Health	Ministry of Social Development	Oranga Tamariki
Current claim queue (approx.)	340	Nil	3,000	Nil
Average time to resolve a claim	2.7 years	3 months (6 weeks from the time the Ministry receives records back from Te Whatu Ora)	4.9 years	Not yet available (per above)

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# Ministerial Group Crown Response to the Abuse in Care Inquiry

Inaugural meeting

Wednesday 1 May 2024

# Agenda

Item 1: Joint Minister's Group

Item 2: Crown Response work programme – planned Cabinet paper

Item 3: Redress for survivors of abuse in care



## Item 1: Joint Minister's Group

**Item intent:** Agree purpose, way of working and forward agenda

## Purpose and operation

- Ministerial Group provides a forum for discussion of key issues prior to decisions being taken to Cabinet
- Forward agenda will be provided to sequence discussions
- Propose monthly meetings, with packs issued approximately a week in advance, with high level summaries
- Crown Response officials attend to speak to items, answer questions, and help capture content to inform Cabinet papers

**Proposed forward agenda for the Group – to be adjusted as necessary as work develops**

<b>Meeting date</b>	<b>Focus areas</b>
Wednesday 29 May	<ul style="list-style-type: none"><li>• Public apology – overall plan</li><li>• Redress system design</li><li>• Lake Alice – acknowledgement of torture</li></ul>
Tuesday 25 June	<ul style="list-style-type: none"><li>• Royal Commission final report – themes and recommendations</li><li>• Redress system design</li></ul>
Wednesday 24 July	<ul style="list-style-type: none"><li>• Public apology – apology text</li><li>• Redress system – redress organisational form and governance options</li></ul>
Wednesday 21 August	<ul style="list-style-type: none"><li>• Redress system – redress scope parameters</li></ul>
Tuesday 17 September	<ul style="list-style-type: none"><li>• Royal Commission final report – response</li><li>• Redress system – redress payment and support service frameworks, and funding models</li></ul>

## Item 2: Crown Response work programme


**Item intent:** Generate a shared understanding of the scale, pace and key decisions associated with the work programme.

# Work ahead

- A significant and complex work programme, with high survivor expectations for meaningful action, which needs to progress at pace.
- Three main strands:
  1. Government response to the Royal Commission's final report, with implications for current care system
  2. a public apology to survivors
  3. redress re-design
- Plus work on personal records for people who have been in care and work related to survivors of Lake Alice Psychiatric Hospital Child and Adolescent Unit

Seeking Cabinet agreement to work programme at the end of May.

Out of scope



## Item 3: Redress for survivors of abuse in care

**Item intent:** Test the Group's appetite for change and support for development of wider options, highlight the range of decisions and implications involved, confirm core objectives

## **Royal Commission findings**

- Wide-ranging abuse in care has resulted in significant harm
- Previous attempts to acknowledge and address the abuse and harm have been ineffective and sometimes re-traumatising for survivors
- Redress is divided across multiple State and faith-based agencies. Many survivors find it complex, inadequate, transactional, focussed on payments without support to heal.
- Survivors are diverse, with specific needs and aspirations depending on the abuse they experienced and their own personal circumstances

The Royal Commission recommended a fundamental shift to an integrated redress system that provides choice for survivors and which focusses on healing.



**Work responding to the Royal Commission's findings has been underway for some time:**

- The previous administration agreed a new redress system was needed and commissioned a survivor-led Design Group to develop proposals for re-design.
- The Design Group has delivered a vision for a comprehensive, independent redress system.
- Survivor and survivor advocate's expectations of a meaningful response to these proposals is high.
- The high-level design has aspects that are aligned with existing redress systems, and some that are more novel and ambitious.

**The Design Group's proposals have considerable delivery and fiscal risks. They can serve, however, as the basis for a wider set of options for Ministers to consider:**

- The breadth of the Design's Group's proposals pose some significant delivery and fiscal risks
- However, the proposals highlight key features that are important to survivors and which are not currently met through the existing system – choice with a focus on supports and services, survivor empowerment, and supported navigation
- The Design Group recognises its proposals are ambitious and the need for a pragmatic approach in order to deliver change for survivors.

## **We need to take make decisions on our priorities for this work and how to take it forward**

- Cabinet paper seeks agreement that significant change is required to current redress provision.
- It proposes officials develop a range of options for change and then test and refine these options with the Design Group.
- Having the Design Group closely involved would enable a shared role for finding workable solutions for the majority of survivors.
- Options would be costed, noting however ongoing uncertainty around demand.
- The draft Cabinet paper includes indicative costs of the Design's proposals. These are significant.

## **Cabinet would then make stepped decisions supported by core objectives:**

- Options would be developed and assessed using four core redress objectives:
  1. Delivers accountability for survivors and further obligations to prevent future abuse in care
  2. Supports improved outcomes for survivors
  3. Manages affordability, risks, and liability, ensuring redress sustainability
  4. Contributes to reducing the social and economic costs of abuse
- Decisions would be split across a couple of Cabinet papers.

# Ministerial Group Crown Response to the Abuse in Care Inquiry

Wednesday 29 May 2024

# Objectives

- To discuss the public apology for abuse in care and highlight issues around the apology requiring further consideration.
- To gather the group's views on whether specific redress should be developed for survivors who experienced torture at Lake Alice ahead of broader redress redesign.

# Agenda

Item 1: Public Apology to survivors of abuse in care

Item 2: Potential redress for torture experienced by some survivors at Lake Alice

## Item 1: Public apology

**Item intent:** To seek Ministers views on the draft outline for the public apology text, and matters relating to the apology event.



# Timing and rationale for a public apology for abuse in care

## Rationale and survivor engagement:

- Cabinet agreed for a public apology to survivors of abuse in care to be delivered as soon as practicable after the release of the Royal Commission's final report.
- Many survivors consider a public apology to be validation of the abuse they suffered, an important step in their healing, and an element of ensuring accountability.
- Engagement with survivors in 2022 and 2023 considered the location, timing, tone and content of a public apology, tangible actions, and key aspects of the event.

## Timing:

- The Prime Minister has indicated a provisional date of 6 November 2024.
- This would allow time to ensure the final version of the apology addresses all the issues raised in the Royal Commission's final report, and time to produce accessible, te reo, and Pacific language versions.

# Initial work to draft the apology text has begun

## Proposed draft outline of the apology:

- Opening statement: Overview of what the apology will cover, and context.
- Care settings and types of abuse: Call out the range of settings in which abuse occurred and name the types of abuse and neglect.
- Address to specific groups who suffered particular types of harm: Māori, Pacific people, Deaf and disabled people, LGBTQI+ people, and people with forced adoptions.
- Address to families and whānau: For not adequately protecting their loved ones, and for the intergenerational impacts of abuse in care.
- Address to supporters and advocates: For supporting survivors and helping to bring this issue to public attention.
- Apology for how government responded to the revelations of abuse in State care.
- Apology for poor record keeping: An issue often raised by survivors.
- Commitment to action: How government will respond (detailed more in the slide on “tangible actions” below).

## Some elements of the apology will require Ministers' or Cabinet agreement

Several issues that survivors and the Royal Commission have raised will require some consideration by Ministers, and potentially by Cabinet:

- **Systemic abuse:** The Royal Commission's final report will likely include findings of systemic abuse, and many survivors will want the apology to acknowledge this. However, the way the Crown thinks of systemic abuse is not likely to align with the Royal Commission's definition.

- s9(2)(h)

- s9(2)(h)

# Planning is underway for the public apology event

## Format:

- It is proposed to hold the public apology event in Parliament House.
- This could be followed by an event in the Parliament Banquet Hall.
- Ministers with relevant portfolios would be encouraged to be present.
- Wellbeing services would be available for survivors.
- The public apology will need to be broadcast live and streamed online.
- There may be options for survivors to hear and view the apology at informal events around the country organised by survivors and their supporters.

## Process and tikanga:

- Survivors should be involved in the event design.
- Advice is being provided by an independent Pūkenga rōpū, a group of senior Māori leaders and recognised tikanga experts, including mana whenua.
- Survivor artists will create a taonga, or memorial, to be present as the apology is delivered and the Pūkenga rōpū is working with survivors to compose waiata, poi and karakia to be performed.

# Feedback is sought on proposed regional events

- After the main apology, it is proposed to hold a small number of regional events around New Zealand to:
  - allow a more personalised event than the national apology;
  - highlight the stories of each region; and
  - help raise public awareness.
- Regional events could involve survivors, their families and whānau, Ministers and local MPs, mana whenua in each area and local government representatives.
- A small amount of funding is available in the Crown Response budget for regional events.

## **Funding is available for tangible actions to demonstrate goodwill**

- The Royal Commission recommended the public apology should be accompanied by tangible demonstrations of goodwill and reconciliation.
- Through Budget 2023, \$2.2 million was allocated for tangible actions.
- Survivors' views have been sought, and work is underway on actions that may include:
  - regional memorials or reflection spaces at sites of significance for survivors
  - scholarships and/or grants for survivors and their families to access education opportunities that they had been unable to due to abuse in care
  - a fund to support the creative projects of survivors of abuse in care.
- These would be part of a broader “commitment to action” made at the end of the apology.

## Next steps

- The Crown Response Unit is seeking agencies feedback on the draft text of the apology to ensure a cross-government view is reflected.
- Feedback is planned to be sought from a small number of survivors who have previously been working with the Crown Response. This will enable a “sense check” for any words or terminology that might be misconstrued and for any points that might be important to survivors which we might have otherwise missed.
- A draft of the apology text will then be provided to the Minister responsible for coordinating the Crown Response to the Abuse in Care inquiry, and then to the Prime Minister for review.
- Cabinet agreement will be sought on the text in early August after the Royal Commission’s final report has been received.
- At the same time, Cabinet may be advised on logistics arrangements of the apology including the event in Parliament House and any regional events.



## Meeting pack – 25 June 2024

### Ministerial Group – Crown Response to the Abuse in Care Inquiry

#### Membership:

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

#### Meeting pack:

- Aide-memoire: agenda and items for discussion;
- Discussion paper: responding to the Royal Commission's final report and initial discussion on the draft recommendations;
- Discussion paper: development of options for redress functions and scope; and
- **NOT RELEVANT TO REQUEST**

RE



# Aide-memoire



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

2

## Agenda and items for discussion

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

**Date:** 20 June 2024

**Security level:**

### Purpose

1. This pack provides the Ministerial group for the Crown Response to the Abuse in Care Inquiry (the Ministerial Group) with an agenda and papers to support its discussion on 25 June 2024.

### Agenda

	Item	Timing
1.	Responding to the Royal Commission's final report and initial discussion on the draft recommendations (discussion paper – final report).	25 minutes
2.	Redress for survivors – initial discussion on the development of options for redress functions and scope (discussion paper – redress).	25 minutes
3.	NOT RELEVANT TO REQUEST [REDACTED] [REDACTED] [REDACTED]	5 minutes

### Item 1: Responding to the Royal Commission's final report and initial discussion on the draft recommendations

2. The Royal Commission delivered its draft recommendations to the Minister of Internal Affairs on 30 May. These were subsequently shared with members of Ministerial Group and relevant agencies on 4 June.
3. Officials from all the Crown Response agencies have begun work categorising the recommendations, and a Cabinet paper being considered at Social Outcomes Committee on 26 June proposes an approach to responding to the delivery of the final report, including communications messages.
4. The attached paper identifies emerging themes and risks associated with the recommendations and invites Ministers to discuss an approach to staging decisions on these matters and to provide feedback on any additional emerging issues in relation to their portfolio areas.

RE

## **Item 2: Redress for survivors – development of options for redress scope**

5. One of the early decisions Cabinet will make in regard to redress for survivors of abuse in care is who should be able to access redress in the future. The attached discussion paper supports an initial discussion on the key significant scope decisions for Cabinet consideration and provides a view of the other decisions that will need to be worked through.

## **Item 3: NOT RELEVANT TO REQUEST**

[REDACTED]

- [REDACTED]  
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RE

2



## Aide-memoire

2

### Responding to the Royal Commission's final report and initial discussion on the draft recommendations

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

**Date:** 20 June 2024

**Security level:** Sensitive

#### Purpose

1. This paper identifies emerging themes from the Royal Commission's draft recommendations delivered on 30 May 2024, seeks decisions on the next steps needed to respond to the recommendations, and invites Ministers to raise and additional issues or matters related to their portfolios.
2. The Royal Commission's final report will be delivered to the Governor-General on 25 June 2024 and will be tabled by the Minister for Internal Affairs after Parliament returns from recess on 24 July 2024.

#### Recommendations

3. It is recommended the Ministerial Group:
  - a. **note** the key themes and the risks identified in this paper, including that many of the recommendations take a legalistic or structural focus that will involve significant costs and trade-offs both to analyse and to implement;
  - b. **note** that early decisions and clear communications will be needed to manage expectations about what decisions can be delivered and implemented by when;
  - c. **agree** the proposed approach to staging the work to respond to the Royal Commission's Final Report as follows:
    - initially prioritise a first phase of work through to end of 2024 that focusses on continuing to progress redress decisions and the delivery of a public apology as well as commence work that focuses on strengthening care quality (in accordance with the Royal Commission's recommendations), including changes that can be made within current settings;
    - commence work in early 2025 on the significant recommendations for legislative, and machinery of government changes such as a new Care Safety Agency, a new Care Safety Act and a Departmental Agency;

RE

- d. **invite** Ministers to raise any additional specific or substantive matters of concern within their portfolio areas, including trade-offs and workload issues for the analysis of the recommendations.

### **Emerging themes in the draft recommendations**

4. Details of the Royal Commission's draft recommendations are provided in Appendix One to this paper. Table One summarises emerging themes and issues.

Out of Scope



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<b>Redress:</b> All the recommendations from the previous Redress report ( <i>He Purapura Ora he Māra Tipu: From Redress to Pūretumu Torowhānui</i> ) are reiterated and a number of them are built on further. Therefore, the Redress work is key to responding to the final report as well.	

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14. Ministers are invited to consider an approach to stage decisions on the suite of recommendations. For example, Cabinet could elect to prioritise work as follows:

Stage one through to end of 2024:

- continue to prioritise decisions on redress in response to the Royal Commission's 2021 report (that are reiterated in the recommendations in the final report)

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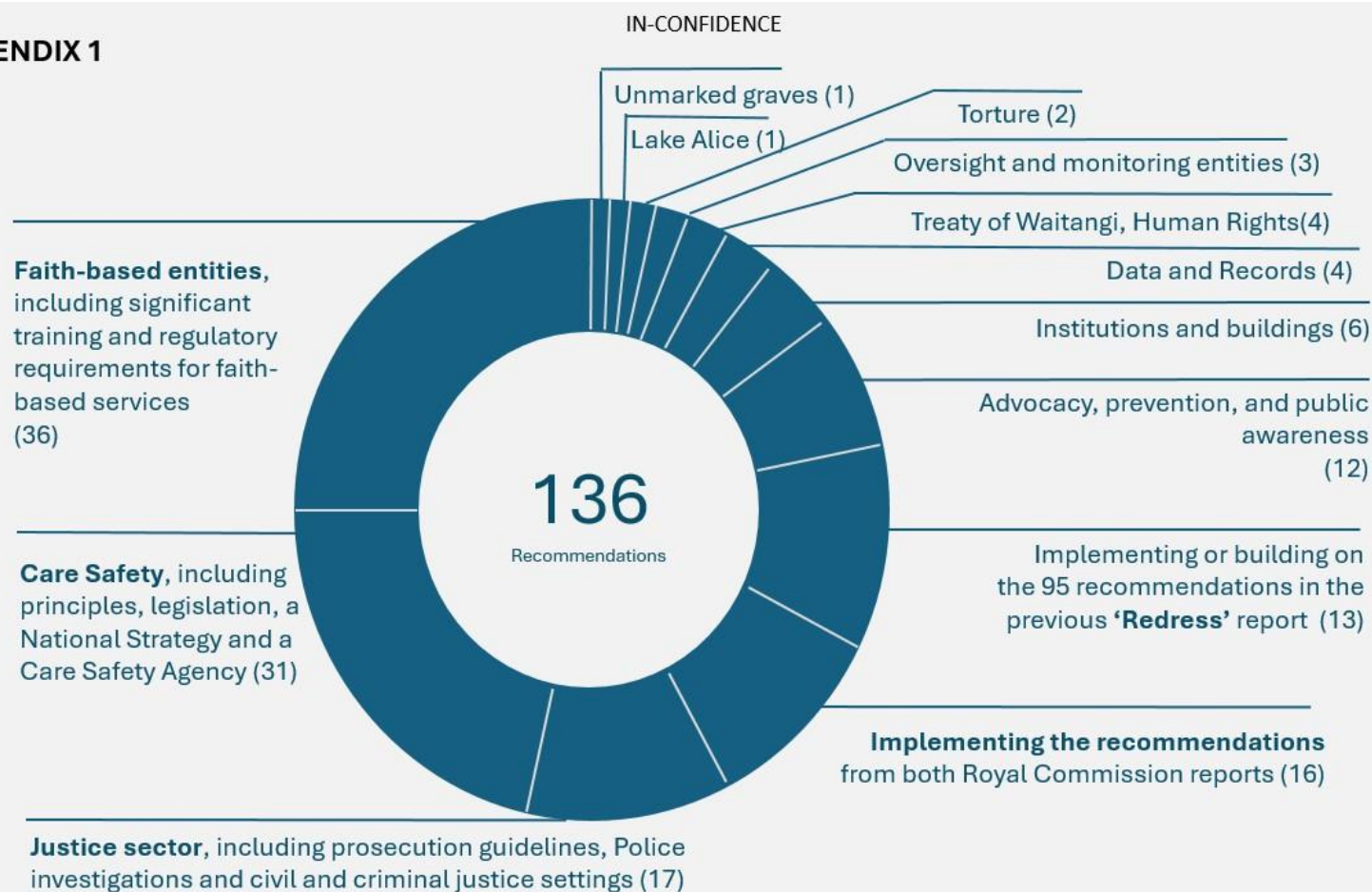
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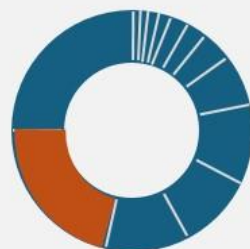
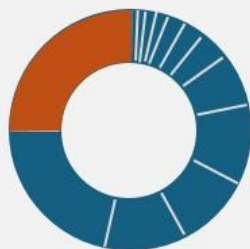
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## APPENDIX 1





## IN-CONFIDENCE



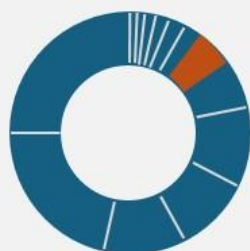
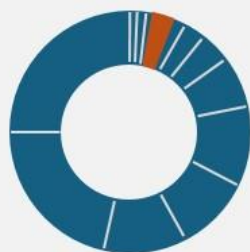
### Recommendations related primarily, or solely, to Faith-based entities (36)

Rec 12–13:	<b>Order of St John of God</b> specific actions, concerning reports of abuse, and access to redress for survivors of Marylands
Rec 86–106	Recommendations <b>to all faith-based</b> entities providing care to comply with the Care Safety Principles, the National Care Safety Strategy and other requirements including vetting, training, monitoring etc. that parallel those in State care.
Rec 107-109	Additional <b>recommendations for the Catholic Church</b> focussed on clerical celibacy.

### Recommendations related to Care Safety (31)

Rec 37	Adopt <b>12 Care Safety Principles</b> to prevent and respond to abuse and neglect in care
Rec 38	Develop <b>a statutorily enabled National Care Safety Strategy</b> on the prevention of, and response to abuse and neglect in care (led and developed by the new Care Safety Agency)
Rec 39-42	Establish an <b>independent standalone Care Safety Agency</b> with an independent Board to lead and regulate all care agencies (including enforcement). In the interim, establish a special unit within a central agency to perform the Care Safety Agency's functions overseen by an Independent Advisory Board
Rec 43-44	Enact <b>a new Care Safety Act</b> to establish a national care safety regulatory framework. Review all legislation and regulations relating to care of children, young people and adults.
Rec 45	Care Safety Act and Care Safety Agency to be responsible for consistent and comprehensive <b>care safety standards</b> and <b>penalties for non-compliance</b>
Rec 46-54	<b>Accreditation</b> of all providers, including charities, <b>safeguarding</b> to be prioritised and resourced, whistleblowers to be protected, and data collected on abuse and neglect in care.
Rec 55-62	<b>All staff and volunteers</b> working directly or indirectly to provide care to be <b>vetted, registered, and well trained</b> (Review the Children's Act 2014, develop a workforce strategy for the care sector to have a diverse workforce, safeguarding, standards of training, code of conduct - with the Care Safety Agency having the power to enforce)
Rec 63-67	Legislated responses to <b>complaints</b> including mandatory reporting and centralised recording

## IN-CONFIDENCE



### Review roles, function and powers of independent oversight and monitoring entities (3)

Rec 83–85	<b>Review independent oversight and monitoring</b> of care to remove duplication and encourage collaboration, <b>consolidate existing independent monitoring bodies</b> , remove any barriers to investigating complaints, and ensure adequate resourcing and proactive monitoring.
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### Recommendations related to institutions and buildings (6)

Rec 68-72	Accelerate work to <b>close care and protection residences</b> and support models that do not perpetuate the use of institutional environments, ban the use of <b>pain compliance techniques</b> for children and young people, ensure there are frameworks in place to govern the use of <b>restrictive practices</b> , and reduce the use of <b>solitary confinement</b> in all care settings
Rec 73	<b>Review physical building and design features</b> to identify elements that might place people in care at risk of abuse or neglect.

### Advocacy, support for families and communities, prevention, and public awareness (12)

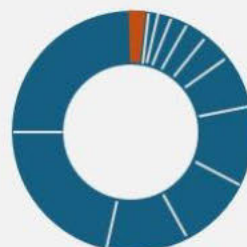
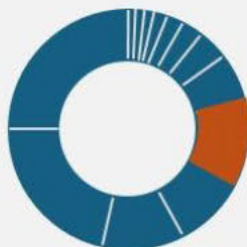
Rec 74-78	All children, young people and adults in care should have access to an <b>independent advocate</b> of their choosing, and all schools should provide access to independent advocacy for their students. The Care Safety Agency should develop a career pathway for people with lived experience to become advocates, and support connections between those in care with their whanau and community.
Rec 110-114	Public awareness campaigns, support for whanau to participate in decision making, devolution, social investment and whanau and community approaches.
Rec 119-120	Support community-based, and specialist, abuse and neglect prevention programmes

Out of scope



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### Implementing or building on the 95 recommendations of the previous 'Redress' report: He Purapura Ora, he Māra Tipu: From Redress to Pūretumu Torowhānui (13)

Rec 1	<b>Implement</b> the Inquiry's interim report on redress, He Purapura Ora, he Māra Tipu: From Redress to Pūretumu Torowhānui, together with the recommendations of the design group
Rec 2-4	Key leaders to make public acknowledgements and apologies that are consistent with the recommendations from He Purapura Ora, he Māra Tipu: From Redress to Pūretumu Torowhānui.
Rec 5	Review <b>the appropriateness of street names or public amenities</b> named after a proven perpetrator
Rec 8-9	Ensure <b>faith-based institutions and indirect State care providers join</b> the pūretumu torowhānui system and scheme (note: Rec 115-118: Partner with iwi Māori to give effect to te Tiriti o Waitangi and the United Nations Development on the Rights of Indigenous People in relation to the development of strategy, policy, design, implementation and direct or indirect delivery of care function. Review New Zealand's human rights framework to ensure it adequately addresses abuse and neglect in care.)
Rec 10	<b>Ensure eligibility</b> for the pūretumu torowhānui system and scheme is backdated to 1 December 2021 and that it is open to survivors who have been through any previous redress processes including those who made full and final settlements.
Rec 11	If the Inquiry's recommended civil litigation reforms are not progressed, <b>enable survivors</b> of abuse and neglect in care <b>to receive full compensation through ACC</b>
Rec 14	<b>Give effect to te Tiriti o Waitangi</b> in the pūretumu torowhānui system and scheme
Rec 15-17	<b>Embed human rights</b> into the pūretumu torowhānui system and scheme

Out of scope

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## Discussion paper



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

2

### The first key decisions on who can access redress

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

**Date:** 20 June 2024

**Security level:**

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#### Purpose

1. This paper identifies key decisions and issues for consideration in relation to the inclusion of non-State care and different abuse types within the scope of future redress provision. It seeks Ministerial questions, comments, and concerns on these decisions and issues to support the development of a full set of draft options for taking to Cabinet.

#### Recommendations

2. It is recommended the Ministerial Group:
  - a. **note** this paper identifies key decisions and issues for consideration in relation to the inclusion of non-state care and different abuse types in future redress provision;
  - b. **note** the Royal Commission recommended current redress provision include abuse in state and non-State care settings, including settings where the Crown has or had ambiguous, little or no control or responsibility for that abuse, and Cabinet decisions will be required on this recommendation in September 2024;
  - c. **note** the Ministerial Group meeting of 25 June provides an opportunity to raise initial questions or concerns in relation to this recommendation, noting the follow key considerations:
    - expanding current redress scope in this way would respond to issues survivors have identified around the complexity, harm and inconsistency of current redress provision by non-State care institutions;
    - expanding current redress in this way would significantly increase the overall size, complexity and cost of future redress;
    - comparable international schemes have included some level of non-State care within their scope;
    - Ireland, Scotland and Northern Ireland have focussed on non-state care settings where the State had some level of control or responsibility, with the Australian national scheme being the broadest and the closest to the Royal Commission's

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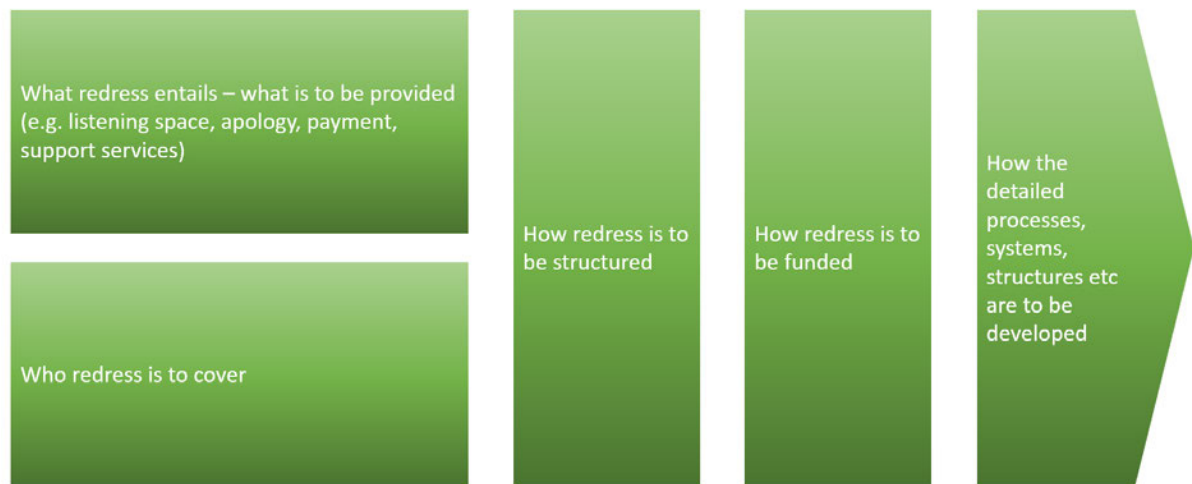
recommendations with its inclusion of settings where the state had little or no control;

- given its wide scope, the Australian national scheme has the strongest mechanisms for managing fiscal risk relative to other comparable jurisdictions, though this comes with longer lead-in times and less certainty for survivors;
- d. **note** the Royal Commission recommended redress provision cover physical, emotional, psychological, sexual, cultural and spiritual abuse and neglect and that Cabinet will need to make decisions on this recommendation in September 2024;
- e. **note** the Ministerial Group meeting of 25 June provides an opportunity to raise initial questions or concerns in relation to this recommendation, noting the following considerations:
- current domestic claims processes and comparable international redress schemes generally only cover physical, emotional, psychological, and sexual abuse and neglect, with the Australian national scheme solely focused on sexual abuse;
  - including cultural abuse and spiritual abuse as primary abuse types to be covered by redress would likely compromise the financial sustainability of redress;
  - survivors' has spoken of the impact of cultural and spiritual abuse though this has overwhelmingly been in the context of its experience alongside of other more direct forms of abuse (physical, sexual, emotional and neglect);
  - payments and support services could be tailored to respond to the compounding impact of cultural and spiritual abuse without including them as primary abuse types.

### **A stepped approach is being used to work through the five main areas of redress design for survivors of abuse in care**

3. The following figure summarises the overall questions that were agreed to be worked through in stages as part of the recent Crown Response work programme [CBC-24-MIN-0050 refers].

## The overall redress questions for Cabinet



**This paper focusses on who redress covers and in particular, whether to include non-State care and what types of abuse to include**

4. There are six separate parts to determining who can access redress, which taken together define redress's scope:
  - a. the care settings and level of care responsibility to be covered, in particular the inclusion of non-State care;
  - b. the forms of abuse to be covered;
  - c. the care time period to be covered (e.g. past, present, future);
  - d. the length of time redress needs to operate (e.g. fixed time period, ongoing);
  - e. the extent to which those who have previously settled claims through existing processes can access the system; and
  - f. whether whānau of survivors (living and/or deceased) can access some aspects of redress.
5. The inclusion of non-State care and the forms of abuse to be covered are key to determining how many people could potentially access redress. They are also the parts that are among the most complex, since they have many individual components and options that sit beneath them.
6. This paper is therefore focused on these two parts of the parameter. The remaining four parts (items c–f above) are more discrete and will be included in the discussion paper for the next Ministerial Group meeting, along with high-level redress functions.



## **Question 1: To what degree should abuse in non-State care be part of a Crown-led redress scheme?**

### **What did the Royal Commission and Design Group recommend?**

7. The Royal Commission recommended that redress should, regardless of whether an institution still exists, cover abuse in:
  - a. any State agency that assumed responsibility, either directly or indirectly, for the care of an individual when they were abused, including State schools and any individual, or any private, public or non-governmental organisation, including a service provider, to which the State passed on its authority or care functions, whether by delegation, contract, licence or in any other way; and
  - b. any faith-based institution that assumed responsibility for the care of an individual when they were abused.
8. This coverage was endorsed by the Design Group.
9. Appendix One provides a view of different care settings and continuum of different roles of the State and non-State agents in the provision of care and what care settings the Royal Commission and Design Group recommended should be within the scope of a new redress system. Across the care responsibility continuum set out in Appendix One, the level of State control and responsibility shifts significantly from:
  - At the left end of the continuum are care settings that are directly delivered by the State and which the State clearly has responsibility for, such as state schools, residential care facilities etc.
  - In the middle are care settings where the state is not directly delivering care but still has some level of control or responsibility around care, either, for example, as a purchaser, monitor or regulator of care provision.
  - Towards the other end of the continuum are forms of non-state care that the State has or had either no or a much more limited role in, such as community, cultural or faith-based groups, homes for unwed mothers etc.
  - At the absolute right end of the continuum is care in private homes.

### **What is the current approach within the Crown's existing redress schemes?**

10. Current State abuse claims processes are divided amongst agencies – Ministry of Education, school boards of trustees, Ministry of Health, Health New Zealand, Ministry of Social Development, and Oranga Tamariki – based on care setting and time period (per Table 3 below). The combination of setting and timing is based on historic responsibility by predecessor agencies for the particular setting. Together, the agencies cover most of the care settings for children, young people, and vulnerable adults.

11. The education and psychiatric settings covered by the Ministry of Education, Ministry of Health, and Health New Zealand are (or were) all State-run institutions. Crown funding covers the claims processes provided by these agencies.
12. School boards of trustees include State, integrated (which includes faith-based schools), and fully private schools. Boards are responsible for managing and funding their own claims, so for State and integrated schools the Crown indirectly funds their claims processes through general school funding.
13. The Ministry of Social Development and Oranga Tamariki cover abuse in child welfare and youth justice settings. This includes abuse in State-run institutions and care arrangements, but also abuse in some non-State institutions or organisations. Non-State care is covered when a child in the care of the State has been placed in a non-State institution, or an organisation has been contracted by the State to provide care or a youth-based programme. Crown funding covers such redress, and no contribution or cost recovery is sought from the non-State organisations (where they still exist).

**What are the international approaches to including non-state care in Crown-led redress schemes?**

14. Four comparable international redress schemes (Australia, Ireland, Northern Ireland, and Scotland) have included varying degrees of non-State care using different arrangements.
  - The Irish, Northern Irish and Scottish schemes have included non-State organisations only when they were exercising long-term, day-to-day responsibility for children in their care, whereas the Australian scheme considers all types of institutions.
  - Only the Australian scheme, while being focused only on sexual abuse, comes close to the level of non-state coverage recommended by the Royal Commission, including all care settings, both State and non-State, able to be named by applicants for redress.
15. The Australian scheme has the widest setting scope. The scheme uses a variety of factors to determine an institution's 'responsibility' for eligible abuse, including whether the institution was responsible for a child's day-to-day care, who was the child's legal guardian at the time, whether the institution was responsible for putting the child in harm's way, whether the abuser was an official of the institution, and whether the abuse happened on the premises of the institution or as part of connected activities outside.
16. The Republic of Ireland's scheme (applications to which are now closed) considered abuse in residential care settings for children. Residential care usually meant living and sleeping in a particular place for some time. A person who attended an institution only during the day would not be regarded as having been 'resident' in that institution. The scheme was able to make its own decision, based on the content of the claim, as to whether the individual was resident or not.

17. The Northern Irish scheme considers eligible abuse in residential institutions for children, which are defined as a body, society or organisation with responsibility for the day-to-day care of children. It does not include schools or educational institutions except in specific circumstances, such as schools for detained youth offenders (i.e. a borstal).
18. The Scottish scheme covers eligible abuse in settings where children were in care because their families (including extended families) could not look after them on a day-to-day basis and they therefore needed to be placed in an institutional care setting. It also covers children who were placed in certain non-State settings by some sort of public intervention, what the scheme refers to as voluntary organisations fulfilling public functions. A private school is not included, even if it is a boarding school, unless the child was placed there by some form of 'public intervention', such as a court order.

### **Key considerations around inclusion of non-State care**

*Expanding current redress scope to include non-State care settings where the Crown had ambiguous, no or only very limited responsibility would respond to issues survivors have identified around the complexity, harm and inconsistency of redress by non-State care institutions.*

19. Current Crown redress schemes already provide redress for some non-State care settings where the Crown had significant levels of control or responsibility, such as a child being in the statutory care of the State.
20. The Royal Commission recommendation would expand redress settings to include care where the responsibility of the Crown is more ambiguous or where it had little or no responsibility. This includes special education in historic contexts, where broad educational obligations were in place but there was little or no welfare monitoring. Redress for historic abuse in such circumstances has generally been the responsibility of the private institution. The exception has been where a child under State oversight, such as a custody order, has been placed in such an institution. In those cases the survivor has been able to make a claim against the relevant State agency.
21. One of the major drivers for the Royal Commission's recommendations for a single redress system covering both State and non-State care was the ease of navigation it would provide for survivors who had experienced abuse in multiple care settings. Survivors have highlighted the complexity, variable responses they receive, and trauma they frequently experience when engaging with the mix of current State and non-State claims processes.
22. Non-State care claims processes are highly variable depending on the institution involved. Some organisations operate a simple, effective, and survivor-focused approach. However, others have complex processes, which can frequently be highly legalistic and confrontational, provide minimal support during the claim consideration, and final redress packages that can be very limited.

*Expanding current redress in this way would, however, significantly increase the overall size, complexity and cost of the scheme.*

23. Including more forms of non-State care would have significant implications for the size, structuring and funding of redress. Some survivors will have also been abused in State care, but any inclusion of non-State care will increase the overall scope of redress.
24. MartinJenkins was tasked by the Royal Commission to determine the size of the population that had passed through State and non-State care between 1950 and 2019 and the potential range of people abused in care. MartinJenkins estimated approximately 655,000 had passed through care and that between 36,000 and 256,000 people were abused while in care.
25. The following table sets out MartinJenkins' estimates of the numbers of people in different care settings and the estimated ranges of people abused in each setting. It should be noted individuals were modelled to have passed through and potentially experienced abuse in multiple settings, which is why the total figures in paragraph 24 are lower than if the individual lines in the table are totalled.

**Table 1. Number of children and vulnerable adults that passed through care settings 1950–2019 and estimated numbers of children and vulnerable adults abused in those settings**

Care setting	Number of people that passed through the setting	Estimated range of people abused in the setting
Social welfare/child protection	254,000	43,000 – 99,600
Health and disability	212,000	22,200 – 72,400
Residential and special education	102,000	25,600 – 44,600
Faith-based settings (which was the Royal Commission's focus rather than all non-State care arrangements)	254,000	53,400 – 105,700

26. It should be noted that the MartinJenkins figures do not include general educational settings, which would otherwise cover every child in New Zealand.
27. Subsequent work by the Crown Response, including with actuarial experts at EY, has not identified significant opportunities to improve the base data on the numbers in care. There are therefore limited opportunities to refine the estimated ranges of those potentially abused in care. Analysis remains based on MartinJenkins' broad range of 36,000 to 256,000 potential survivors.

*All international schemes have included some level of non-state care with their scope, with the Australian scheme the broadest and the closest to the Royal Commission's recommendations (noting however its narrower focus on sexual abuse). Australia also has the strongest mechanisms for managing fiscal risk relative to other jurisdictions, though this comes with longer lead in times and less certainty for survivors.*

28. As noted above on the potential numbers of people covered by different care settings, the breadth of redress's coverage will have a significant impact on its total cost, but also the potential State and non-State funding sources. The settings covered will also have implications for the structuring of redress, and in particular the level of integration that may be needed to cover very different settings. This potentially affects the risks and liability a redress system or systems might need to cover.
29. The Royal Commission itself in recommending non-State inclusion recommended that such institutions and providers should contribute funding. A number of non-State care organisations have signalled their in-principle support to be included in redress, but that they wish to be consulted when more detail could be made available on the potential structuring of redress.
30. In terms of funding from non-State care, there are two broad choices based on the overseas schemes: recover all costs from responsible non-State institutions or seek contributions from institutions (which can be done at different points in a scheme's lifespan). The first approach, used by the Australian scheme, ensures maximum contributions from responsible institutions – claims cannot proceed without their involvement and there is therefore very limited fiscal risk for the Government, except to cover institutions which can prove they are unable to pay or no longer exist. A contributions-based approach has been used by the other three schemes, where up-front contributions were negotiated with applicable non-State organisations.
31. The Australian scheme operates on a 'responsible institution pays' model and the government seeks to recover all costs from institutions, both State and non-State. If an institution is named in a claim, they are contacted by the scheme and asked to join. Once an organisation is a member of the scheme, they will then be contacted each time they are named in a claim and have a limited opportunity to provide information and/or confirm allegations. If the scheme determines they are responsible, their proportion of responsibility is calculated, and institutions are invoiced quarterly in arrears for all costs they are responsible for. Participating institutions must also contribute to scheme administration and legal services costs.
32. If institutions decline to join the scheme, a claim cannot proceed and the only option for the claimant is to pursue a civil claim in the courts. The scheme publishes a list of institutions who refuse to participate, and the Australian government has some tools at its disposal to incentivise them to join, such as revoking their charitable status or blocking them from receiving federal funding.

- 2
33. The Irish Government agreed to fully fund redress costs and sought up-front contributions from the religious orders responsible for operating the industrial schools, in exchange for exemption from civil proceedings. This up-front contribution was based on anticipated overall cost of the scheme which proved to be significantly lower than actual costs – the overall cost of their main redress scheme was six times more than predicted. The government eventually negotiated further contributions from the religious orders, which was used for a subsequent programme of support for survivors, called Caranua.
  34. The Northern Irish Government has agreed to fully fund all redress costs and is seeking contributions from institutions which were found by the country's inquiry to be sites of systemic abuse of children. Contributions are determined through negotiation and binding arbitration with the respective institutions.
  35. The Scottish Government has agreed to fully fund redress costs and is seeking 'fair and meaningful' contributions from other institutions. In practice, the Scottish Government is seeking to fund certain parts of the redress scheme (fixed-level payments, family of deceased survivor payments, and legal costs) and then aims to split the costs of larger redress payments into thirds. Ideally, for individually assessed payment, the Scottish Government would contribute a third, local authorities in Scotland contribute a third, and the remaining third would be recovered from responsible non-State institutions, such as religious organisations.
  36. Non-state organisations are encouraged to make this contribution to the scheme and can receive some protection from civil litigation for doing so.

## **Question 2: What forms of abuse should be covered by redress?**

### **What did the Royal Commission and Design Group recommend?**

37. The Royal Commission recommended that redress for survivors of abuse in care should cover physical, sexual, emotional, psychological, cultural, and spiritual abuse, and physical, emotional, psychological, medical, and educational neglect. This was endorsed by the Design Group, though with an initial focus on those survivors who experienced torture in care, as well as the ill and elderly, and a recognition of the overall need for phasing
38. The recommended types of abuse can be broken down into two groups, which are listed in the following figure and based on:
  - a. those forms of abuse that are well defined through existing criminal and protection legislation, investigation and complaints processes, and in operating guidelines for a wide range of organisations; and
  - b. those that are not commonly used in or defined through current practice and which are less fixed in literature.



Table 2. Abuse forms with general descriptions, noting definitions can vary depending on use in legislation, research, and agency operational guidance

Well defined forms of abuse	
Physical abuse	Physical abuse represents assaults, acts of violence, improper medical treatment, or improper use of restraint
Sexual abuse	Sexual abuse represents experiences of being used for a sexual purpose
Emotional / Psychological abuse	Emotional / Psychological abuse represents tactics or behaviour used to coerce or control a person's behaviour or thoughts, including silencing and improper use of seclusion
Neglect	Abuse in the form of neglect represents experiences of enduring failure to meet basic needs including physical, emotional/psychological, medical, educational and supervisory
Less defined forms of abuse	
Cultural abuse	Cultural abuse represents being denied, deprived, disconnected, denigrated or discouraged from knowing, learning about, experiencing, being or practising a person's culture and associated spirituality and language. This includes cultural understandings of abuse such as transgressions against whakapapa, mana, tapu and breaches of tapu and Va. Cultural abuse can result in adversely affecting or belittling an individual's sense of belonging, identity and self-esteem, and have long-term impacts.
Spiritual abuse	Spiritual abuse represents the systematic use of religion, faith, or beliefs to manipulate, control, harm or silence a person.

### What forms of abuse are currently covered by existing Crown redress schemes?

39. All current State abuse claims processes cover sexual, physical, emotional, and psychological abuse, and neglect. Emotional and psychological abuse can sometimes be bundled together or treated separately depending on the particular agency. They may also list verbal abuse as a specific sub-form of emotional abuse. State agencies do not cover cultural or spiritual abuse.
40. The Ministry of Education, Ministry of Social Development, and Oranga Tamariki also cover practice failures that contributed to abuse. The Ministry of Social Development additionally covers the inappropriate detention of a child or young person and inadequate practices affecting the standard of care experienced by a child or young person.
41. Alongside the abuse forms, agencies also consider who perpetrated the abuse. In most cases agencies will only cover alleged abuse by a person employed, contracted, or otherwise engaged by the State, or where the deliberate action of such a person allowed another alleged individual to perpetrate abuse.

## What forms of abuse are covered by international redress schemes?

42. The four comparable international redress schemes, discussed previously, generally cover the well-defined abuse forms. Australia is the only scheme which focuses on one form of abuse (sexual). The Irish, Northern Irish and Scottish schemes consider the four well-defined forms of abuse noted above. None of the overseas schemes consider cultural or spiritual abuse.
43. The Australian National Redress Scheme was established following an inquiry into institutional responses to child sexual abuse. It opened for claims in 2018 and will remain open until 2027. The Australian scheme is the narrowest of the example scheme in terms of the types of abuse eligible for redress: the scheme is only open to children who were sexually abused in institutions. Non-sexual abuse (physical, psychological or neglect) can be considered as a compounding factor, but only if sexual abuse occurred.
44. The Republic of Ireland's Residential Institutions Redress Board was established following an inquiry into child abuse in residential (sometimes referred to as industrial) schools. It opened for claims in 2002 and was initially expected to be open for three years, however, due to significantly higher demand than anticipated, the closing date for applications was extended to 2011. The Irish scheme covered sexual, physical, emotional and psychological abuse, and neglect while a child was a resident in an institutional care setting.
45. The Northern Irish Historical Institutional Abuse Redress Board was established following an inquiry into historical institutional abuse of children. It opened for claims in 2020 and is expected to be open for five years. The Northern Irish scheme covers sexual, physical, emotional and psychological abuse, and neglect while a child was resident in an institutional care setting. It can also consider whether an applicant witnessed abuse of other children, was subjected to a "harsh environment", and pays a fixed amount to children who were sent to Australia as part of the 'Child Migrant Programme'.
46. Redress Scotland was established as part of the Scottish Government's response to the (ongoing) inquiry into abuse of children in care. It opened for claims in 2021 and is expected to be open for five years. The Scottish scheme covers sexual, physical, emotional and psychological abuse, and neglect.

## Key considerations

*The Royal Commission recommendation to include cultural abuse and spiritual abuse as primary abuse types in and of themselves goes beyond current domestic or international redress schemes and would likely compromise the financial sustainability of redress*

47. Under the Royal Commission's broad definitions, if less defined forms of abuse were to operate as stand-alone eligibility to access redress, they could include situations that would see all children of a particular cultural, spiritual, or religious group potentially covered by and able to access redress. For example, historic attempts to suppress or discourage the use of Te Reo Māori or sign language in schools could, under such



definitions, potentially see many Māori and Deaf people eligible for redress. This would greatly increase the number of survivors eligible for redress from the estimates that have been produced by the Royal Commission to date.

48. Such broad coverage without the use of other thresholds, would potentially swamp redress and see survivors of severe sexual, physical, or emotional abuse struggle to receive timely redress. The use of the well-defined forms of abuse and neglect to guide coverage for redress avoids this need for thresholds and would allow prioritisation to be used as a tool to manage other drivers of demand.

*Survivors have spoken of the impact of cultural and spiritual abuse though this has overwhelmingly been in the context of its experience alongside of other more direct forms of abuse (physical, sexual, emotional and psychological abuse)*

49. In most cases, the less defined forms of abuse are experienced in day-to-day life through the other well-defined forms of abuse. For example, 'cultural abuse' is described by the Royal Commission as the profound impact on a person's cultural life, and experiences shared with the Commission talk to the profound and enduring impact of disconnection while in care from cultural identity, language and whakapapa. The series of ongoing behaviours that are the basis of such abuse were generally reported in the context of other forms of abuse, particularly physical or emotional abuse, directly experienced by the child or vulnerable adult in care.
50. Similarly, 'spiritual abuse' describes instances where faith or church beliefs and teachings (including prayer, scripture, and deference to God) were used to perpetrate sexual or physical abuse. In these cases the spiritual abuse is a contributing factor to the violence directly experienced by the child or vulnerable adult in care, although its impacts can include leaving the survivor with a deep distrust of their faith tradition and disconnection from their religious community.

*Payments and support services could be tailored to respond to the compounding impact of cultural and spiritual abuse without including them as primary abuse types to access redress*

51. It would be possible to design a scheme that recognises the specific impacts of cultural and spiritual abuse without making them primary abuse types. For example, the Australian redress scheme is focussed on sexual abuse but also enables additional payments and supports where other forms of abuse occurred alongside of sexual abuse. Similarly, domestic redress schemes are considering how supports offered to survivors can be tailored to recognise and respond to the specific impact of cultural abuse within a care setting, when experienced alongside other forms of abuse and neglect.

## Next steps

52. Based on the discussion of the decisions and key considerations set out in this paper, draft options for the care settings and abuse forms to be covered by redress will be prepared for follow up testing with the Ministerial Group.

- 53. Further advice will be provided at the 24 July Ministerial Group meeting on other decisions around eligibility parameters and the high-level redress functions.
- 54. Redress structure and funding options are intended to be provided for discussion at the Ministerial Group meeting on 21 August.
- 55. The set of draft functions, eligibility, structure, and funding options will then be set out in a paper seeking Social Outcome Committee endorsement in September to engage with the former Design Group and non-State care representatives on the draft options and analysis. Feedback from these groups will then allow for options to be finalised and considered by Cabinet.

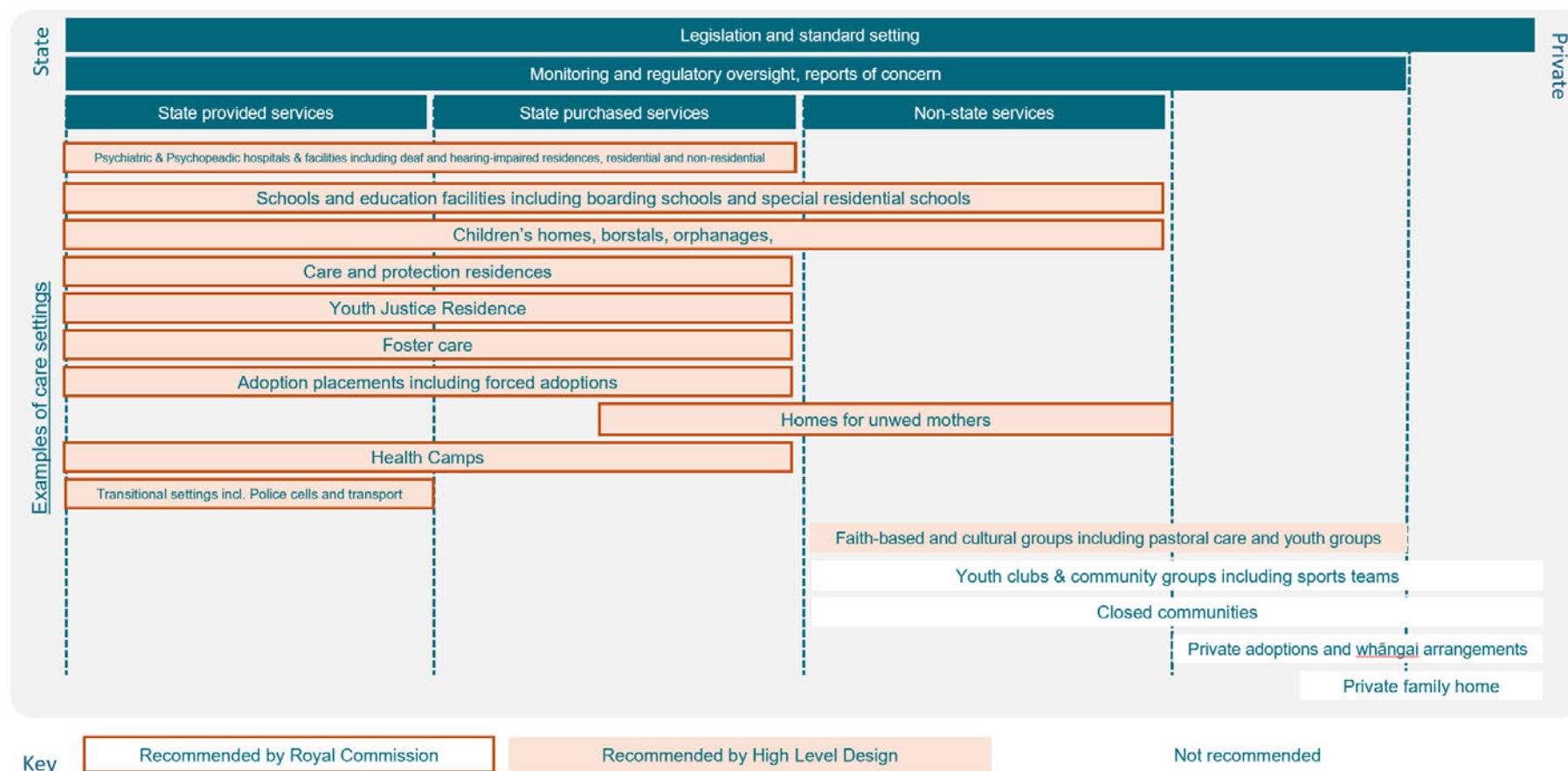
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RE

## Appendix One: Continuum of State responsibility for care

The following figure shows how the State has assumed different levels of responsibility for children, young people and vulnerable adults, with examples of settings (including current and historic types of care) where the different responsibilities were applied.

### Inclusion of non-state care in redress





Not relevant to the request

Not relevant to the request

RE

Not relevant to the request





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Crown Response to the Abuse in Care Inquiry

## Briefing

### Proposed approach to proactively releasing the Crown Response work programme Cabinet paper and the Design Group's redress proposals

Date:	17 July 2024	Security level:	
Priority:	High	Report number:	CRACI 24/032

#### 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 date, the Design Group's redress proposals (proposals) have been withheld, while Cabinet agreed an approach to considering the proposals. This briefing seeks your agreement to proactively release material related to redress for survivors of abuse in care. The proposed pack (attached as Appendix One) would release the:

- covering note – outlining the context and background to commissioning the proposals, next steps, and caveating that the proposals provide recommendations but are not government policy;
- Crown Response to the Abuse in Care Royal Commission of Inquiry: work programme Cabinet paper; and
- Putahi te mauri, he wai ora e *Connected we find vitality* – high-level design for an effective survivor-led and survivor-centred redress system;

#### Contact for discussion

Name	Position	Telephone	1 <sup>st</sup> contact
Isaac Carlson	Director, Crown Response Unit	9(2)(a)	
Corey Sinclair	Head of Redress, Crown Response Unit	9(2)(a)	✓

#### Agencies consulted

N/A

#### Minister's office to complete

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

#### Comments



## Briefing

### **Proposed approach to proactively releasing the Crown Response work programme Cabinet paper and the Design Group's redress proposals**

**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:** 17 July 2024

**Security level:**

**Priority:** High

**Report number:** CRACI 24/032

### **Background and purpose**

1. This briefing proposes an approach to proactively release material related to redress for survivors of abuse in care. To date, the Design Group's redress proposals (proposals) have been withheld, while Cabinet agreed an approach to considering the proposals. The Crown Response Unit is required to proactively release the *Crown Response to the Abuse in Care Royal Commission of Inquiry: Work Programme* Cabinet paper and as there is significant discussion of the proposals within the paper, there is an opportunity to proactively release the Design Group's proposals at the same time.
2. The material could be proactively released on the Crown Response Unit's website on Tuesday 23 July. This timing would enable you to indicate the proposals have been released in your speech at the tabling of the Abuse in Care Royal Commission of Inquiry's (the Royal Commission) final report on Wednesday 24 July.

### **Recommendations**

3. It is recommended that you:

- a. **agree** to proactively release material related to redress for survivors of abuse in care on the Crown Response Unit's website on Tuesday 23 July. The proposed pack attached as Appendix One, includes the:
  - covering note – outlining context including background to commissioning the proposals;
  - Crown Response to the Abuse in Care Royal Commission of Inquiry: work programme Cabinet paper;
  - Putahi te mauri, he wai ora e Connected we find vitality – high-level design for an effective survivor-led and survivor-centred redress system;
- b. **note** that the information on the Design Group's proposed monetary amounts for financial redress is proposed to be redacted as release could damage the public interest as Cabinet decisions have not been made on the level and structure of financial redress;

**Yes / No**

- c. **note** that proactively releasing this material would enable you to indicate the proposals have been released in your speech at the tabling of the Royal Commission's final report on Wednesday 24 July;
- d. **note** officials consider it will become increasingly difficult to withhold the Design Group's proposals in their entirety, especially once the final report is tabled in Parliament and is publicly available; and
- e. **note** that Cabinet papers should be proactively released within 30 business days after Cabinet confirms decisions. If you choose not to proactively release the pack, officials will come back to your office with alternative options for releasing the Crown Response to the Abuse in Care Royal Commission of Inquiry: work programme Cabinet paper on the Crown Response Unit's website.

Isaac Carlson  
**Director, Crown Response Unit**  
**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**

17 / 07 / 2024

### **Proposed proactive release of the Crown Response work programme Cabinet paper and Design Group's redress proposals**

- 4. On 4 June, the Cabinet Business Committee considered the Crown Response to the Abuse in Care Royal Commission of Inquiry: Work Programme Cabinet paper. The paper contains significant material about the Design Group's proposals and outlines the process for responding to them.
- 5. The Cabinet paper also contains information about when the public apology is expected to be delivered. Cabinet papers are generally proactively released within 30 business days after Cabinet confirms decisions. We consider proactively releasing the paper on Tuesday 23 July, falling slightly outside of the 30-day window, would enable you to make the appropriate announcements in your speech, when the Royal Commission's final report is tabled on Wednesday 24 July. This would follow the Prime Minister's expected announcement of the date of the public apology during the post Cabinet press conference on Monday 22 July. Officials propose a website link of the published material would be included in the communications that would be sent out following the public release of the final report on 24 July.
- 6. Given the extensive coverage of the Design Group's proposals in the work programme Cabinet paper, this is also an opportune time to review the approach to date of withholding the proposals.
- 7. There have been a number of Official Information Act requests made to the Crown Response Unit and yourself for the Design Group's proposals. These requests have, to date, been declined on the basis that the proposals had not yet been considered by Cabinet, and release



would damage the public interest. Further, that release of the proposals in the absence of any decisions from Cabinet would create confusion about what Government intentions are and make it difficult to manage expectations within the survivor community about the process and timelines for any new redress system. In March, the Office of the Ombudsman agreed with the Crown Response Unit that section 9(2)(ba)(ii) (release would damage the public interest) provided good reason to refuse a request for the design proposals during the policy development process.

8. On 4 June, Cabinet agreed [CBC-24-MIN-0050 refers] the next steps on decisions relating to redress and agreed that the Crown Response Unit, under the oversight of the Ministerial Group and working with relevant agencies, develop redress options that are informed by the Royal Commission's recommendations, the high-level design proposals, and lessons from national and international redress schemes, and that draft options be considered by Cabinet prior to testing and refining them with former members of the Redress Design Group, and other survivors as required.
9. Although no decisions have been confirmed on the nature of redress, a path forward for Cabinet considering redress options has been agreed. Officials consider it will become increasingly difficult to argue that the design proposals should be withheld in their entirety, especially once the final report is tabled in Parliament and is publicly available.
10. It is also likely that an Ombudsman may consider that there is a stronger public interest in release of the design proposals, developed and commissioned from survivors, to help contribute to and inform the general public on the issue of redress. It may be better for the design proposals to be proactively released by you as Lead Coordination Minister, than to be seen to have been compelled to release them by an Ombudsman.
11. You are also meeting with former members of the Design Group on 24 July. If you agree to the proactive release of the Design Group's proposals, ahead of this meeting, officials could inform former Design and Advisory Group members. The Advisory Group has not seen the proposals.

### **Proposed redactions to redress material**

12. The pack is attached in Appendix One, and includes the:
  - a. covering note – outlining the context and background to commissioning the proposals, next steps, and caveating that the proposals provide recommendations but are not government policy;
  - b. Crown Response to the Abuse in Care Royal Commission of Inquiry: work programme Cabinet paper; and
  - c. Putahi te mauri, he wai ora e *Connected we find vitality* – high-level design for an effective survivor-led and survivor-centred redress system.

#### *Proposed redactions for the Crown Response work programme Cabinet paper*

13. The work programme Cabinet paper outlines the proposed delivery of an apology for abuse in care and under the Official Information Act, and there is no need to withhold the date given this is expected to be announced on 22 July 2024.
14. We have proposed to withhold the following sections of the work programme Cabinet paper:

- a. paragraph 53 under section 9(2)(ba)(ii): “Appendix Three presents a range of example scenarios to give some sense of the potential scale of the annual cost and funding required for a new redress system as envisaged by the Royal Commission and Design Group. The illustrative scenarios range from \$162 million to \$1.188 billion per annum. It is important to stress that the scenarios are purely illustrative at this stage and based on different aspects that are described in the Appendix.”
- b. Appendix Two paragraph 1.i. under section 9(2)(ba)(ii) “providing access to three forms of monetary payment – with each payment having a different evidentiary requirement reflecting its purpose and monetary level:
  - i. a flat-rate welcome (whakatau) payment (of \$10,000), that helps a survivor feel valued and minimises immediate financial pressure on a survivor as they engage with the system;
  - ii. ‘standard’ stepped payments (of \$30,000–\$410,000) reflecting different levels of survivor experience – with suggested monetary amounts for each step and an additional component for those with greater vulnerability which are higher than payments made by existing historic claims services, although with an expectation that the number of survivors at the upper levels of experience would be limited; and
  - iii. a flat-rate whānau harm payment (of \$10,000) available to those cared for by survivors and impacted by the latter’s trauma, to help mitigate further intergenerational harm.
- c. Appendix Three: Illustrative redress costs drawing on Redress Design Group recommendations and existing claims processes demand and operating costs under section 9(2)(ba)(ii).

#### *Proposed redactions to the Design Group’s proposals*

- 15. The only information we propose withholding in the Design Group’s proposals is the recommendations for monetary amounts for redress. This information would be withheld under section 9(2)(ba)(ii) of the Official Information Act 1982 as we think release would damage the public interest when Cabinet decisions have not been made on the level and structure of financial redress.
- 16. There is financial information in the Design Group’s proposals that has not been redacted, this includes references to public information about the financial redress available in domestic processes and overseas schemes. The financial amounts indicate the information the Design Group drew upon to reach their proposed monetary amounts for financial redress.

#### **Next steps**

- 17. Subject to your agreement on proactively releasing the proposed pack, the material will be published on the Crown Response Unit’s website on Tuesday 23 July. Following Cabinet confirming decisions on the level and structure of financial redress, officials will contact your office about releasing the Design Group’s proposals in full. The full release of the proposals would likely follow Cabinet confirming detailed design of redress.

# Agenda Item Three



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

## **Redesign of redress for survivors of abuse in care – Stepped process for agreeing key redress parameters to support a detailed design process**

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

**Date:** 17 July 2024

**Security level:**

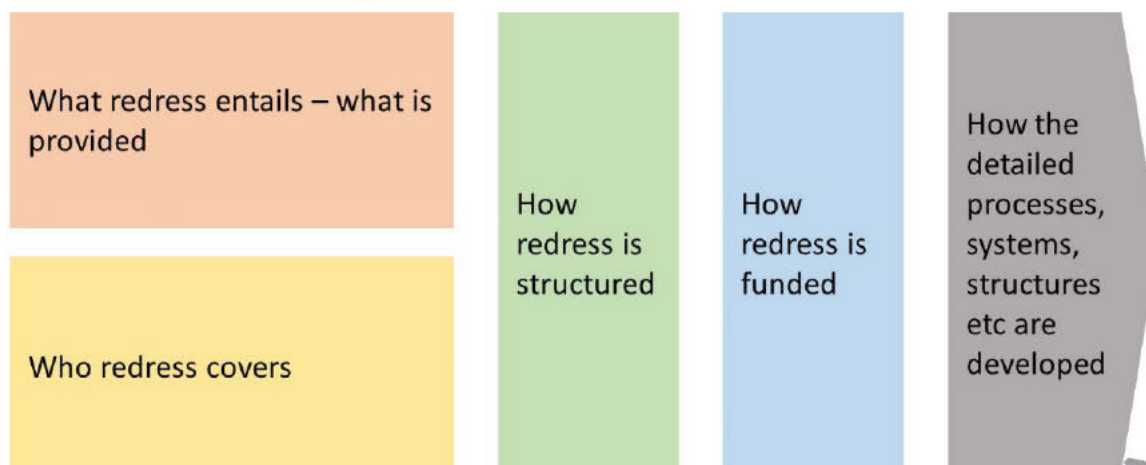
### **Purpose**

1. This paper provides an overview of the stepped process being used for Ministerial consideration of key parameters for the redesign of redress for survivors of abuse in care, and helps place the Ministerial Group's discussion on redress functions at its July meeting in the overall context of the work.

### **A. Structuring of the work and core objectives**

2. In June 2024 Cabinet endorsed a phased work programme [CBC-24-MIN-0050 refers] to respond to the recommendations of the Abuse in Care Royal Commission of Inquiry (the Royal Commission) regarding redress for survivors of abuse in care, and high-level redress design proposals produced by an independent Redress Design Group commissioned by the previous administration in response to the Royal Commission's recommendations.
3. Cabinet agreed the Crown Response Unit, under the oversight of the Ministerial Group and working with relevant agencies, develop redress options that are informed by the Royal Commission's recommendations, the high-level design proposals, and lessons from national and international redress schemes, and that draft options be considered by Cabinet prior to testing and refining them with former members of the Redress Design Group, and other survivors as required.
4. Cabinet agreed options for redress be developed and assessed against the following core objectives:
  - 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;
  - 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.

## B. The overall redress questions for Cabinet to consider in 2024



## C. Staged consideration of parameters within each overall question by the Ministerial Group to inform the redress options subsequently considered by Cabinet

Overall question	Decisions	Implications	Ministerial Group initial consideration
<p>The first tranche of options for Cabinet consideration are to cover the following three overall questions, with the following timing:</p> <ul style="list-style-type: none"> <li>Cabinet consideration of draft options – September</li> <li>Cabinet consideration of final options (following survivor engagement) – November</li> </ul>			
What redress entails – at a high level	Redress functions	Key guide for nature and scale	July
How redress is structured	The high-level structuring of the redress functions – the levels of independence and integration sought	Guides complexity of the system, shaping design process and legislation that may be needed	July
Who redress covers	<p>Redress eligibility:</p> <ul style="list-style-type: none"> <li>care settings/level of care responsibility to be covered – <i>the Ministerial Group endorsed options should include non-State care</i></li> <li>forms of abuse to be covered – <i>the Ministerial Group endorsed physical, sexual, emotional, and psychological abuse and neglect as forms for redress cover</i></li> <li>length of time the redress system needs to operate</li> <li>care time period to be covered (tied to the above)</li> </ul>	Determines eligibility and the number of people accessing redress	<p>First two scope parameters, June</p> <p>Remaining four scope parameters, August</p>

Overall question	Decisions	Implications	Ministerial Group initial consideration
	<ul style="list-style-type: none"> <li>• extent to which those who have previously settled claims through existing processes can access the system</li> <li>• whether deceased survivors and whānau are included</li> </ul>		
<p>Second tranche of options for Cabinet consideration are to cover the following three overall questions, with the following timing:</p> <ul style="list-style-type: none"> <li>• Cabinet consideration of draft options – November</li> <li>• Cabinet consideration of final options (following survivor engagement) – December</li> </ul>			
How redress is funded	<p>Funding model:</p> <ul style="list-style-type: none"> <li>• overall funding approach</li> <li>• non-State organisations contribute</li> </ul>	<p>Determines both short and long-term fiscal implications for the Crown and non-State organisations</p> <p>Affects organisational design alongside decisions on structuring of functions across entity/entities</p>	August
What redress entails – building off the high-level decisions above	<p>Apology framework:</p> <ul style="list-style-type: none"> <li>• principles and high-level process for developing a personal apology to a survivor</li> <li>• explore legislative changes to support more meaningful apologies</li> </ul>	<p>Guides key aspect of redress shaping survivor experience</p> <p>Affects legislative programme and part of the legislative basis for redress</p>	September
	<p>Payment framework:</p> <ul style="list-style-type: none"> <li>• categories of payments</li> <li>• nature of payment steps and levels for each category</li> <li>• evidentiary standards for payment categories</li> <li>• treatment of the payments – tax status, influence on other payments or benefits, whether they are ‘full and final’</li> </ul>	<p>Guides key aspect of redress shaping survivor experience</p> <p>Affects processes and overall cost</p>	September

Overall question	Decisions	Implications	Ministerial Group initial consideration
	Support services framework: <ul style="list-style-type: none"> <li>• high-level types and levels of support services to be accessed</li> <li>• how service provision/access is to be prioritised</li> <li>• extent to which the system invests in or guides broader sector capability</li> </ul>	Guides key aspect of redress shaping survivor experience  Affects processes and overall cost	October
How the detailed processes, systems, structures etc are developed	Detailed design approach: <ul style="list-style-type: none"> <li>• who does the detailed design work</li> <li>• oversight arrangements – including extent of survivor leadership</li> <li>• core features/principles for the design approach</li> <li>• how diverse survivor perspectives are to be balanced or synthesised</li> <li>• critical milestones and timing</li> </ul>	Determines complexity, duration, and cost of detailed design process	October

#### **D. Background to the work – the Royal Commission’s redress system recommendations and the Design Group’s redress proposals**

5. The Royal Commission recommended a new redress system is established that:

- a. is founded on a series of principles, values and concepts founded in te ao Māori;
- b. provides for a process with an independent, government-funded inclusive Māori Collective leading the design of the puretumu scheme, working together with survivors, a government-funded group representing survivors described as the Purapura Ora Collective and with others;
- c. is designed and run in a way that gives effect to te Tiriti o Waitangi;
- d. is established by an Act of Parliament and funded by the Crown, but with contributions from participating institutions is independent of the institutions where the abuse took place;
- e. requires the wind down of current State claims processes and for all government agencies to join and encourages faith-based institutions to join within a reasonable time, although the latter will, if necessary, be required to join;
- f. provides for financial payments that give a meaningful recognition of the harm and trauma suffered;
- g. facilitates oranga services tailored to individual survivors’ needs (and, where appropriate, those of their whānau), including help with health, education, employment, secure housing, building and maintaining healthy relationships, counselling and social and cultural connections;
- h. facilitates meaningful apologies;



- i. provides a safe, supportive environment for survivors to interact with the system, talk about their abuse and make a claim for redress, and that is open to all survivors, including those who have been through previous processes and those covered by accident compensation legislation;
- j. allows family members to continue a claim on behalf of a survivor who dies;
- k. gives priority to elderly or seriously ill survivors;
- l. covers the full range of physical, sexual, emotional, psychological, racial and cultural abuse, along with neglect;
- m. develops and makes public information about the types of support available, eligibility and assessment criteria, and timeframes for making decisions on a claim;
- n. allows survivors to choose between making a claim that takes into account abuse and its impact or simply the abuse only, which will have lower standards of proof than applies in the courts;
- o. makes belief of a survivor's account the starting point for assessing a claim; and
- p. involves survivors in deciding on the form and content of apologies and acknowledgments and choosing the nature and extent of the oranga services they may need.

6. The Design Group proposed:

- a. bringing all redress functions into one entity independent of the Crown and non-State care organisations, and under the governance of survivors;
- b. ensuring the system's long-term sustainability with a capital investment managed by the entity, using investment earnings to self-fund the operating budget;
- c. the Crown would provide the initial capital investment, and then secure contributions from non-State care organisations to recoup an appropriate share of the funding cost;
- d. the redress system would have five functions:
  - i. provide a safe, responsive environment where survivors can share and access support for their experiences;
  - ii. facilitate acknowledgements and apologies;
  - iii. provide access to monetary payments and targeted services and supports for survivors to restore their own mana;
  - iv. monitor, investigate, and advocate for system-level changes to care settings, to help eradicate abuse; and
  - v. manage investment funds to ensure certainty of funding and maintain a sustainable system for future survivors.
- e. have broad coverage in terms of both the types of abuse experienced and the settings the abuse occurred in;
- f. operate a high-trust model with significant decision-making about redress pathways resting with individual survivors;
- g. a focus on the supports and services survivors needed to move from a traumatised to a flourishing state, including by drawing on and expanding effective existing services, and creation of new services only where there are gaps;

- h. the delivery of personal apologies, developed through a guided process underpinned by a set of apology principles that acknowledges the limitations on what can be said so as not to create legal risk;
- i. providing access to three forms of monetary payment – with each payment having a different evidentiary requirement reflecting its purpose and monetary level:
  - i. a flat-rate welcome (whakatau) payment (of \$10,000), that helps a survivor feel valued and minimises immediate financial pressure on a survivor as they engage with the system;
  - ii. 'standard' stepped payments (of \$30,000–\$400,000) reflecting different levels of survivor experience – with suggested monetary amounts for each step which are higher than payments made by existing historic claims services, although with an expectation that the number of survivors at the upper levels of experience would be limited; and
  - iii. a flat-rate whānau harm payment (of \$10,000) available to those cared for by survivors and impacted by the latter's trauma, to help mitigate further intergenerational harm;
- j. the need for strong performance monitoring to support continuous improvement and assurance the system is effectively using its resources to deliver against its purpose;
- k. the importance of keeping bureaucracy to a minimum – maximising the proportion of resources that go to survivors rather than to the operation of the system;
- l. phased implementation of different aspects of the system, prioritising older survivors, those receiving end of life care, and those living with multiple comorbidities; and
- m. that the design and establishment of the system can itself be an opportunity for healing and should be led out by an interim survivor leadership (kaitiaki) group that works closely with the Crown.

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# Agenda Item Three



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

## High-level structuring of redress functions

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

**Date:** 17 July 2024

**Security level:**

### Purpose

1. This paper outlines key decisions and issues for consideration about the functions associated with the design and delivery of redress. Those issues concern the way those functions are structured, with a focus on the independence and integration. It seeks Ministerial feedback on the current direction of this work to guide the next stage of developing draft options for Cabinet on these matters in September. An A3 summary of the structuring considerations is provided in Appendix One.
2. Redress is fundamentally the attempt to put right a wrong that has occurred, by acknowledging the wrong and providing some form of remedy or reparation. The Royal Commission has set out redress functions that represent how redress should be applied for abuse in care. There are key questions in how the functions are structured to provide confidence, consistency, and ease of navigation for survivors, and efficiency in how redress operates.

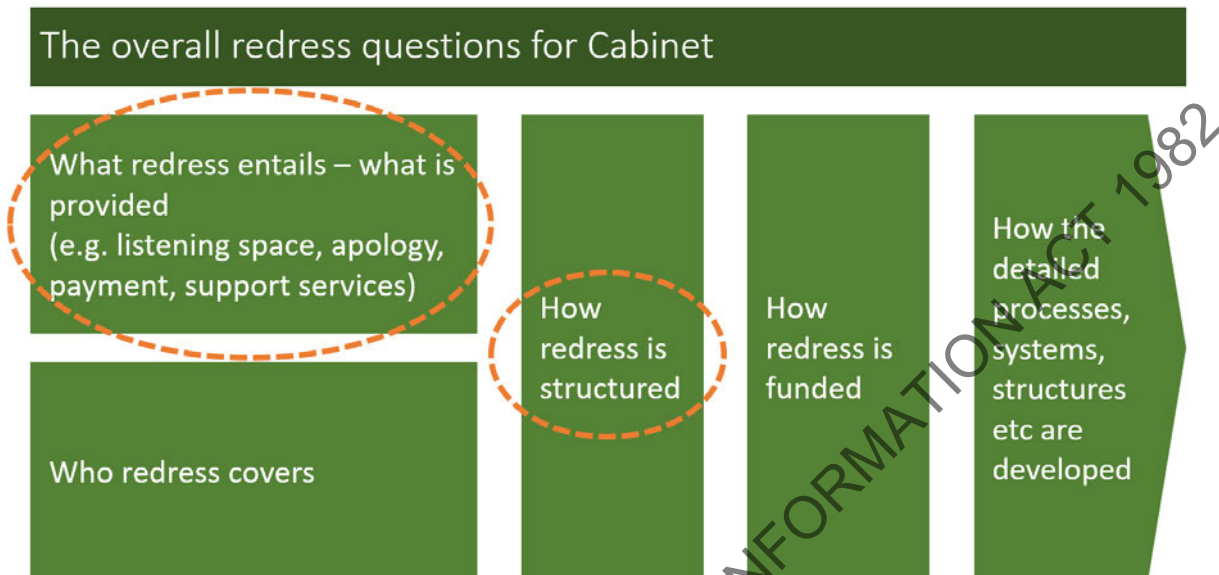
### Recommendations

3. It is recommended that the Ministerial Group:
  - a. **note** this paper seeks Ministerial endorsement to a set of redress functions and an approach to the structuring of those functions to guide the next stage of work on advice to Cabinet in September 2024;
  - b. **endorse** the four redress functions recommended by the Royal Commission, in simplified version as follows:
    - i. provide a safe, supportive environment for survivors to share their experiences;
    - ii. facilitate acknowledgements and apologies by institutions for abuse, in care;
    - iii. facilitate access to support services and financial payments that enable survivors to restore their inherent dignity; and
    - iv. share insights on systemic issues relevant to abuse in care and the harms experienced;
  - c. **note** there is a wide range of options on the level and type of payments and supports services that could be provided through redress and Cabinet is expected to make decisions on these matters in November;

- d. **note** to give effect to these four redress functions, decisions are also required on associated system-level functions, specifically policy and framework setting (including responsibility for any legislation), system governance and oversight, and redress performance;
- e. **note** there are two aspects to how these redress functions and the associated system-level functions are structured - the degree of independence (that is, how distant redress is from care provision or the Crown generally) and the degree of integration (that is, how consolidated the different parts of redress are);
- f. **note** the Royal Commission and Design Group both recommended a highly integrated redress system but had differing views on the level of independence, with the Royal Commission recommending independence from care agencies and the Design Group recommending independence from the Crown as a whole;
- g. **note** the degree of integration has implications for the simplicity of access and consistency of redress received by survivors, and the potential operational and financial efficiencies that can be achieved;
- h. **note** we consider that, as a minimum, the redress system should be built around a common set of high-level policy parameters and a consolidated approach to the monitoring of redress provision across those settings, including clear information for all survivors on what redress to expect and how to access it;
- i. **note** in addition we are investigating options for how to ensure a seamless experience of redress across different redress services as an alternative to the establishment of a single redress entity, and we will provide further advice on these options at subsequent Ministerial Group meetings;
- j. **note** the degree of independence has implications both for survivor trust and confidence in redress and the Crown's ability to discharge its moral duty regarding abuse in care while ensuring appropriate fiscal controls; and
- k. **provide feedback** on redress system design with the following features to support independence and accountability:
  - i. the Crown retaining accountability for key policy parameters and Crown spending;
  - ii. redress policy setting and claims decision-making independent of agencies with current or historic care responsibilities;
  - iii. a statutory redress monitoring role for survivors, that could extend to providing perspectives on policy and service design and delivery based on survivors' needs and aspirations;
  - iv. governance that enables survivors to influence the delivery of redress to help meet the needs of diverse survivors; and
  - v. mechanisms which support certainty and sufficiency of funding across financial years and different administrations.

## A stepped approach is being used to work through the five main areas of redress design for survivors of abuse in care

4. The following figure summarises the overall questions that were agreed to be worked through in stages as part of the recent Crown Response work programme [CBC-24-MIN-0050 refers]. This paper deals with the first area, 'what redress entails', and the third area, 'how redress is structured'.



### Part A: Functions

**There are four recommended functions that encompass, at a high-level, the different components of redress**

**The Royal Commission recommended four functions that reflect the core nature of redress**

5. The Abuse in Care Royal Commission of Inquiry (the Royal Commission) recommended an integrated redress system with four redress functions, that it:
- provides a safe, supportive environment for survivors to share their care experiences;
  - facilitates acknowledgements and apologies by institutions for tūkino (abuse, harm, and trauma) in care;
  - facilitates access to support services, financial payments and other measures that enable te mana tāngata (the restoration of a survivor's inherent dignity); and
  - reports and makes recommendations on systemic issues relevant to abuse in care.
6. The Royal Commission also recommended that the redress system should 'disseminate information about [itself] so as many eligible individuals as possible know about and can access its services'. Awareness and accessibility are important aspects of any system, and so are not proposed as a redress function. Instead they are system functions, as discussed in paragraphs 17–19 below. Effective promotion and information dissemination would be part of the detailed processes to be developed once the high-level redress parameters have been set.

**The Design Group endorsed the Royal Commission's recommended functions but proposed some amendments that reflected its views on the way the functions should be delivered**

7. The Design Group endorsed the Royal Commission's recommended functions but proposed amendments to three functions:
  - a. adding 'survivor-led' to describe the sharing environment to the first function;
  - b. noting that survivors restore their own mana in the third function, that it is not something to be 'given' by a redress system; and
  - c. expanded the fourth function considerably, from the Royal Commission's focus on identifying systemic issues within the care system to an active monitoring and advocacy function, reflecting the concern that care systems must not perpetuate abuse and produce future survivors.
8. The specificity the Design Group added to the way the functions are described highlights the central importance the Group placed on independence and survivor leadership. As the Group itself noted, the amendments speak to the way the functions should be delivered rather than their core substance. The amendments are therefore of more use when considering the structuring of the functions and the detailed design of processes, rather than the fundamental 'what' of redress.

**It is proposed that a slightly simplified version of the Royal Commission's recommended functions are endorsed to guide the next stage of work on redress design**

9. Redress is fundamentally the attempt to put right a wrong that has occurred, by acknowledging the wrong and providing some form of remedy or reparation. The Royal Commission's recommended functions represent a way of dividing up the core aspects of redress as they apply to abuse in care – allowing survivors to share their experiences, then providing an appropriate apology, payment, and access to services addressing the harm they experienced, to support an improved quality of life.
10. The Royal Commission also considered that the information gathered through a redress system represents a significant source of insights about failures in care. The trends and systemic issues a redress body identified should therefore be shared with relevant care and oversight agencies to assist with ongoing improvements to care.
11. The Design Group's proposals were provided without knowledge of the direction the Royal Commission would take in its final recommendations and findings. We now know the final recommendations include a significant focus on care oversight and monitoring, as well avoiding duplication and confusion within care monitoring. Consideration of monitoring, including any role as part of redress, should be part of the wider response to the Royal Commission's final recommendations and not a specific focus for redress. We therefore propose using a slightly simplified version of the functions as originally set out by the Royal Commission as the guide for what redress entails.
12. Current State claims processes provide each of the four recommended functions to different degrees. All agencies provide apologies and payments, facilitate access to care records, and provide access to limited counselling supports during claim processes. Agencies' listening function is primarily focused on the claim they are making, while seeking to provide a safe space for sharing experiences. Agencies' insight function is generally limited to referring immediate

safety concerns to the police or relevant care body. In many cases, they have built up significant bodies of knowledge about particular historic institutions.

13. The recently established Survivor Experiences Service provides a safe and supportive environment for survivors to share their experiences. It can help facilitate survivors access to claims processes. The Service has been established as an interim approach while the wider redress work is progressed.
14. Four comparable international redress schemes – Australia, Ireland (Republic), Northern Ireland, and Scotland – offer payments and as part of their claims process facilitate access to limited support services delivered by separate organisations. Only the Australian scheme provides direct access to counselling as part of the redress package. The international schemes do not typically provide apologies and have listening functions focused on the claim being made by a survivor. The schemes do produce regular reports on issues and trends as part of a relatively limited insight function.
15. The Royal Commission's recommended functions have a stronger focus on the safe sharing of survivors' experiences and the provision of support services than is generally the current case in domestic processes and international schemes. The recommended breadth, with choices other than a financial settlement, reflects what the Royal Commission learnt from survivors, researchers, and other experts about the ability to design redress in a way that maximises the opportunity for delivering improved outcomes – with survivors better able participate in all aspects of social, cultural, and economic life.
16. There are operational costs associated with each of the four recommended redress functions, but the third function – support services and financial payments – is the major driver of redress cost. How such a function is translated into operating procedures will be critical for the effectiveness and affordability of redress. There is a significant breadth of choices in how payments and services can be arranged and offered to help balance the outcomes they deliver for survivors against the sustainability of redress. Providing a safe space to share and a choice of support services alongside or instead of payments do not in themselves have to be costly but provide survivors with increased self-determination and choice in addressing the harm they experienced. Options for draft payment and support service frameworks are intended to be provided for consideration at the September and October Ministerial Group meetings, to inform draft framework options to be considered by Cabinet in November.

### **Alongside the redress functions are three system functions needed to support the effective delivery of redress**

17. The Royal Commission (and Design Group's) functions focus on what redress is to be delivered. There are also system functions needed to support the effective delivery of the redress functions. These system-level functions are:
  - a. policy and framework setting, including responsibility for any legislation;
  - b. system governance and stewardship, including accountability for Crown expenditure;
  - c. redress performance monitoring; and
  - d. overall awareness and accessibility of redress.

18. The Royal Commission and Design Group did not address the first three areas as specific functions but spoke to some aspects of them, for example when noting there needs to be clear performance frameworks and reporting to help provide confidence that the redress delivered fulfils its intended outcomes, and for redress system policies to be developed through collaboration and engagement.
19. When considering redress structuring, it is important for the Crown to have a clear view on the system-level functions as they represent key areas for managing risks around redress and for effectively discharging the Crown's moral and legal duties, including the development and oversight of legislation, and accountability for Crown expenditure. The following discussion of redress function structuring therefore includes relevant consideration of system functions.

## **Part B: Structuring of the functions**

### **There are two fundamental aspects for structuring redress functions – the degree of independence and the degree of integration**

20. When considering how the redress functions could be structured, the following two aspects – degrees of integration and independence – define the range of potential options. The aspects intersect but are outlined separately to be clear about what each means in the context of redress. Decisions around independence and integration will significantly affect survivors' experiences when seeking redress, as well as the role and risks of the Crown and non-state institutions.

#### *Independence*

21. Independence in relation to redress refers to the:
  - a. separation or distance between redress provision and the care agencies where abuse occurred; and
  - b. separation or distance between redress provision and the Crown and non-state care providers in general.
22. The nature of the independence is defined through the:
  - a. degree of Ministerial and statutory oversight – what reporting requirements are in place, what scope a Minister or Ministers have to direct the priorities and performance of a body, system or function;
  - b. scope of powers – what ability does a body have to determine its own policies and how a function is discharged;
  - c. nature of governance – what form of governance is in place, and who or what does it report to (intersecting with the degree of Ministerial oversight), with what composition and appointment process (intersection with survivor leadership as a factor highlighted by the Design Group); and
  - d. funding available – the funding arrangements in place to support the body, system or function (including the security of funding streams), the reporting requirements in place, and the purposes for which the funding can be used (intersecting with the scope of powers).

23. The way in which independence and integration are configured are connected to decisions on the nature of funding models, eligibility, and frameworks covering apologies, payments, and services. Detail for the redress functions will be set out in frameworks covering apologies, payments, and support services – which can include the ability for strong performance oversight, innovation, and risk management. Direction from Ministers on the degree to which independence and integration is enabled will narrow the range of options presented to Cabinet.

### *Integration*

24. Integration in terms of redress refers to:

- a. the degree of consistency in the way each function is discharged;
- b. which functions are grouped together; and
- c. the way in which functions (or groups of functions) are delivered to and experienced by survivors – for example, how many bodies are providing the functions, whether there is a common entry point that provides access to multiple bodies.

25. Integration of functions is a structural choice, separate to the physical centralisation of delivery. Even a highly integrated approach still enables 'hub and spoke' type delivery models, where a single body may be responsible for all functions but facilitates access to contracted services that are delivered locally to survivors. The optimum delivery model will need to be identified through the detailed design process, since it depends on the decisions made by Cabinet on the high-level parameters in this stage of work. Such an approach also allows for engagement with survivors on how redress should be experienced in a tangible way.

**The Royal Commission and Design Group recommended a highly integrated redress system, while having different views on how independent the redress system should be – with the Royal Commission focused on independence from care agencies and the Design Group on independence from the Crown**

26. In its redress report, the Royal Commission recommended:

- a. The Crown should take an all-of-system approach to responding to abuse in care.
- b. The Crown should set up a fair, effective, accessible and independent puretumu torowhānui scheme.
- c. The puretumu torowhānui scheme should operate independently of the institutions where tukino (abuse, harm and trauma) took place.
- d. The puretumu torowhānui scheme should encourage the provision of support services locally, while the Crown should properly resource local services, and commissioning new support services where gaps have been identified.
- e. The membership of the governance body for the puretumu torowhānui scheme should give effect to te Tiriti o Waitangi, and reflect the diversity of survivors, including disabled survivors, as well as including people with relevant expertise.

27. In its recommendations and accompanying commentary, the Royal Commission envisaged a single integrated redress system that oversaw all of the proposed functions, although delivery of support services would be highly decentralised.

28. While recommending an independent system, the Royal Commission's view of independence was focused on the boundary between redress and agencies providing care. In the commentary accompanying the recommendation on independence, the Royal Commission noted "The problems with existing redress processes are well-documented. The solution, in our view, is establishing a new puretumu torowhānui scheme that is open to all survivors of abuse in State and faith-based care, including indirect State care, and is independent of the State, indirect State care providers and faith-based institutions. That is, it should be an independent Crown entity, not a departmental public body."
29. The Royal Commission also highlighted the importance of the system being survivor-focused, trauma-informed, and accessible to all survivors.
30. In its high-level design proposals, the Design Group recommended:
  - a. An independent, survivor-led central entity with survivor-facing and system-facing functions is established, to deliver monetary payments and personal apologies and acknowledgements, coordinate access to survivor-elected services and supports, and monitor and report on the Survivor-Led Redress System's performance as well as progress towards the eradication of abuse in care.
  - b. The Survivor-Led Redress System puts survivors at the centre of its governance and executive.
  - c. The Survivor-Led Redress System must be constituted by a flexible range of survivor-focused redress pathways.
  - d. The central entity performs and retains the functions necessary to ensure that redress is and remains survivor led.
  - e. The central entity sits within, monitors, and facilitates a comprehensive and responsive range of redress experiences.
31. The Design Group's recommendations also envisage a highly integrated single redress system that facilitates access to a decentralised range of support services. The Design Group had a stronger view on redress independence, envisaging an entity removed from the Crown at governance, operating, and funding levels.

**New Zealand State and non-State claims processes have very limited independence, are well joined-up internally but limited integration across services, leading to highly variable survivor experiences**

32. The four main current State care claims processes – operated by the Ministry of Education, Ministry of Health, Ministry of Social Development (MSD), and Oranga Tamariki – have low levels of independence in terms of the Royal Commission's recommendation being based in agencies that either currently provide care or have historic links with care. Some aspects of the functions delivered by the agencies are independent. For example, the Ministry of Education employs external assessors to review and make decisions on claims, with the independent decision then implemented by the Ministry's Sensitive Claims unit.
33. Considering oversight, scope of powers, governance and funding, the existing claims processes have a low degree of separation from the Crown in general, and minimal separation from care agencies.



34. The Survivor Experiences Service is an interim service that was recently set up to provide a safe and supportive environment in which to share experiences. The Survivor Experiences Service is independent from care agencies and is based within the Department of Internal Affairs, under a Ministerially-appointed Board that is primarily comprised of survivors.
35. Non-State care claims processes have low levels of independence being provided by the organisations that were also generally responsible for providing care. Non-State organisations are highly variable in the processes they operate, with some using independent advisors or panels to consider claims, others having staff directly considering claims, and others using restorative justice type processes.
36. There is limited integration across the existing claims processes within the Crown and no integration between the Crown and non-State claims processes. There is no common entry point for redress available in New Zealand, meaning survivors must go to individual agencies if their care spanned multiple settings. Agencies provide some assistance to such survivors in connecting them with other relevant claims processes, but this is a manual process for agencies. Agencies also refer applicants to other services where available. For example, the Ministry of Health, encourages applicants to its service to connect with the Survivor Experiences Service if they are looking for somewhere to share their experiences in a safe and supportive environment, leaving the Ministry's process to focus on acknowledgment, payments and supports.
37. All State care claims processes operate in line with the Crown Resolution Strategy, which sets out five principles for resolving claims. However, the principles are set at a high level and while agencies fulfil them for their particular circumstances there is limited consistency across the claims processes in terms of payments and supports available (reflecting the individual care setting), and in some situations within the broader settings as well. For example, in health settings, there are significantly different payments available to those who experienced abuse in the Lake Alice Unit, compared to those who experienced abuse in other psychiatric care settings. The teams operating the claims processes collaborate to try and ensure consistency of communications with and information for survivors.
38. The claims agencies are internally integrated with dedicated teams handling three of the four key functions (acknowledgement, payments, and (to a limited degree) supports,) to ensure information flows and approaches internally are as seamless as possible. There is also integration between some agencies based on the care setting they cover. For example, while MSD manages redress for abuse in child welfare settings prior to 2017, child welfare records are held by Oranga Tamariki. There is a robust process in place for the provision of records from Oranga Tamariki to MSD.

**The structuring of redress in international schemes is generally more independent, and involves internally integrated single entities**

39. Information on the structuring of four comparable international redress schemes – Australia, Ireland (Republic), Northern Ireland, and Scotland – is set out in Appendix Two. All have established a single redress scheme (entity) although it is important to bear in mind the schemes vary in scope and eligibility, as discussed in the previous paper for the Ministerial Group on redress scope. Importantly, only the Australian scheme provides personal apologies as part of an offer of redress.
40. In terms of independence, the international schemes have approached independence in two ways. Australia's redress scheme is similar to current New Zealand State processes as its redress

entity is based within the Australian Department of Social Services. The only element of independence in the Australian scheme are its independent assessors who make decisions on redress applications. Ireland, Northern Ireland, and Scotland all have a version of an independent Crown entity model, although these entities do not provide all redress functions. In these three examples, legally independent public bodies were established with Ministerially appointed board members (or in the case of Northern Ireland, some appointments are made by the judiciary), who make decisions on redress applications. The entities work in partnership with their respective governments, with administrative and operational support provided by government, and the independent entity making decisions on redress awards.

41. Looking at the degree of integration, all four schemes are fully integrated in the sense that they have one single redress scheme operating an integrated framework in each country, although again it should be noted that the Irish and Northern Irish redress schemes are only open to those who were abused in residential schools.

### **Independence is important for survivors, but the nature of that independence can be delivered in different ways**

*The intent of the Design Group's proposals and the Royal Commission's recommendations relating to independence and survivor leadership is to help ensure the integrity and effectiveness of redress*

42. When considering the nature of the Design Group's proposals, it was envisioned that the eligibility parameters and frameworks guiding the way in which apologies, payments and services are delivered would be established by a survivor-led group and enacted in legislation to deliver a survivor-led redress system. Once established, the system would be funded through a one-off capital investment to enable the establishment of a charitable trust or non-government organisation which has no further dependence on or accountability to the Crown.
43. The Design Group also envisaged that the entity would operate within legislative parameters and highlighted the importance of the entity being held to account against those parameters. The proposals offer little detail on how the entity would be held to account, for example whether this might be through the civil courts by individual or collective survivor action.
44. The Royal Commission's recommendations highlighted that redress would need to be governed and delivered independently from agencies with current or historic care responsibilities and considered a statutory entity the best mechanism to deliver this. The Royal Commission highlighted that having redress decided by agencies which had either perpetrated or failed to prevent abuse represented a significant conflict that undermined survivors trust in and willingness to access redress. The Royal Commission made no recommendations relating to the monitoring of redress provision.
45. In addition to independence the Design Group also highlighted the importance of survivor leadership. Its proposals envisage a significant role for survivors in the provision of redress at all levels, while the Royal Commission recommended a specific role for survivors in redress governance which reflected the diversity of the survivor population. The Royal Commission also highlighted the importance of having appropriate skills and expertise needed for effective governance.
46. The Design Group's proposals intent, as well as the Royal Commission's to some extent, is to avoid the risk of the Crown comprising the integrity and effectiveness of the redress system, by:
  - a. failing to consistently prioritise meaningful funding for redress;

- b. seeking to design and operate the system to minimise the cost of redress to the Crown;
- c. failing to understand and respond to the needs of survivors through decisions around redress design and operation;
- d. being too closely associated with the redress system which may risk survivor confidence in the system; and
- e. being too risk averse for fear of loss of public confidence and therefore compromising the ability to design and deliver innovative but potentially higher risk supports and services for survivors.

*A fine balance needs to be struck between the Crown's accountability for abuse in care and independence and survivor leadership*

- 47. From the Crown's perspective there are two further matters to consider in relation to independence and survivor leadership:
  - a. accountability for key policy parameters and spending;
  - b. managing fiscal risks to ensure redress sustainability.
- 48. While there is a strong desire highlighted in the Design Group's proposals to limit the role of the Crown in the design and operation of the redress system, the Crown ultimately remains politically, legally and morally culpable for abuse in care and the Crown, rather than survivors, should therefore be held accountable for ensuring the effective provision of redress for that abuse. The Design Group's proposals envisage the Crown primarily being held to account through funding redress. However, Crown funding for redress imposes responsibilities on the Crown to be accountable for that expenditure. The Royal Commission outlined a stronger role for the Crown working in partnership with survivors, although with significant distance from care agencies.
- 49. Crown accountability is particularly important given high survivor expectations, the sensitivity and complexity of redress provision and the likely high and uncertain cost of redress and associated fiscal risks. Additionally, decisions around who redress is delivered to and how it is prioritised could be contentious (with potential disagreement on this matter between different survivor communities) meaning the Crown will need to remain close to policy settings to help ensure appropriate fiscal controls and to avoid survivors having to carry responsibility for those contentious choices.
- 50. Retaining accountability for the Crown for key redress parameters and spending would not align with the Design Group's recommendations. There are, however, other ways in which to strengthen the role of survivors within this framework. In particular, we consider there should be a central role for survivors within redress system monitoring, in particular providing perspectives on how redress could deliver on the needs and aspirations of survivors, how redress is performing in relation to those needs, and providing perspectives into the design and delivery of relevant redress functions.
- 51. The previous paragraphs highlight the need for Crown accountability for key policy parameters and Crown spending. However, consideration is also needed on how give effect to the Royal Commission's findings that the Crown has consistently failed to adequately resource redress and therefore the intent behind the Design Group's recommendations for sufficient financial

independence from the State. Officials consider mechanisms need to be explored which could enable affordable and sustainable redress provision across financial years and administrations.

*Recommended way forward on independence*

52. Reflecting the key concerns for the Crown and the ways in which independence can be defined, and survivor concerns, we are seeking Ministers' feedback on a redress system design with the following features to support independence and accountability:
- a. the Crown retaining accountability for key policy parameters and Crown spending;
  - b. redress policy setting and claims decision-making independent of agencies with current or historic care responsibilities (consistent with a number of overseas jurisdictions);
  - c. a statutory redress monitoring role for survivors, that could extend to providing perspectives on policy and service design and delivery based on survivors' needs and aspirations;
  - d. governance that enables survivors to influence the delivery of redress to help meet the needs of diverse survivors; and
  - e. mechanisms which support certainty and sufficiency of funding across financial years and different administrations.
53. Subject to Ministerial feedback, draft redress structure options will be prepared for the draft Cabinet paper for consideration in September. To inform these draft options further design work will also be completed with the Public Service Commission and the Treasury.

**Integration supports survivors to have a simple, consistent redress experience, and can help drive overall operational efficiency**

*Survivors have highlighted the inconsistency in the levels of redress offered for similar abuse in different settings by current claims processes, which undermines the accountability and outcomes achieved by survivors*

54. In testimony to the Royal Commission, direct engagements, and in the Design Group's high-level proposals, a number of survivors have highlighted the disparate redress (in particular different payments) offered for similar abuse in different care settings, whether State or non-State. This has significantly undermined many survivors trust in the accountability offered by the existing redress processes – different payment levels imply different views on the severity of what a survivor experienced, or else suggest that redress is being treated in a totally arbitrary manner.
55. Different redress offerings are also likely to be affecting the improved outcomes a survivor can experience from the redress they receive. Where payments are being used by survivors to secure support services to address the impacts of abuse on their lives, different payments naturally affect the services they can procure. For survivors that have experienced similar types of abuse to subsequently be able to afford different levels of support only because of where the abuse occurred creates a significant inequity.
56. Claims processes have developed at different times in response to survivors coming forward with allegations of abuse in different settings. These varied development pathways, which have involved different funding mechanisms and legal considerations reflecting different sectors, have led to the current disparate offerings. Previous attempts by the Crown at harmonisation have

focused on the types of engagement survivors have during the claim process. The redress offered by non-State organisations is similarly varied, without the benefit of any overarching body to support even process harmonisation.

57. There is the opportunity to provide consistency of eligibility and the redress to be offered through, at a minimum, consolidated policy setting by the Crown that includes common frameworks to be used by whatever bodies are providing redress. This would be complimented by coordinated performance monitoring that helps to ensure the common policies are all being consistently and appropriately applied.

*Survivors of abuse in multiple care settings have highlighted the difficulty in navigating current State and non-State processes, which undermines the outcomes achieved by survivors*

58. Survivors of abuse in multiple care settings have highlighted the significant complexity they face in having to identify and apply to multiple agencies when seeking redress for their full experience. This can start with simply understanding which claims process covers which care setting for which time period. Claims agencies can assist survivors with other processes once they have made initial contact, but this does not remove the fundamental need to engage with different processes.
59. Individual State and non-State processes will generally have their own procedural requirements reflecting their different development as noted above. Along with different demand levels on individual agencies, these procedural differences will typically result in varying timeframes for each process and require survivors to provide different supporting materials or evidence. All of which can be retraumatising for some survivors, undermining their wellbeing and the effectiveness of the redress they eventually receive.
60. In a worst case, some highly vulnerable survivors (in particular intellectually disabled survivors) can 'fall through the cracks' by becoming so confused about the different claims processes that exist and which covers their care that they do not engage with redress at all.
61. There is the opportunity to provide to greater clarity on what redress is available and how to access it. At a minimum this would be via a consolidated directory of redress bodies and how to contact them – with clear information on the care settings each covers, the types of redress available, and the process involved with applying for and being considered for redress. Such a list could be promoted through multiple channels and in a wide variety of formats.
62. One step along from consolidated information would be a consolidated entry point. This would be a service that survivors could contact, share basic information with, and then be assisted to engage with the appropriate redress body or bodies. Such a service could be stand alone or provided alongside an existing service such as the Survivor Experience Service. The active nature of an entry point, compared with a passive directory, would allow for more personalised assistance for survivors with particular needs or complex care histories.

*Separate to survivors' direct experiences, integration can support operational efficiencies that allow a higher proportion of funding to go to the redress received by survivors*

63. Integration can provide operational benefits, that can assist in managing affordability and risks. At more modest levels, such as consistent standards or common redress frameworks, performance management is simpler with a single set of benchmarks that all redress processes or bodies can be assessed against.

64. At higher levels of integration, such as a redress function consolidated in a single body, it should be possible to achieve economies of scale through reduced duplication and greater specialisation of staff and systems. Such economies should lower overall processing costs for that function, either reducing the overall cost of redress or allowing a greater proportion of funding to go to the payments and supports delivered to survivors.

*Higher levels of integration can be achieved alongside different approaches to independence for the redress functions*

65. Alongside the proposed positions on independence (paragraphs 52) which allow for different degrees of independence for different functions or groups of functions, there is the potential to apply different degrees of integration to those functions or groups of functions. Having independent survivor leadership of some integrated functions could support more innovative approaches in what and how those functions are delivered. In many cases survivors have significant lived and professional experience that can support more flexible, creative and pragmatic solutions or offerings.
66. Table One outlines three different degrees of integration, what each degree would mean for survivors' experience of redress, and the implications for redress efficiency and cost. The major improvements for survivors' overall experiences – greater consistency and simpler navigation – can be achieved through lower degrees of integration. However, the operational efficiencies that could be achieved through higher levels of integration could be experienced by survivors as faster timeframes in the consideration and processing of applications. Operational efficiencies would also have financial benefits.

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Table one. Three approaches to integration for redress functions

Approach	Consistency in what survivors get and who is eligible for redress across all settings, co-ordinated monitoring across all settings, plus better information for survivors about where to go and what to expect	Consistency in what survivors get and who is eligible for redress across all settings, co-ordinated monitoring across all settings, plus a more seamless experience of accessing redress through some consolidated redress functions	Consolidation of all redress functions within one body, under one set of policies on who is eligible for redress and what they get, with a fully seamless experience of accessing redress
Description of approach	<ul style="list-style-type: none"> <li>• Redress would operate under common policies and frameworks (that define the redress survivors should be able to access), and with common redress performance monitoring.</li> <li>• There would be consolidated guidance on the range of redress bodies and the care they cover.</li> <li>• Redress would be delivered by multiple bodies (reflecting different care settings or groups of settings) under the common policies.</li> </ul>	<ul style="list-style-type: none"> <li>• Different bodies would each manage a single redress function or group of functions, operating under common policies and frameworks.</li> <li>• Consolidation would be either by the type of function or the care setting. For example: <ul style="list-style-type: none"> <li>○ One agency would focus on a safe listening environment and support services, and another would focus on payments and apologies OR</li> <li>○ One agency would handle all redress functions for State care settings while other bodies would handle non-State care settings.</li> </ul> </li> <li>• There would be a consolidated common entry point that provides survivors with a connection into the different bodies</li> </ul>	<ul style="list-style-type: none"> <li>• All redress functions for both State and non-State care settings would be consolidated in one body.</li> <li>• There would be a single set of policies and frameworks</li> </ul>

Approach	Consistency in what survivors get and who is eligible for redress across all settings, co-ordinated monitoring across all settings, plus better information for survivors about where to go and what to expect	Consistency in what survivors get and who is eligible for redress across all settings, co-ordinated monitoring across all settings, plus a more seamless experience of accessing redress through some consolidated redress functions	Consolidation of all redress functions within one body, under one set of policies on who is eligible for redress and what they get, with a fully seamless experience of accessing redress
Experiences for survivors	<ul style="list-style-type: none"> <li>Survivors would receive consistent redress for abuse across care settings.</li> <li>Survivors would find it easier to navigate redress, though clear and consolidated information on how to access redress and what to expect.</li> <li>Survivors of abuse across multiple settings would still need to engage with multiple bodies, but the overall experience across each body should be more uniform.</li> </ul>	<ul style="list-style-type: none"> <li>Survivors would receive consistent redress for abuse across care settings.</li> <li>Survivors would find it easier to navigate redress through the common entry point and would have consolidated information on what to expect across redress bodies.</li> <li>If the grouping was based on care settings, then survivors who had only been in State care would engage with a single body. However, survivors who had been in both State and non-State care settings would still need to engage with multiple bodies but would do so through the common entry point.</li> <li>Some specific challenges could apply under such an approach, particularly where functions were divided between bodies and there would need to be 'hand off' points for survivors between bodies. If not well designed and supported such points could be traumatic for survivors.</li> </ul>	<ul style="list-style-type: none"> <li>Survivors would have a single pathway to access redress and would receive consistent redress.</li> <li>Depending how care providers are connected to redress, there is the potential to limit survivors' choice if they wished to engage directly with a care provider to receive redress. Connections would need to be carefully considered through the detailed design process to preserve survivor choice.</li> </ul>

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Approach	Consistency in what survivors get and who is eligible for redress across all settings, co-ordinated monitoring across all settings, plus better information for survivors about where to go and what to expect	Consistency in what survivors get and who is eligible for redress across all settings, co-ordinated monitoring across all settings, plus a more seamless experience of accessing redress through some consolidated redress functions	Consolidation of all redress functions within one body, under one set of policies on who is eligible for redress and what they get, with a fully seamless experience of accessing redress
Implications for operation	<ul style="list-style-type: none"> <li>Having multiple bodies would not reduce duplication and therefore there would be limited opportunities to reduce operational costs. However, there would be a clearer system-level view of the cost drivers and performance expectations for each body.</li> </ul>	<ul style="list-style-type: none"> <li>Bodies providing a function would be able to develop more specialist skillsets to provide survivors with higher levels of assistance related to that function.</li> <li>Along with a clearer view of cost drivers, there would be some potential for reduced duplication and efficiencies of scale for consolidated functions, thereby providing some financial returns.</li> <li>A common entry point would assist in being able to tailor information available to different groups of survivors that provide clear, accessible messages on coverage, and what to expect from the process and redress available.</li> <li>A common entry point could add to the complexity of 'back office' operation since it would involve connection with multiple bodies, but would remove the need for individual redress bodies to have a role in connecting survivors with other bodies.</li> </ul>	<ul style="list-style-type: none"> <li>This approach would avoid duplication and provide the greatest opportunity for finding efficiencies of scale, thereby potentially leaving a higher proportion of funding to be spent on survivor redress.</li> <li>Care would need to be taken through well-defined frameworks and strong performance monitoring to avoid body scope creep.</li> </ul>

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### *Recommended way forward on integration*

67. Reflecting the issues set out by survivors regarding inconsistency and complexity of navigation with current claims processes, we are seeking Ministers' feedback on a redress system design with the following features in terms of integration:
- a. at a minimum, a set of common policies and frameworks that set out redress to be provided for abuse in State care, and potentially for abuse in non-State care (subject to options for redress scope);
  - b. at a minimum, there is a common entry point or entry guidance for redress that helps ensure survivors have a simple pathway for being connected with redress processes (however those processes are structured 'behind the scenes'), and which assists in tailored, accessible information for specific survivor populations; and
  - c. the ability to move towards higher levels of integration over time, both in terms of State and non-State care and redress functions, to help secure operational and funding efficiencies alongside improved redress consistency and navigation for survivors.
68. Subject to Ministerial feedback, draft redress structure options will be prepared for the draft Cabinet paper for consideration in September. To inform these draft options further design work will also be completed with the Public Service Commission and the Treasury.

### **Redress function structuring touches on other parameters that are yet to be considered by the Ministerial Group**

69. The degree of integration and independence can be assisted by the way in which redress is funded. Funding model options are intended to be discussed at the August Ministers Group meeting. Structural options can use a variety of funding models, so the two components can be considered separately without limiting choice in either case. In addition, the feedback sought at this time on structuring can be reviewed in light of subsequent discussion on funding models and adjusted accordingly.
70. Detail for the redress functions will be set out in frameworks covering apologies, payments, and support services – which can include the ability for strong performance oversight, innovation, and risk management. Options for the frameworks are part of the second tranche of intended Cabinet decisions (covering frameworks and the detailed design process), for November 2024. Subject to the Ministerial Group's feedback on the functions, discussion papers will be provided on the frameworks for the September and October Ministerial Group meetings.
71. Function structuring will also have implications for the detailed design process, particularly in terms of the groups that will need to be engaged with and the types of testing. Options for the detailed design process are intended to be part of the Ministerial Group's discussion at its October meeting.

### **Part C. Next steps**

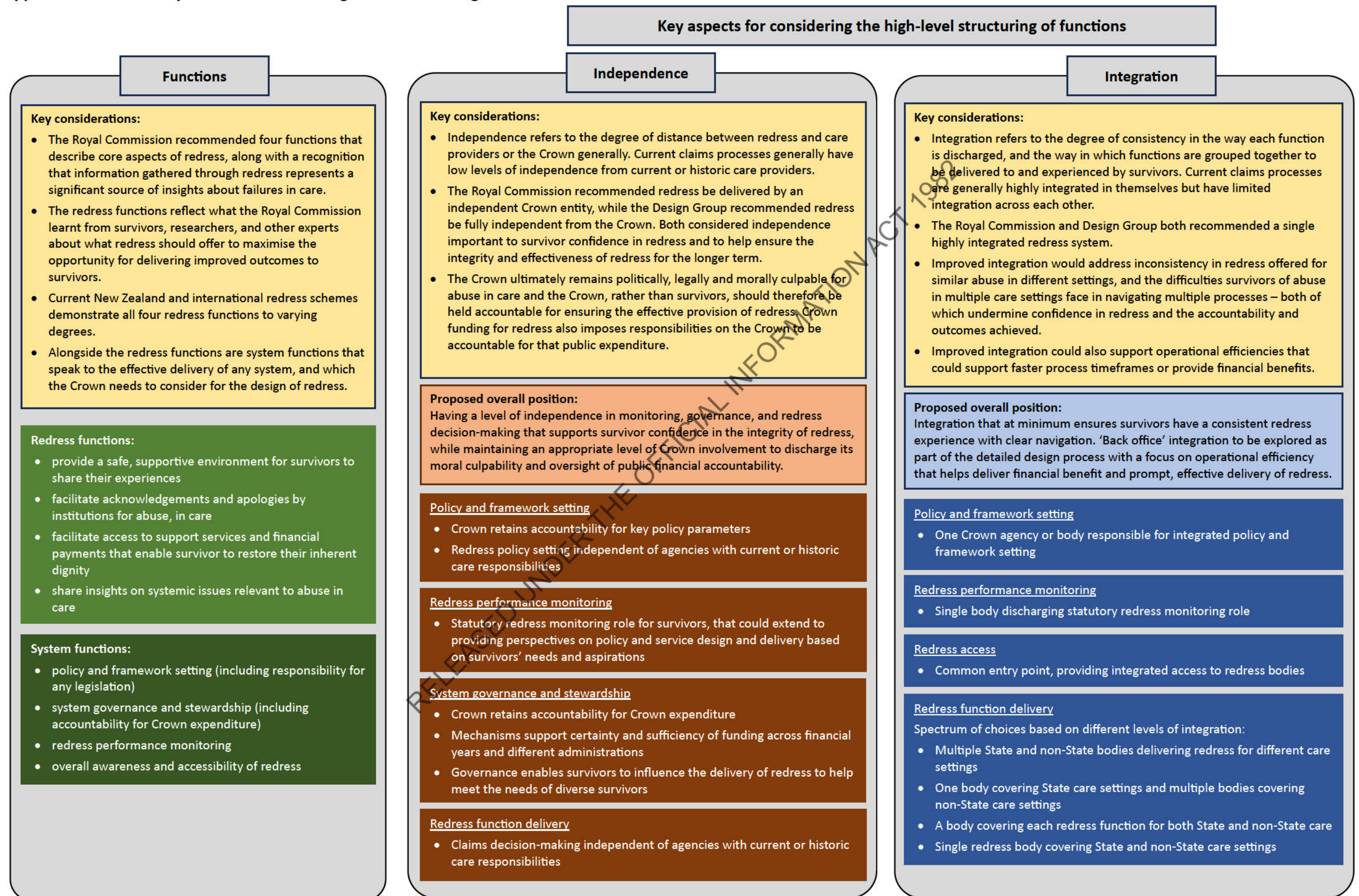
72. Based on the discussion of the decisions and key considerations set out in this paper, draft options for the structuring of redress functions will be prepared. Further advice will be provided at the 21 August Ministerial Group meeting on the remaining decisions on eligibility parameters and redress funding options.

73. A set of draft functions, eligibility, structure, and funding options will then be set out in a paper seeking Social Outcome Committee endorsement in September to engage with the former Design Group and non-State care representatives on the draft options and analysis. Feedback from these groups will then allow for options to be finalised and considered by Cabinet.
74. A draft of the paper will be provided for Ministerial Group review outside the meeting sequence, to support the intended timetable.

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## Appendix One: Summary of consideration of high-level structuring of redress functions





## Appendix Two: Structuring of functions in four international redress schemes

Scheme	Independence	Integration
<p><b>Australia – National Redress Scheme (current)</b></p> <p>Scheme functions:  <i>Safe-listening space</i>  Apologies  Payments and supports  Insights</p>	<p>Scheme entity established through legislation. This followed an agreement signed between federal and state or territory governments in Australia which conferred relevant powers from state-level to federal government. The redress entity is part of the Department for Social Services.</p> <p><i>Governance</i>  The Minister of Social Services has overall responsibility for the scheme. Governance, policy direction and minor changes to the scheme are made by the Minister's Redress Governance Board. This is chaired by the federal minister and includes the relevant ministers from each participating state and territory. Voting procedures are spelled out in the agreement between the federal and state governments. Depending on the nature of a change to the scheme, the legislation establishing it may need to be amended.</p> <p><i>Operation</i>  The director of the scheme entity, known as the Operator, is responsible for operation of the scheme. They are employed by the Department for Social Services. Decisions on applications for redress are made by independent assessors, employed by the Operator. All other functions are delivered by government departments – the Department of Social Services and Services Australia, with the latter making payments and providing other residual services to the scheme entity.</p>	<p>Fully integrated/one redress entity.</p> <p>The scheme has its own support service which can assist people in making applications. They can also speak with the scheme on behalf of applicants. The scheme has a free legal service ('knowmore' Legal Services) provided by the scheme to assist people in considering their options before applying, and after they receive a decision. The scheme also has a free financial service to assist applicants with the process of receiving a potentially large lump sum payment.</p> <p>Support offered through scheme as part of a redress package is provided at state or territory level with some slight variation in how it is provided depending on location. Support consists emotional and psychological support (counselling) with the amount depending on the severity of abuse which the scheme is acknowledging.</p> <p>Apologies are referred to in the scheme as a 'direct personal response' (DPR). The process for delivering these depends on applicant preference and the scheme will facilitate the creation of a DPR from each responsible institution if the applicant wants them.</p>

Scheme	Independence	Integration
<p><b>Ireland – Residential Institutions Redress Board (closed)</b></p> <p>Scheme functions:  <i>Safe-listening space</i>            Payments and supports            Insights</p>	<p>Scheme entity established through legislation.</p> <p><i>Governance</i>            The RIRB was set up as an independent body. It consisted of a chairperson and ordinary members who were appointed by the Minister for Education and Science.</p> <p>A separate Residential Institutions Redress Review Committee was also set up to conduct reviews of redress awards requested by applicants, whose members were also appointed by the Minister for Education and Science.</p> <p><i>Operation</i>            Administrative functions are delivered by government employees. The RIRB and the Review Committee had the ability to hire staff with the approval of the Minister of Education and Science, with consent of the Minister for Finance of the RIRB and the Review Committee. Remuneration for staff was determined by the Minister for Finance.</p> <p>The RIRB convened panels to make decisions on redress applications and also had responsibility for promoting the redress scheme. If applications were successful, the RIRB instructed the relevant parties to make payments. The Department of Education and Science made initial payments (up to € 10,000), and then any remaining balance was paid through the High Court by the Accountant's Office.</p>	<p>Fully integrated/one redress entity.</p> <p>Government-funded support services were available to applicants and were provided by separate organisations. This consisted of access to either a national counselling service or financial advice.</p> <p>The Irish scheme did not provide personal apologies.</p>

Scheme	Independence	Integration
<p><b>Northern Ireland – Historical Institutional Abuse Redress Board (current)</b></p> <p>Scheme functions:  <i>Safe-listening space</i>            Payments and supports            Insights</p>	<p>Scheme entity established through legislation.</p> <p><i>Governance</i>            Applications for redress (the scheme refers to this as compensation) are considered by the Historical Institutional Abuse (HIA) Redress Board, which is an independent “body corporate” which works under a partnership arrangement with the Northern Ireland (NI) Government.</p> <p>The Redress Board is led by President who is appointed by the Chief Justice in NI. The Chief Justice is also in charge of appointing other judicial members of the Board. The NI Government (the Executive Office) is responsible for appointing lay members of the Board.</p> <p><i>Operation</i>            Applications for redress are considered by a panel appointed by the President of the HIA Redress Board. Panels consist of a “judicial” member, who chairs the panel, and two other lay members who are not “judicial” - usually from a health and social care background. The panel determines whether and how much compensation to award.</p> <p>Administrative functions are provided by the NI Government, who designated the Department of Justice as the department responsible.</p>	<p>Fully integrated/one redress entity.</p> <p>Support available to applicants is provided by separate organisations. The primary organisation is the Victims and Survivors Support Service, which is a trauma-network established to address other historical traumas, such as the Troubles or the Magdalene Laundries.</p> <p>The Inquiry into Historical Institutional Abuse also recommended the establishment of a commissioner to advocate for and support victims. The commissioner can provide general advice and information about applying to the Board and survivors are encouraged to talk to the commissioner’s office prior to applying. The commissioner has a duty to encourage the provision and co-ordination of relevant health and welfare services and must also monitor facilities currently available in NI that provide victims and survivors with services such as health, housing, education, employment, or social security and health services.</p> <p>The Northern Irish scheme does not provide personal apologies.</p>

Scheme	Independence	Integration
<p><b>Scotland – Redress Scotland (current)</b></p> <p>Scheme functions:  <i>Safe-listening space</i>            Payments and supports            Insights</p>	<p>Scheme entity established through legislation.</p> <p><i>Governance</i>            Redress Scotland has statutory independence from the Scottish Government. It is called a “non-departmental public body” in the Scottish system. Legally, Redress Scotland consists of a chair and at least five other members, all of whom are to be appointed by the Scottish Government. It is an “un-regulated” appointment process due the specialist nature of the work.</p> <p><i>Operation</i>            Decisions on redress applications (or reviews of decisions) are made by panels convened by Redress Scotland. Secretariat services to support the decision-making processes can be appointed by Redress Scotland itself. The Scottish Government is legally required to provide Redress Scotland with additional administrative support necessary to deliver on its purpose/function.</p> <p>Administrative services necessary to support other aspects of the process (primarily receiving and processing applications, payments and facilitating access to support) are provided by the Children and Families Directorate of the Scottish Government.</p>	<p>Fully integrated/one redress entity.</p> <p>Support available to applicants is provided by separate organisations. As applicants apply for redress to the Scottish Government, all applicants are assigned a case worker who can help them access support entitlements (in addition to facilitating Redress Scotland’s assessment of their claim). The entity itself has a support service called the “Emotional Support Helpline” which applicants can call when they are thinking of applying.</p> <p>if applicants require more support, then case workers can refer them to the Redress Support Service which is provided by the In-Care Survivors Alliance. This service has a team of “link workers” who are recruited by the Alliance and trained to support applicants. The Alliance partners with trauma-informed and other relevant organisations/charities to provide these services. This is funded by the Scottish Government.</p> <p>The Scottish scheme does not provide personal apologies.</p>

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## Aide-memoire

### Proposed agenda and talking points for meeting with members of the former Design Group

Date:	24 July 2024	Security level:	
Priority:	Medium	Report number:	CRACI 24/031

#### 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**

- At 12pm 24 July, you are meeting with members of the former Design Group who produced the high-level proposals for redress.
- You have previously met with the Design Group's former Co-Chairs Dr Annabel Ahuriri-Driscoll and Ruth Jones QSM in April 2024. This meeting will be an opportunity to meet and thank the members of the former Design Group for their work.

#### Contact for discussion

Name	Position	Telephone	1 <sup>st</sup> contact
Isaac Carlson	Director, Crown Response Unit	s9(2)(a)	
Rebecca Martin	Head of Strategy and Policy, Crown Response Unit	s9(2)(a)	✓

#### Agencies consulted

N/A

#### Minister's office to complete

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

#### Comments



## Aide-memoire

### Proposed agenda and talking points for meeting with members of the former Design Group

**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:** 24 July 2024

**Security level:**

**Priority:** Medium

**Report number:** CRACI 24/031

### Purpose

1. You are meeting with members of the former Design Group, Redress System for Survivors of Abuse in Care (the Design Group) at 12pm on 24 July 2024 to discuss the Design Group's redress proposals. Crown Response Unit officials are available to attend the meeting should you choose.
2. The Co-Chairs of the former Design Group are Ruth Jones (KSM) and Dr Annabel Ahuriri-Driscoll, former members are Dr Filipo Katavake-McGrath, Māhera Maihi, Tyrone Marks, Te Pare Meihana, Bernie O'Donnell, Dr Michael Roguski, Tupua Urlich, Keith Wiffin, and Dr Stephen Winter. Unfortunately, Tupua Urlich is unable to attend in person, but we are working with your office to enable him to join virtually.
3. This aide-memoire proposes an agenda and talking points (see Appendix One) to aid your discussion with the members of the former Design Group. We will inform members of the former Design Group on the matters that will likely be raised at this meeting.

### Background

4. In December 2022, Cabinet agreed to the establishment of the Design Group to produce high-level design proposals for redress for survivors of abuse in care. Following a nomination and selection process, the Design Group started work in June 2023 and delivered its proposals on 8 December 2023 to the then responsible Minister, the Minister for the Public Service. The proposals were then provided to you in February 2024 as part of taking the role of responsible Minister.
5. The Design Group had 11 members including the Co-Chairs. An Advisory Group made up of sixteen members supported the Design Group to develop their proposals. The members of the Advisory Group have not seen the final proposals. Almost all of the members formerly appointed to the Design and Advisory Groups were survivors of abuse in State or non-State care. The Groups are no longer active.

### *Meetings with the Design Group*

6. You last met with the Co-Chairs of the former Design Group in April 2024, however this is the first time you are meeting with other members of the group.
7. Members of the former Design Group are also likely to attend the tabling of the final report at Parliament later today.
8. The Crown Response Unit will also be engaging with members of the former Design Group this week to get a better understanding behind the intent of some of the Design Group's proposals.

### **Proposed agenda**

	Item	Timing
1.	Introductions and reflections from the former members on their work	15 minutes
2.	Discussion of the former Design Group's redress proposals: <ul style="list-style-type: none"><li>• update on plan to release Cabinet paper setting out approach to decisions on the Design Group's proposals;</li><li>• update on progress on Cabinet decisions related to redress</li></ul>	5 minutes
3.	Other updates <ul style="list-style-type: none"><li>• acknowledging torture at Lake Alice</li><li>• public apology</li></ul>	5 minutes
4.	Closing	

### **Proposed talking points**

9. Proposed draft talking points are provided in Appendix One.
10. Note that under Item 2, we propose that you let the former Design Group know about your planned approach to the release or otherwise of the proposals and the associated Cabinet paper. We will provide updated talking points to your Office once you have confirmed your preferred approach to this.
11. Information about the Co-Chairs and members of the former Design Group are included in Appendix Two.

## **Appendix One: Proposed talking points for meeting with former members of the Design Group on 24 July 2024**

*Introductions and invite brief reflections from the former members on their work*

- The public release of the Royal Commission's final report this afternoon has been long awaited by many survivors, in particular those who participated in the Royal Commission. I imagine that most of you, if not all, will be taking the opportunity to witness the tabling of the final report.
- I want to thank you all for your hard work, skill, and dedication in developing the proposals, they provide invaluable survivor perspectives on redress and build on the work of the Royal Commission. They were some of the first material I read on taking on this role and they sit with me in this work. I have no doubt that the development process would have been extremely challenging for you all at many points.
- It would be great to have you each introduce yourselves, and I welcome your perspectives on the key issue that is top of mind for you in relation to this work.

*Discussion of the former Design Group's redress proposals*

- As you yourselves say, the proposals are innovative and ambitious and set out a clear vision for a survivor-led system which enables healing and connection for survivors. They articulate features that push beyond what has been tried overseas, in particular recommending governance, organisational and funding arrangements that have an emphasis on survivor leadership and choice as key to enabling healing.
- I am working with my colleagues to progress decisions on redress. I briefed Cabinet in June on the next steps for considering redress options and moving from high-level to detailed design. I anticipate high-level decisions on redress will be made in a couple of steps by the end of the year.
- As part of the development of redress options, Cabinet has agreed that once draft options have been endorsed, these are tested with you and possibly other survivors. Your expertise and experiences will continue to be invaluable in helping shape these options and informing decisions on redress.
- I know for many of you this process has been long, however, it's important that we get these decisions right. I want to assure you that Ministers are prioritising this work and are committed to working at pace on this.

Out of Scope

[REDACTED]

[REDACTED]

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## Appendix Two: Information about members of the former Design Group

Co-Chair	Biography
<p><b>Dr Annabelle Ahuriri-Driscoll</b> [Ngāti Porou, Ngāti Raukawa, Ngāti Kahungunu]</p> 	<p>s9(2)(a)</p> <p>Annabelle is an Associate Professor, University of Canterbury, School of Health Sciences, Faculty of Health.</p> <p>She has been working as a Māori/public health researcher since completing her Masters degree in public health in 2000. She has been involved in research across a wide range of areas relating to Māori advancement, including traditional Māori healing, Māori-focused service, programme and organisational evaluation, and Māori community, iwi and hapū development.</p> <p>Annabelle has a PhD in Health Sciences, investigating the concept of identity as it features in the lives and experiences of Māori adoptees. She has also completed research to support the work of the Royal Commission on the history of State care pertaining to Māori as well as the range of harms/impacts.</p> <p>Annabelle is a member of the Māori Health Committee, a statutory committee of the Health Research Council responsible for advising the Health Research Council on health research for Māori.</p>
<p><b>Ruth Jones QSM</b> [Ngāti Porou, Rongowhakaata]</p> 	<p>Ruth Jones has a long history as a leader in the disability sector.</p> <p>She and her husband Gary Williams (a survivor) started Hei Whakapiki Mauri with the aim of bringing Māori with disabilities and their whānau together to build confidence, knowledge, and a sense of belonging.</p> <p>Born in Christchurch, Ruth is proud to serve her community in a variety of leadership roles across the health, disability, not-for-profit, education and community sectors. Initially as a social worker, then a manager, and now as a consultant, Ruth's work focuses on empowering leaders within whānau, teams and communities to create change.</p> <p>Ruth brings both her professional experience, and her perspective as a disabled Māori woman to her work and has been awarded a QSM for her ongoing leadership and transformation work in the disability sector.</p> <p>Ruth has worked at the Royal Commission, where her role was to listen to survivors' experience of abuse. She was a member of the Ministerial Advisory Board to Oranga Tamariki that ended its tenure earlier this year and we understand the Minister of Children is seeking Cabinet agreement to have</p>



	<p>the Board, including Ruth, re-appointed to that role. She is a member of the Māori Monitoring Group for the Minister of Health, and contracted to the Joint Venture approach to addressing family and sexual violence – Te Puna Aonui to facilitate and actively influence the inclusion of disabled people's voice in the Strategy.</p> <p>Alongside leading Hei Whakapiki Mauri, Ruth is a co-founder of the Earthquake Disability Leadership Group, set up to advocate for accessibility in post-earthquake Christchurch. She is on the Bishopdale Community Trust, is Chair of the Marralameda Trust and has previously held governance and advisory roles with Workbridge, the Ministry of Education, and the Ministry of Health. She also continues to advise on the transformation of New Zealand's disability support system using her whānau ora knowledge.</p>
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Design Group member	Skills and expertise
Dr Filipo Katavake-McGrath	s9(2)(a)
Māhera Maihi	s9(2)(a)
Tyrone Marks	s9(2)(a)
Te Pare Meihana	s9(2)(a)
Bernie O'Donnell	s9(2)(a)
Dr Mikaere (Michael) Roguski	s9(2)(a)
Keith Wiffen	s9(2)(a)
Dr Steve Winter	s9(2)(a)



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

## Item 2

# Responding to the recommendations of Whanaketia – the Royal Commission’s final report

## Initial view and early opportunities

August 2024

Crown Response Unit



# Decision sought and recommended approach

## Decision required by the Ministerial Group

- Provide feedback on the initial high-level triage of the recommendations from *Whanaketia* and identify further early opportunities to progress responses to those of the recommendations that can be readily agreed.

## Recommended option

- Endorse progressing specific identified recommendations to demonstrate forward momentum and a positive response to the Royal Commission's report: *Whanaketia*, while concurrently progressing further analytical work to identify which of the more complex and far-reaching recommendations can be implemented in the medium term.

## Next steps

- Bring this analysis to Ministers and to Cabinet by mid-September to seek decisions to confirm the government's agreed direction and to commission work on the outstanding recommendations which may be more complex and far-reaching.
- Note that some of these recommendations will require additional funding, and a parallel Cabinet paper on "Accelerating the Crown Response" is seeking to establish a tagged contingency that could potentially be used for this.
- Commence RAG reporting and develop a "week by week" view, noting that the initial version of this will be included in the paper seeking decisions from Cabinet in mid-September.
- Continue to triage and sort the recommendations to identify any more that can be readily agreed and progressed, which will require limited further work to implement, and which are more complex and far-reaching and will require deeper analysis over the short to medium term.

# Overview of the categories of recommendations

Agencies are working to complete initial advice for Ministers on if and how to progress recommendations and associated decisions relating to re-prioritisation and costs. The recommendations have been divided into the seven categories below.

- **Redress:** Most of the 20 redress recommendations relate to a new redress scheme and are the subject of anticipated Cabinet decisions later this year. Some of these key decisions could be announced as part of the 12 November 2024 apology. Several other redress recommendations are discrete and small scale but potentially meaningful actions that can be progressed immediately.
- **Justice:** Around half of the 21 justice recommendations entail legislative change and MoJ is working to identify any early opportunities in this space. Most Police and Crown Law recommendations are supported to progress are fairly discrete and can be implemented in the short to medium term.
- **Care safety:** These 38 recommendations will be more complex to work through because they apply across multiple and diverse care settings. Some elements are already in place in the mental health, child and youth, and education care sectors, and, to a lesser extent, in the disability care sector. The focus of work will therefore be on identifying gaps in existing standards, vetting, complaints, registrations, training processes etc and understanding how well existing mechanisms are working. Advice will also be developed on the feasibility, costs, risks and benefits of introducing common standards, processes etc across all care settings as recommended by the Royal Commission. Work is also required with the faith-based care providers to understand gaps and opportunities.

- **Prevention and empowering communities:** The 15 recommendations relating to prevention and individual and community empowerment offer opportunities for new initiatives that could be implemented relatively quickly with relatively small funding boosts, though work is still needed on anticipated benefits. They involve providing advocates for those in care, working more closely to connect those in care with whānau and communities and social and educational campaigns to prevent abuse or respond to it. One recommendation however, (on establishing a commissioning body for all care services) would involve significant work and large-scale structural machinery of government and service delivery change.
- **Monitoring and oversight:** These three recommendations require a review of the oversight bodies for the mental health, child protection, education, and disability care sectors to identify any gaps or duplication and investigating combining the Oranga Tamariki oversight bodies.
- **Implementation:** In terms of the 16 implementation recommendations, there is an opportunity to move early to establish a new office within a central agency to drive Government's response to the Royal Commission reports. The remaining recommendations mainly focus on how the implementation of the recommendations should be done.
- **Faith based institutions:** The recommendations for faith-based institutions mostly reiterate the recommendations for the State but in faith contexts, for example that faith entities should ensure religious leaders are accountable, should work with the Care Safety Agency, ensure staff are professionally trained and supervised etc.

The table below identifies which of the categories above each of the recommendations have been allocated to, and **bold** indicates recommendations in the “fully accept,” “partially accept,” or “accept in principle,” categories. Some of these may also be open to early agreement either in full or in part.

# Whanaketia: Through Pain and Trauma, from Darkness to Light

## Abuse in Care Inquiry: Final Report Recommendations (138)

### Faith-based recs (25)

- R4 Catholic church to write to the Pope
- R12-13 Catholic Bishop of Christchurch and St John of God to ensure redress
- R89-110 Faith-based entities to adopt the same standards and processes as for the State

#### Comment:

The above recs apply to faith-based institutions only. Additional recs that apply to both State and faith-based institutions are included in other categories. The Crown is engaging with relevant faith-based institutions on responding to these.

### Redress (20)

- R1 Implement the 95 redress recs
- **R2-3 Public apologies**
- **R5 Change public signage**
- R8-9 Include faith groups in redress
- R10 Backdate eligibility to redress
- R11 Provide enough compensation
- R14 Give effect to the Treaty of Waitangi in the redress scheme
- R15-17 Embed human rights in the redress scheme
- **R18 Review Lake Alice settlements for parity**
- **R19 Investigate unmarked graves**
- **R20 A contestable fund for community harm**
- R21 Whānau harm payments for those cared for by survivors
- **R81 Record-keeping principles**
- **R82 document accounts of people's time in care (care histories)**
- R83-84 Retention of records and sharing information to prevent abuse

#### Comment:

These recommendations reflect or build on those in the December 2021 redress report: 'He Pūrapura ora, He Māra Tipu'. Work is already underway on these.

### Care Safety (38)

- **R39 Care Safety Principles**
- R40 National Care Safety Strategy
- R41-42 Establish a Care Safety Agency to report annually
- **R43 pre-work to analyse functions of a Care Safety Agency**
- R44 Care Safety Agency work to begin in a Care System Office
- R45-46 Care Safety Act (incl. Review of legislation)
- R47 Standards & penalties
- R48-49 Accreditation of "care" agencies and charities
- **50-56 Safeguarding (incl. Designating safeguarding leads, and ensuring safeguarding is a high priority)**
- R57-64 Registration, **vetting** and training of staff, **pre-employment screening, code of conduct** (incl. Caregivers and volunteers)
- **R65-67 Complaints are reported and responded to**
- R68-69 A centralised complaints database and mandatory reporting.
- **R70-71 Minimise use of Institutional environments**
- R72-75 Make Institutional environments safer and ban restrictive practices
- **R88 Gloriavale: Take steps to ensure safety**

#### Comment:

Some of these recs could be considered in the short term, while others, such as the establishment of a Care Safety Agency, would take longer.

### Monitoring and oversight (3)

- R85 Review independent monitoring entities and consolidate the C&P and YJ monitoring bodies
- R86-87 Roles of oversight bodies and removal of barriers and constraints to monitoring (incl. resourcing)

### Prevention and empowering people in care and their communities (15)

- R76-77 Independent advocates for people in care (incl. care experienced)
- **R78-80 Support connections to whanau and communities and understanding of culture**
- R111-112 Social and educational campaigns
- **R113 disseminate copies of Whanaketia**
- R114 review policy and legislation to enable those in care and whanau to participate more
- **R115 contemporary approaches to care – incl. devolution, social investment, whanau centred, community led**
- R116 establish a Commissioning Agency
- R117-118 partner with **Māori** to give effect to the Treaty, and uphold the rights of **Māori**, Pacific, Deaf, disabled and women.
- R121-122 Community based prevention programmes

#### Comment:

These recommendations are closely related to the care safety ones.

### Justice Sector (21)

- **R6-7 Torture: Investigate if not already done**
- **R22-24 Amend prosecution guidelines and train prosecutors on those guidelines**
- R25 Judicial-led initiatives such as Te Ao Marama
- R26 Amend the Crimes Act
- R27 Amend the Sentencing Act
- R28 Amend the **Oranga** Tamariki Act
- R29 Amend the Criminal Records (Clean Slate) Act
- R30 Amend the **Victims** Rights Act
- **R31 List of specialist Lawyers**
- R32 Amend the Evidence Act
- **R33 Education & training on the Inquiry findings, discrimination, neurodivergence, and human rights.**
- **R34 Review the Police Manual**
- R35 Establish a specialist Police Unit
- R36 Courts should prioritise
- R37 Review the Legal Services Act
- R38 Amend the Evidence Act
- R119 Review NZ Human rights framework
- R120 Performance indicators based on domestic and international obligations

### Implementation (16)

- **R123-124 Care System Office/Ministry of the Care System – to implement all recs**
- R125 Take action to give effect to all recs including the 95 redress recs
- R126-127 Partner with Iwi and co-design with communities to give effect to **Te Tiriti** & UNDRIP in implementing the recommendations

- R128 content of public awareness work (relates to recs 111 and 112)
- **R129 Any appointments to reflect diversity and survivor experience**
- **R130-131 publish responses to findings and recommendations**
- **R132-138 seek cross party agreement, annual reporting for 9 years, reports to select committee, review the implementation, co-design response with communities**

#### Comments:

Consideration of a Care System Office will be the first **MoG** decision

# Early thinking on potential recommendations for immediate implementation

The 113 [non faith-based] recommendations have been categorised as recommend: Fully accept (10), accept the intent – in principle (31), partially accept (4), further analysis needed (65), and possible early no (3).

Some recommendations in the “fully accept” or “partially accept” or “accept in principle” categories have been identified (so far) that could be progressed immediately, and these are listed below. Note that the ones marked with an asterisk may require a small amount of additional funding to progress:

- 2-3 Public apologies.\* This would be largely completed by the public apology planned for 12 November 2024.
- 5 Change Public signage, honours etc: This could be completed by asking bodies responsible to actively seek out locations that may be connected to abuse or abusers.
- 6 Police to open investigations into potential cases of torture: Police can work closely with Crown Law to investigation situations highlighted by the Royal Commission and survivors
- 18 Review Lake Alice settlements for parity.\*
- 19 Investigate unmarked graves.\*
- 20 A contestable fund to address community harm.\*
- 34 Review the Police manual to ensure it is consistent with human rights and international law (this is done on a regular cycle).
- 39 Care safety principles.
- 81 Record keeping principles.
- 113 Dissemination and publication of the Royal Commission’s final report: This is being done already.
- 123 Establish a Care System Office to progress the implementation.\*
- 130 publish the Government’s response to the findings of the Royal Commission’s final report.
- 131 publish the Government’s response to the recommendations of the Royal Commission’s final report.

Many recommendations in the “accept in principle” category describe ongoing elements of existing work programmes such as staff registration, vetting, and training which could be improved in the relatively short term to fulfil the requirements of those recommendations.

We are also working to identify ways Government can encourage or support other parties (such as faith-based groups or local bodies) to take action where this is recommended,

**Other recommendations that can be progressed more quickly will be identified in the next week and included in the advice in the September Cabinet paper**



# Discussion paper



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

## Consideration of three redress eligibility parameters

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

**Date:** 14 August 2024

**Security level:**

### Decision required

1. This paper seeks decisions on three parameters relating to who can seek redress in the future. These decisions will then guide the development of advice for Cabinet on the broader set of redress eligibility parameters in September.

### Recommended approach

2. It is recommended the Ministerial Group:
  - a) endorse the recommended approach for each of three redress eligibility parameters:

Eligibility parameter	Recommended approach	Key considerations
1. Length of time redress needs to operate.	<ul style="list-style-type: none"><li>• An open-ended approach with a compulsory review no more than five years after a new redress system is implemented, with the review to look at whether there is a case to introduce an end date for redress.</li></ul>	<ul style="list-style-type: none"><li>• Demand for redress will become clearer through the first five years of operation of a new redress system at which point decisions can be made about the length of time redress needs to operate.</li></ul>
2. Extent to which those who have settled claims under current or past processes can access redress.	<ul style="list-style-type: none"><li>• Those with previously settled claims are able to access new redress, with the redress payment adjusted to reflect past settlements.</li></ul>	<ul style="list-style-type: none"><li>• Ensuring equity between survivors who have already come forward and those yet to engage with redress.</li></ul>
3. Whether whānau of deceased and/or survivors can access some aspects of redress.	<ul style="list-style-type: none"><li>• Whānau of deceased survivors who had applied for redress or clearly signalled their intent to apply before they died can continue with or make an application for redress.</li></ul>	<ul style="list-style-type: none"><li>• Acknowledging deceased survivors' experiences and clearly expressed wishes.</li></ul>
	<ul style="list-style-type: none"><li>• Make decisions around potential whānau eligibility for supports and services as part of decisions on the supports and services framework in October.</li></ul>	<ul style="list-style-type: none"><li>• Allowing the Ministerial Group to consider support service options in their full context.</li></ul>
	<ul style="list-style-type: none"><li>• Make decisions around potential whānau eligibility for payments as part of decisions on the redress payment frameworks in October.</li></ul>	<ul style="list-style-type: none"><li>• Allowing the Ministerial Group to consider support service options in their full context.</li></ul>

- b) **note** the Group has previously considered two other redress eligibility parameters, the:
- care settings to be covered, where the Group endorsed redress cover both State and non-State, noting it will be important non-State organisations fund their portion of redress costs; and
  - forms of abuse, where the Group endorsed physical, sexual, emotional, and psychological abuse and neglect defining access to redress, with cultural and spiritual abuse and neglect being compounding factors.

**Context: There are six separate eligibility parameters, two of which have already been discussed with the Ministerial Group**

3. There are six separate parameters to determine who can access redress, which taken together define the scope of redress's coverage:
- a) the care settings to be covered;
  - b) the forms of abuse to be covered;
  - c) the care time period to be covered;
  - d) the length of time redress needs to operate (e.g. fixed time period, ongoing);
  - e) the extent to which those who have previously settled claims through existing or past processes can access the system; and
  - f) whether whānau of survivors (deceased and/or living) can access some aspects of redress.
4. The first two parameters – care settings and forms of abuse to be covered by redress – were discussed by the Ministerial Group in June 2024 with decisions as set out in recommendation 2(b) above.
5. Three of the remaining parameters and the options for each are summarised in Table One, with commentary on each parameter provided in the following sections. The care time period to be covered by redress is closely tied with potential phasing and prioritisation approaches to managing demand on redress and are intended to be discussed with you in October as part of draft options for the detailed design process.

**Table One. Range of potential options for three redress eligibility parameters**

Parameter	Summary of options for the parameter
1. Length of time redress needs to operate	<ul style="list-style-type: none"><li>• Fixed duration</li><li>• Fixed duration with review point – confirming whether or not there is a strong case to extend duration</li><li>• Open ended with review point – confirming whether or not there is a strong case to introduce an end date</li><li>• Open ended</li></ul>
2. Extent to which survivors who have settled claims under current or past processes can access redress	<ul style="list-style-type: none"><li>• Access as per a new claimant</li><li>• Access with redress adjusted to reflect past settlements</li><li>• No access</li></ul>



Parameter	Summary of options for the parameter
3. Whether whānau of deceased survivors can make a redress claim	<ul style="list-style-type: none"> <li>• Next of kin can continue a lodged claim on behalf of a deceased survivor</li> <li>• Next of kin can submit a claim on behalf of a deceased survivor where there is clear evidence the survivor intended to apply</li> <li>• Next of kin can submit a claim on behalf of a deceased survivor where there is no evidence the survivor intended to apply</li> <li>• Next of kin cannot continue with a lodged claim nor submit a new claim for a deceased survivor</li> </ul>

6. Appendix One summarises the Royal Commission and Design Group's recommendations for each parameter and the current approach by New Zealand abuse claims processes. Appendix Two summarises how each parameter is approached by four comparable international schemes – Australia, the Republic of Ireland, Northern Ireland, and Scotland.

### Commentary on the three eligibility parameters under consideration

#### ***Parameter 1: The length of time redress needs to operate***

*An open-ended redress system with a compulsory review point would allow the Government to take into account care safety improvements to determine the type and level of ongoing redress required*

- As Ministers have identified, a key challenge with addressing historical abuse in care is that abuse in care is still occurring. This makes it challenging to set a fixed date for the length of time redress should operate. If a fixed date was set at the start of a new redress system, there would need to be clear expectations on work that would be done ahead of the system's conclusion for abuse claims that come forward after such a date.
- There are limited ways to pursue redress through civil litigation in New Zealand, which represents the primary alternative path in the overseas jurisdictions that have fixed lengths of time for their redress schemes. In the absence of litigation reform, other alternative dispute resolution processes would need to be considered if a redress system had a fixed duration.
- A formal review at a prescribed point, by an independent group, would be an effective way to assess a redress system's overall performance and whether any changes are needed to reflect changes in the wider environment in which the system is operating. For an open-ended redress system a review would determine whether, after a period of safety improvements in the wider care system, a redress end date could feasibly be set.
- A review within five years of a redress system's establishment would allow a suitable time for care improvements to have more effect. Such a review point also sends a strong signal of the expectation care will continue to become much safer.
- A lesson from overseas schemes is that ongoing demand for redress is generally easier to model after the scheme has been operating for a period of time, meaning a formal review is also useful for monitoring a system's financial sustainability. Depending on the nature of survivor participation in the governance or operation of a redress system, an independent review can also help to strengthen a system's integrity (real and perceived).



**Parameter 2: Extent to which those who have settled claims can access redress**

*The survivor cohort with settlement agreements is fairly well defined*

12. Most claims for abuse in State care are resolved by way of a settlement agreement entered into between the Crown and the survivor that records the terms of the agreement between parties, including generally that the settlement is 'full and final' unless new material information becomes available. This approach reflects the Crown Resolution Strategy (last updated in 2019). A similar process has been followed by many non-State care organisations.
13. There are approximately 4229 survivors that have resolved claims with the State (through the various claims processes) and at least 1266 survivors that have resolved claims with non-State organisations. The number of non-State settled claimants is anticipated to be higher, as data has come from faith groups with established redress processes and there are several faith groups whose redress processes are not well established.

*There are no legal impediments to allowing survivors with settled claims to access new redress*

14. Crown Law has advised that existing settlement agreements do not preclude the Crown from providing further redress to settled survivors. Crown Law reviewed previous settlement agreements and determined that the emphasis of settlement agreements was on bringing survivors claim to an end, not restricting the Crown's future policy choices about redress.
15. Following Cabinet decisions to establish a new independent redress system [SWC-21-MIN-0204] an additional clause was added clarifying that agreement does not prevent a settled survivor from accessing the new redress system should it be made available to settled survivors. As this clause points to future policy decisions, the Crown is under no legal obligation to implement the Royal Commission's recommendation that settled survivors are able to access redress, however survivor expectations are likely to have been raised following the addition of the redress clause.

*Consistency and fairness considerations support survivors with settled claims being able to access redesigned redress, but with the redress provided reflecting earlier settlements*

16. For most current and past claims, the form of redress has generally been financial with an apology and varying degrees of access to personal records, counselling, and other targeted supports. Given the level of variation in services survivors have received through Crown and non-State redress processes, we consider previously settled claimants should be able to access any new apologies and support services with minimal modification to reflect past settlements.
17. Given the nature of what they experienced in care, settled survivors should not be disadvantaged for having come forward when they did to seek redress from the options available at the time. Many survivors, due to the impacts of the abuse on their life course, have experienced financial hardship and have accepted settlements because they need the money, rather than feeling that the terms offered were fully acceptable. Such survivors should therefore have access to any improved payments offered through redesigned redress.
18. However, settled survivors should not have unmoderated access to new payments. Survivors that have not yet come forward to seek redress should not be disadvantaged for having waited (often due to the intense trauma they have had to overcome to even apply for redress). To provide consistency and fairness for all survivors, new redress payments offered should be adjusted to reflect any past settlements.

19. As noted above the number of settled claims is well known, particularly for State claims, which allows for the financial implications of inclusion to be easily factored in when draft payment and support frameworks are provided for the Ministerial Group's consideration in September.

***Parameter 3: Whether whānau of deceased and/or living survivors can access redress***

*Redress should acknowledge the experience of deceased survivors who had made their wishes clear*

20. A new redress system should continue with the current practice of allowing next of kin to continue with a claim that has been lodged by a survivor who has subsequently died. This could be expanded to include next of kin lodging an application on behalf of a survivor who passed away before making a claim but who had a clearly documented intent that they planned to apply. In both these circumstances the approach honours the survivor's clear intent and any limitations placed on them by ill health ahead of their passing and provides a posthumous acknowledgement of their experiences.

*Advice on potential whānau access to apologies, support services, and payments will be provided at subsequent Ministers' meetings so they can be considered in context*

21. Advice will be provided to Ministers at the September and October meetings on potential broader whānau access to redress as part of a wider package on advice on the support services, apology, and payment frameworks.

**Next steps**

22. Following Ministerial Group feedback on the eligibility parameters, a draft options Cabinet paper will be circulated for review covering the functions, scope, and high-level structure of redress. It is intended the paper will seek Cabinet endorsement of draft options for consultation with the Redress Design Group, to inform the detailed analysis to support final Cabinet decisions.

**Appendix One: Royal Commission and Design Group recommendations and current New Zealand claims processes approach to the three redress eligibility parameters under consideration**

Parameter	1. Length of time redress operates	2. Extent to which those who have settled claims can access redress	3. Whether whānau of deceased survivors can make a redress claim
<b>Royal Commission and Design Group recommendations regarding the parameter</b>	<ul style="list-style-type: none"> <li>The Royal Commission recommended the scheme be open ended with a review conducted by an independent agency two years after opening.</li> <li>The Design Group did not recommend a specific review point but did recommend continuous improvement should be an important focus for the system.</li> </ul>	<ul style="list-style-type: none"> <li>The Royal Commission recommended the redress system be open to all survivors, including those who have been through previous redress processes, with a further recommendation that when determining the size of a financial payment the system should take into account payments from previous redress processes, court cases, or settlements to ensure consistency and fairness for new survivors coming forward.</li> <li>The Design Group endorsed the Royal Commission's recommendations but noted that adjustments for new payments should only apply when the grounds of the claim are identical. When setting monetary values, the Design Group highlighted the need for consistency and fairness between survivors.</li> </ul>	<ul style="list-style-type: none"> <li>The Royal Commission recommended whānau should be able to continue a claim to a new redress system if a survivor dies after applying or be able to make a claim on a survivor's behalf if there is clear evidence that the survivor intended to apply.</li> <li>The Design Group endorsed the Royal Commission's recommendation.</li> </ul>
<b>How the parameter is handled by current New Zealand abuse claims processes</b>	<ul style="list-style-type: none"> <li>In terms of duration, existing State claims services are all ongoing, subject to funding, and are currently expected to be open for as long as there is a need for them.</li> <li>Non-State care claims processes are ongoing, subject to the organisations' ability to fund them.</li> </ul>	<ul style="list-style-type: none"> <li>Survivors with settled claims can only seek a new consideration if new material circumstances come to light.</li> </ul>	<ul style="list-style-type: none"> <li>If a survivor dies after making a claim the next of kin can continue the process. Non-State processes are also generally focused on the survivor, with variable approaches to whether next of kin can make a claim on behalf of deceased survivors.</li> </ul>

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**Appendix Two: How four comparable international redress schemes have handled the three redress eligibility parameters under consideration**

Parameter	1. Length of time scheme operates	2. Extent to which those who have settled claims can access redress	3. Whether family of deceased survivors can make a redress claim
<b>Australia – National Redress Scheme</b> <i>Scheme operating</i>	Open for applications 1 July 2018 until 30 June 2027 (9 years). Scheme open to process applications 1 July 2018 until 30 June 2028 (10 years).	Yes – relevant prior payments are deducted  <i>Details:</i> Those with settled claims can apply, but any relevant prior payments are adjusted for inflation and deducted from any offer of monetary redress. A relevant prior payment is a payment that was made by, or on behalf of, a responsible institution in recognition of the abuse a person experienced or the harm caused by that abuse. Applicants are still entitled to the support or apologies provided by the scheme.	No – limited access where a survivor dies after applying for redress.  <i>Details:</i> If a survivor dies after submitting an application to the scheme and they are then determined to be entitled to redress, the scheme will pay the monetary component to an ‘appropriate person’. Apology and support components are not available to the family. The scheme decides who the appropriate person should be, considering the applicant’s will and the law relating to possessions of a deceased person.
<b>Ireland (Republic) – Residential Institutions Redress Board</b> <i>Scheme closed</i>	Opened for applications on 16 December 2002. Initially expected to be open for three years, until 15 December 2005, but the end date was eventually extended to 16 September 2011. The last settlements were paid in 2016.	No  <i>Details:</i> A person who received damages from a court or a settlement in respect of the abuse and injuries covered by the scheme could not apply.	Yes – spouses or children of survivors who died after a specific date.  <i>Details:</i> If a person would have been entitled to apply for redress but died on or after 11 May 1999, the spouse or children of that person may make an application on their behalf. The scheme defined a spouse as a person with whom the deceased person is or was at a time cohabiting. Only one application could be made in respect of a deceased person. If an applicant died after making an application but before the application was determined by the Board, their spouse or children could proceed with the application.
<b>Northern Ireland – Historical Institutional Abuse Redress Board</b> <i>Scheme operating</i>	Opened for applications on 31 March 2020, expected to be open for five years. The Northern Ireland Government can extend the scheme.	Yes – relevant prior payments are deducted  <i>Details:</i> Those with settled claims under previous legal or negotiated processes can apply. Any previous payment is considered when determining a payment under the scheme. Prior payments are adjusted for inflation using the UK process (determined by the UK Treasury).	Yes – partners or children of survivors who died after a specific date.  <i>Details:</i> Surviving spouses or partners, or children of deceased survivors (if they are a residual beneficiary of their estate) can apply if the survivor died on or after 28 April 1953.
<b>Scotland – Redress Scotland</b> <i>Scheme operating</i>	Opened for applications on 8 December 2021, expected to be open for five years. The Scottish Government can extend the scheme.	Yes – relevant prior payments are deducted  <i>Details:</i> Those with settled claims under previous processes can apply. Any previous payment is considered when determining a payment under the scheme. Prior payments are adjusted for inflation using the UK process (determined by the UK Treasury).	Yes – partners or children of survivors who died after a specific date.  <i>Details:</i> Family members of survivors (partners or children) can apply if the survivor would have been eligible for redress but who died on or after 1 December 2004. Next of kin payments are capped at £10,000, which is the lowest possible payment in the Scottish scheme.

# Discussion paper



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

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

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

**Date:** 10 September 2024

**Security level:**

### Decision required

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

### Recommended approach

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

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

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

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

### **Considerations for developing a redress payment framework**

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

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

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

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



- b. facilitate acknowledgements and apologies by institutions for abuse in care;
  - c. provide financial payments that acknowledge abuse in care;
  - d. facilitate access to support services that enable survivors to restore their inherent dignity; and
  - e. share insights on systemic issues relevant to abuse in care and the harms experienced.
10. As can be seen from this list, payments are only one options within a wider redress system that is intended to provide survivors with choice in having accountability for the abuse they experienced and achieve a better quality of life. If survivors do not want to seek a payment they could still access an apology or support services. Survivors could alternatively choose to defer a payment claim until they felt ready.
11. In line with the Abuse in Care Royal Commission of Inquiry's (the Royal Commission's) findings, as endorsed by the Redress Design Group, it is proposed that the payment's purpose is to acknowledge the abuse survivors have experienced and is not meant to act as compensation for the potentially complex and lifelong impacts of the abuse. The effects of abuse and neglect are intended to be addressed through the support services provided by the redress system, and an acknowledgement-based payment does not displace or replace survivors' needs for support facilitated through the system.
12. In addition to the redress system, the Royal Commission recommended that survivors should be able to more easily access the Accident Compensation Scheme or have easier access to the courts to seek compensation, if the survivor so wished. Consideration of the recommendations related to ACC and civil litigation settings is being coordinated by the Ministry of Business, Innovation and Employment and the Ministry of Justice, 9(2)(f)(iv)
13. The alternative to an acknowledgement-based payment would be a full compensation payment. Determining compensation for specific experiences of abuse or neglect would require a complex and time-consuming investigation and assessment approach that has significant potential to retraumatise a survivor. A compensation payment would remove the need for a system to provide support services, since it is intended to provide full monetary recompense for the impacts of abuse on a survivor's life and would therefore allow a survivor to purchase whatever individual services they wished to receive, subject to market availability.

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

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



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

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

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

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

**Next steps**

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

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

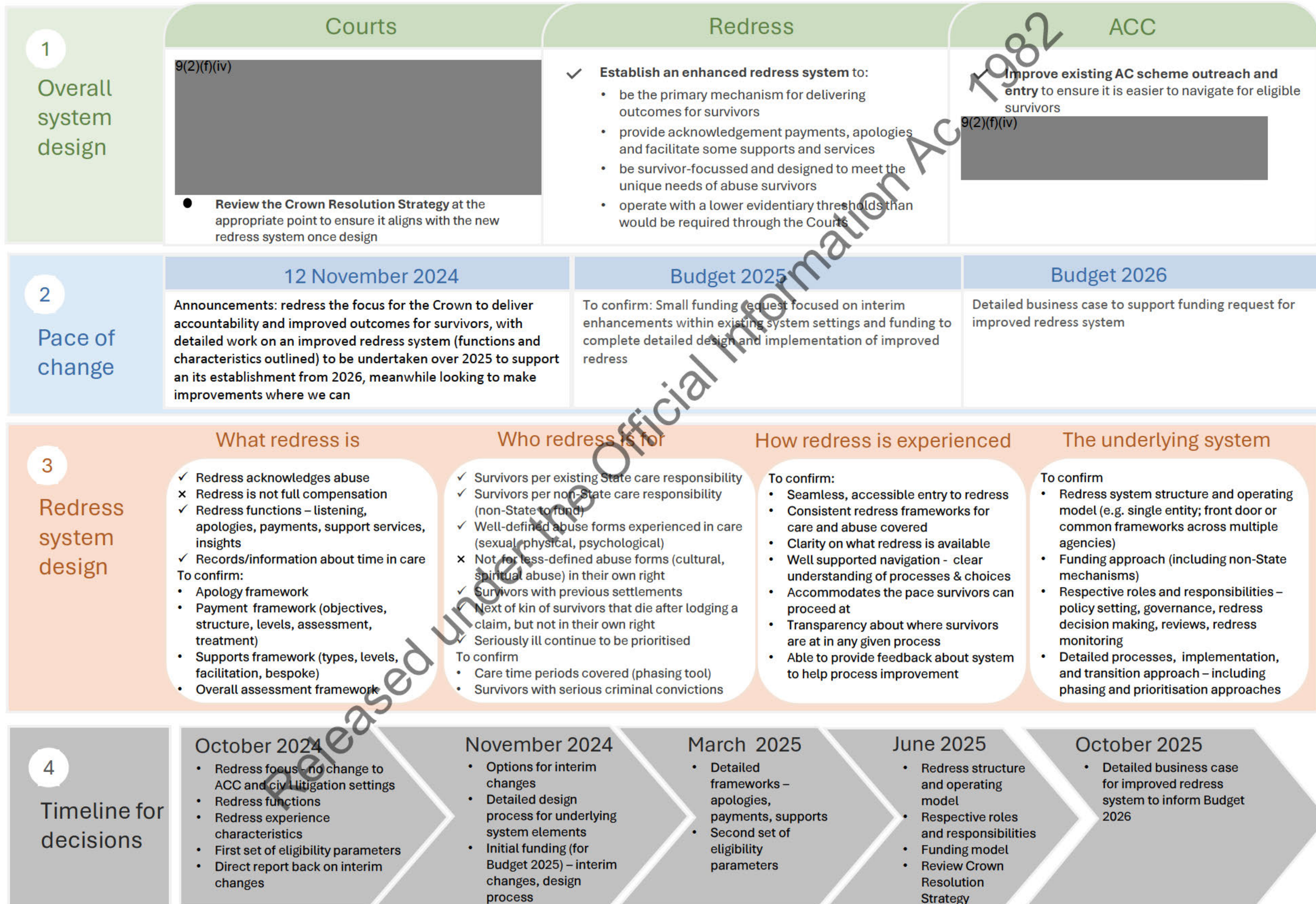
29. Advice on the options would include an assessment against the objectives, potential cost estimates (taking into account both overall demand and the potential spread of tiered and graded payment options), and consideration of the balance of resources for payments versus support services (as the other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

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# Redress policy design and decisions



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# Working assumptions

- **Funding:** No or limited new funding until 1 July 2026
- **Context for change:** There is an appetite to make meaningful announcements about redress on 12 November
- **Context for change:** Ministerial commitment to a meaningful level of change from 1 July 2026
- **Context for change:** Desire for immediate improvements/changes
- **Pace:** Need to balance pace with complexity of decisions, financial commitments, and resource constraints
- **Survivor expectations:** Survivor expectations is one consideration and will need to be managed

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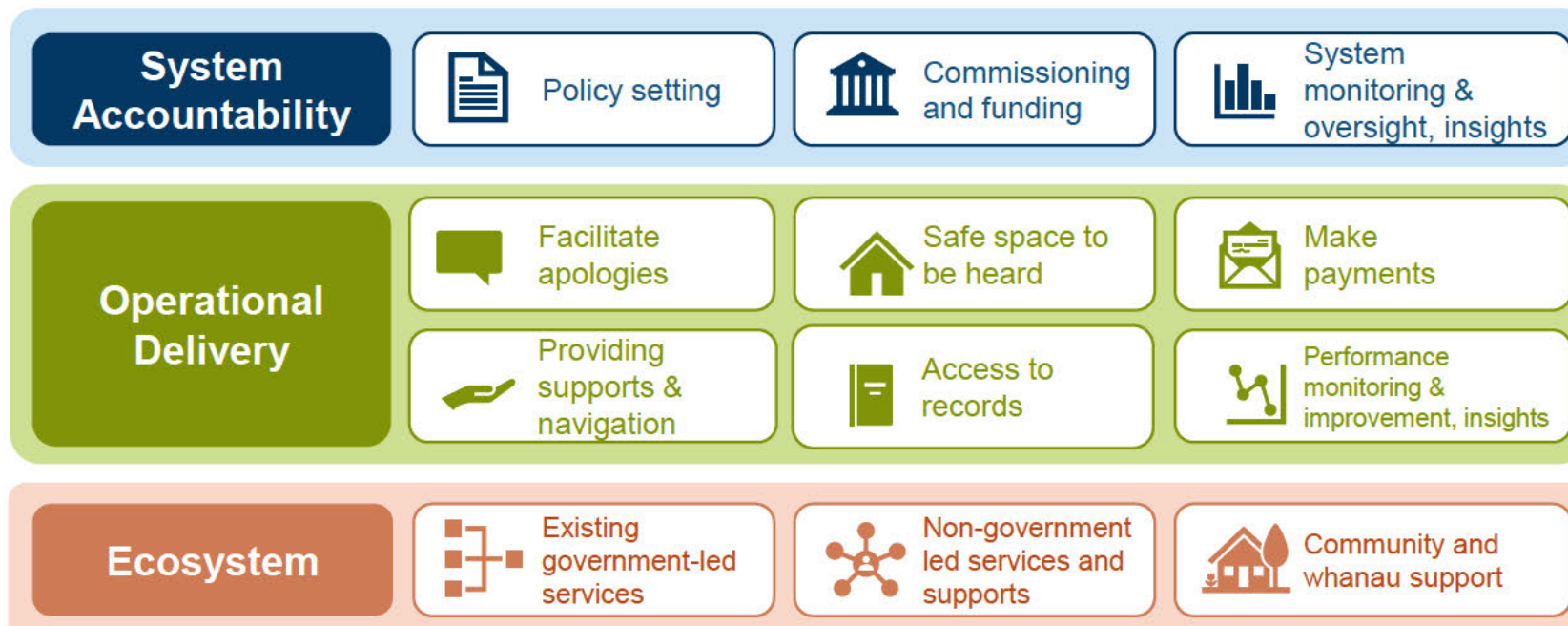


# Redress, potential demand and cost, and mechanisms to manage this

## Purpose

- Outline the component parts of a redress system, and Cabinet's objectives for redress.
- Outline the current costs and volumes of current schemes and redress functions.
- Outline estimated survivor population, potential scale of costs of providing redress, and options for managing the potential scale and cost of redress.

## What is redress



In June 2024, Cabinet agreed to the following objectives for Redress to:

- deliver **accountability for survivors**, including acknowledging harm survivors experienced and obligations to help prevent future abuse;
- support **improved outcomes for survivors**, which could encompass improved quality of life, and the ability to more fully participate in all aspects of community, social, cultural, and economic life;
- manage **affordability, risks, and liability**, helping to ensure the sustainability of redress for as long as it is needed; and
- contribute to **reducing the negative social, cultural and economic costs** arising from survivors' poor outcomes due to their abuse.

## Current functions, costs and claim volumes

Current claims process have approximately 3,756 survivors whose claims are either currently in progress or in a backlog. The emphasis is primarily on financial compensation rather than wider supports focused on improving life outcomes for survivors. Anecdotal feedback from current claims agencies and survivors indicate that acknowledgement (via listening and apology not only payment), support and prevention of future abuse is important for survivors. Payments can become more critical when other forms of redress support don't meet survivor needs, or the process is more stressful or traumatising for them.

In Budget 2024 the Government invested \$81.869 million in new funding over two years (2024/26) to support MSD to continue resolving claims. 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. Combined, the current schemes are funded by appropriations of \$87 million for the current and next financial year. This is not sufficient to meet demand as survivor awareness has increased following the tabling of the Final Royal Commission Report.

Costs associated with responding to a claim can be split into redress costs that the claimant may receive, and operational costs associated with responding. Currently the Ministry of Social Development spends an average of approximately \$18,500 per claim in operational costs. The proportion of redress costs versus operational costs has changed over time, with the current operational costs reducing from approximately 2/3 of the total cost per claim to 1/3 of the total cost. Current funding is not likely to cover the costs associated with responding to all the claims currently on hand.

Agency	Funding	Funding source	Average payment	Claim volumes (March 2024)	Claims completed** (March 2024)
MOE	Year-on-year of \$1.16m 2024/25 Budget: \$4.31 million (one-off funding to address backlogs)	Vote Education – Appropriation: Oversight of the Education System (Multi-Category Appropriation)	\$16,000	362	98
MSD*	1 July 2024 – 30 June 2026: \$81.87 million	Multi-year appropriation 1 July 2024 – 30 June 2026	\$20,000	3,381	4,229
Oranga Tamariki	TBC pending OT restructure and review of budgets	Funded within baseline	\$	9	12
MOH	Marginal because of low claim numbers	Funded within baseline	\$6,000 (2019 data)	5	330 (as of Jan 24)
SES	2024/25 Budget: \$8.61 million	Vote: Oranga Tamariki (Crown Response Unit – Abuse in Care)	na	na	na
Access to Records	2024/25 Budget: \$0.76 million	Vote: Internal Affairs	na	na	na
Non-State Organisations	Unknown	Organisational income/assets	\$	-	1,266

Note: These costs may not include operational costs which are incorporated in overall organisational budgets (eg corporate costs, reporting, system governance costs). These also do not include litigation costs.

\* MSD Funding was set based on capacity for 1,000 claims a year.

\*\* Claims completed since each scheme was established

## Survivor population, priority cohorts, overall volumes

The population of **older and ill survivors** is difficult to determine exactly. Some estimation of population numbers for subgroups of this cohort are:

- 1,000 survivors of state care estimated to be living with chronic illness;
- 680-1,560 survivors estimated to be living with a disability;
- 51,000 – 117,000 survivors anticipated to have been in care prior to 1977. These are people aged 47 and older;
- It is unknown how many survivors are living with a terminal illness diagnosis, however there are approx. 30,000 people in New Zealand living with a terminal illness.

**Overall estimates of the survivor population** are difficult to calculate as there is very limited historical data on people in care or abuse:

- Research undertaken for the Royal Commission by Martin Jenkins in 2020 presents ranges for 1950-2019 of 36,000–65,000 survivors and 113,000–256,000 survivors (estimating 204,000 claimants applying and a 20% mortality rate)
- There are significant challenges to measure the number of survivors with greater confidence, in particular for non-state care survivors (i.e. faith based and others).



## Illustrative cost of redress per year at various payment levels

The table provides scenarios for potential annual costs of redress with a significant increase in payment levels and support services offerings.

Note, the table is illustrative to give a general estimation of the scheme.

Key points to note are that:

- costings are roughly based on the proposed payment levels and support services recommended by the Redress Design Group
- demand figures are informed by current demand levels
- system operating costs are based on existing claims processes costs.

Number of survivors accessing redress per annum	Redress operating cost per annum	Average monetary payment per survivor	Average support service funding per survivor per annum	Total cost per annum operational cost + (service cost x number of survivors) + (average monthly payment x number of survivors) 9(2)(f)(iv)	Estimated State funding required (based on 70% of total cost)			Estimated non-State funding required (based on 30% of total cost)		
					Per annum	5 years	10 Years	Per annum	5 years	10 Years
1,500	\$27m	\$20,000	9(2)(f)(iv)							
		\$50,000								
		\$100,000								
3,000	\$54m	\$20,000								
		\$50,000								
		\$100,000								
6,000	\$108m	\$20,000								
		\$50,000								
		\$100,000								

## Potential mechanisms to manage costs

There are several potential mechanisms to manage total cost, and the spread of cost over time. Spreading costs over time is likely to have an impact on increasing operational costs for delivering redress and the size of backlogs. These options have not been fully analysed or tested. Work is underway with agencies to understand the potential fully.

Option	What impact might this have	Pros	Cons
Ways to manage costs overall			
Set top-down limits/funding cap	<ul style="list-style-type: none"><li>Provide a specific funding envelope for a specific time-period to manage redress within (similar to how MSD appropriation operates)</li></ul>	<ul style="list-style-type: none"><li>Aligns costs to a specific demand (eg prioritised cohorts) at a level that can be managed operationally</li><li>Reduces uncertainty for the time-period of the enveloped by fixing costs</li></ul>	<ul style="list-style-type: none"><li>Demand is likely to be higher than an envelope can cater for, leading to increased backlogs and/or cost cutting for supports and services</li></ul>
Setting and adjusting payment levels	<ul style="list-style-type: none"><li>The number of payments and payment amounts is the main driver of overall costs</li><li>Payment levels could be changed in the future, although realistically changes should only increase payment levels</li></ul>	<ul style="list-style-type: none"><li>Sets a clear expectation for survivors</li></ul>	<ul style="list-style-type: none"><li>Payments may not meet survivors' expectations</li><li>Risk of appearing to be cutting costs if they are set too low</li></ul>
Setting evidence thresholds	<ul style="list-style-type: none"><li>The amount of information required to demonstrate that a survivor is entitled to redress and the level of support they are entitled to</li></ul>	<ul style="list-style-type: none"><li>Lower evidence thresholds reduce operational costs and processing time for claims</li><li>Lower evidence thresholds can improve survivor experience and access to the supports they need</li></ul>	<ul style="list-style-type: none"><li>Higher evidence thresholds increases processing time and level of effort and work required to process claims</li><li>Higher evidence thresholds can re-traumatise survivors, and increase costs in other part of the system (eg mental health supports)</li></ul>
Ways to spread costs over time			
Access to redress	<ul style="list-style-type: none"><li>Phase access to redress to specific cohorts (eg aged/ill, selecting specific sites that are known for historical abuse)</li></ul>	<ul style="list-style-type: none"><li>Easier to ensure funding available is sufficient for prioritised groups of survivors</li><li>Can manage capacity to meet demand</li></ul>	<ul style="list-style-type: none"><li>Some groups may feel marginalised</li><li>Some groups may have to wait several years before being able to access redress</li><li>Some survivors may die before lodging claims</li></ul>
Eligibility criteria	<ul style="list-style-type: none"><li>Eligibility criteria (and increase evidence threshold to access redress) can be tightened or loosened</li></ul>	<ul style="list-style-type: none"><li>Can reduce demand</li><li>Can reduce evidence thresholds and lower costs</li></ul>	<ul style="list-style-type: none"><li>May not meet survivor expectations</li><li>Higher evidence thresholds increases costs of delivering redress by increasing processing steps</li></ul>
Adjust staffing capacity to process	<ul style="list-style-type: none"><li>Redress claims need to be processed, which can be limited by setting limits on the resource levels to process and manage claims</li></ul>	<ul style="list-style-type: none"><li>Aligns costs to a specific demand (eg prioritised cohorts) at a level that can be managed operationally</li><li>Reduces uncertainty for the time-period of the enveloped by fixing costs</li></ul>	<ul style="list-style-type: none"><li>Could create continuous backlog, which may be harmful to survivors, and increase costs in other areas (eg health services)</li><li>Challenge to manage demand as processing has a reliance on the speed a survivor chooses</li></ul>
Phase payment types/levels	<ul style="list-style-type: none"><li>Setting specific payment types and levels (eg early part-payment at \$10k per survivor) that can be amended later as more about demand/uptake and severity/incidence becomes known</li></ul>	<ul style="list-style-type: none"><li>Can reach more survivors to progress redress</li><li>Can understand more about demand/uptake and severity/incidence before making decisions</li><li>Ability to amend payment levels to fiscal envelope and environment</li></ul>	<ul style="list-style-type: none"><li>Payment levels realistically could only be increased</li><li>Survivors wait longer for full redress</li></ul>





## **Meeting pack – 17 December 2024**

### **Budget 2025 Ministerial Group – Crown Response to the Abuse in Care Inquiry**

#### **Membership:**

- Hon Erica Stanford as Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions (Chair) and as Minister of Education;
- Hon Dr Shane Reti as Minister of Health;
- Hon Louise Upston as Minister for Social Development and Employment and Minister for Disability Issues;
- Hon Matt Doocey as Minister for Mental Health;
- Hon Karen Chhour as Minister for Children and Minister for the Prevention of Family and Sexual Violence (TBC); and
- Hon Casey Costello as Associate Minister of Health and Associate Minister of Police.

#### **Meeting pack:**

- Aide-memoire: agenda and items for discussion;
- Briefing: Placeholder Submission – Crown Response to Abuse in Care Budget '25 Package; and
- Briefing: Confirming approach to B25 Care System Safety package.

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# Aide-memoire



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Crown Response to the Abuse in Care Inquiry

## Agenda and items for discussion

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

**Date:** 17 December 2024

**Security level:**

### Purpose

1. This pack provides the Ministerial group for the Crown Response to the Abuse in Care Inquiry Budget 2025 sub-group with an agenda and papers to support its discussion on 17 December 2024. This discussion will be focused on finalising the Budget 2025 Placeholder submission.

### Agenda

	Item	Timing
1.	Response to the Abuse in Care package – Budget 25 <i>(Paper: Placeholder Submission – Crown Response to Abuse in Care Budget '25 Package)</i>	25 minutes
2.	Care System Safety package – Budget 25 <i>(Paper: Confirming approach to B25 Care System Safety package)</i>	20 minutes
3.	Decision Milestones to April 2025 <i>A paper will be circulated to Ministers on 17 December</i>	10 minutes
4.	Other business	5 minutes



### Addressing the Wrongs of the Past (Redress)

Costing assumptions are to support budget the preparation of a maximum redress funding envelope for Budget purposes. Policy decisions to support the design and implementation of the redress system will be sought from Cabinet in February/March 2025. The numbers in these tables are based on initial costing assumptions for budget development purposes.

#### Continued funding at current rate

Assumes assessment of approximately 1400 claims per annum.

	Budget	Budget	Budget	Budget	
	FY25/26	FY26/27	FY27/28	FY28/29	Total
(Average payment \$20,000; Average targeted support \$5,000)	9(2)(f)(iv)				
Operating costs					
Personnel costs for receiving claims, engaging with survivors and assessing claims					
9(2)(f)(iv)					
Monetary payments for new claims					
Reimbursement of legal aid / legal or advocate fees for survivors					
Records provision to survivors					
Targeted supports for survivors					
Note: Costed for indicative purposes with a monetary payment of \$20,000 and \$5,000 target supports per claimant. Assumes current funding will meet the majority of costs for 2025/26					

#### New Spending to increase capacity

Assumes assessment of approximately 3,000 claims per annum.

	Budget	Budget	Budget	Budget	
	FY25/26	FY26/27	FY27/28	FY28/29	Total
(Average payment \$20,000; Average targeted support \$5,000)	9(2)(f)(iv)				
Operating costs					
Personnel costs for receiving claims, engaging with survivors and assessing claims					
9(2)(f)(iv)					
Monetary payments for new claims					
Reimbursement of legal aid / legal or advocate fees for survivors					
Records provision to survivors					
Targeted supports for survivors					

#### New Spending to increase capacity and settlement payment

Assumes assessment of approximately 3,000 claims per annum with increased settlement payments (average payment of \$30,000).

	Budget	Budget	Budget	Budget	
	FY25/26	FY26/27	FY27/28	FY28/29	Total
(Average payment \$30,000; Average targeted support \$5,000)	9(2)(f)(iv)				
Operating costs					
Personnel costs for receiving claims, engaging with survivors and assessing claims					
9(2)(f)(iv)					
Monetary payments for new claims					
Reimbursement of legal aid / legal or advocate fees for survivors					
Records provision to survivors					
Targeted supports for survivors					
Note: Costed for indicative purposes with a monetary payment of \$30,000 and \$5,000 target supports per claimant. Assumes current funding will meet the majority of costs for approximately 1,400 claims					

Additional costs if a decision is made to top-up closed claims.

	Budget	Budget	Budget	Budget	
	FY25/26	FY26/27	FY27/28	FY28/29	Total
Estimated costs of providing top-ups for closed claims	9(2)(f)(iv)				
Top up monetary payments for closed claims					
Personnel costs to make top up payments / supports to closed claims (based on fixed single payment)					

#### New Spending to increase capacity and targeted supports

Assumes assessment of approximately 3,000 claims per annum with increase funding for targeted supports (average of \$10,000 per survivor).

	Budget	Budget	Budget	Budget	
	FY25/26	FY26/27	FY27/28	FY28/29	Total
(Average payment \$20,000; Average targeted support \$10,000)	9(2)(f)(iv)				
Operating costs					
Personnel costs for receiving claims, engaging with survivors and assessing claims					
9(2)(f)(iv)					
Monetary payments for new claims					
Reimbursement of legal aid / legal or advocate fees for survivors					
Records provision to survivors					
Targeted supports for survivors					

Additional costs if a decision is made to provide additional support to closed claims.

	Budget	Budget	Budget	Budget	
	FY25/26	FY26/27	FY27/28	FY28/29	Total
Estimated costs of providing supports for closed claims	9(2)(f)(iv)				
Funding to provide targeted supports to closed claims					
Personnel costs to make top up payments / supports to closed claims (based on fixed single payment)					

#### Additional costs associated with system integration and other investments

Costings assume the establishment of an independent entity and other improvements that could be included. These costings are in addition to the costings for operating the system (outlined above).

	Budget	Budget	Budget	Budget	
	FY25/26	FY26/27	FY27/28	FY28/29	Total
Establishment costs	9(2)(f)(iv)				
Transition costs					
Operating costs					
Personnel costs for operating an integrated single State redress system					
Review and complaints function					
One-off independent review of system changes					
Funding to allow co-design with survivors on targeted support					
Survivor Experience Service					
Independent records website					

Note: Above forecasts are for 4 years and do not include outyears.



# 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



19 December 2024

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 initial placeholder 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 am working closely with relevant historic claims and care system Vote and portfolio Ministers on the development of this package, and therefore am submitting this placeholder on behalf of us as a collective. I will be submitting the final package by 1pm 23 January 2025 as we have agreed.

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 survivors claims. More details on the scaled options can be found in the "Envelope Summary" that will be appended to this letter.
2. Ensuring the safety of children, young people and vulnerable adults in the current care system. This focuses on initiatives needed to ensure the safety of people within the care system, future proof the care system, and will consider what else is needed to ensure families and communities are empowered to look after their own. Currently this part of the package is separated into seven areas as detailed in the table below – I note that there may be adjustments to these as we finalise the package in January.
3. Crown Response Office time limited funding. This focuses on funding for the Crown Response Office which currently ends on 30 June 2025. Scaling options for this part of the package (75%, 50% and 25%) are proposed.

I have submitted new spending commitment placeholder initiatives as detailed below:

ID 16494	New Spending	New Spending Commitments	Addressing the Wrongs of the Past – Redress for Abuse in Care
ID 16495	New Spending	New Spending Commitments	Care System Safety Package – empowering families, whanau and communities to prevent entry into care
ID 16496	New Spending	New Spending Commitments	Care System Safety Package – preventing abuse in care
ID 16497	New Spending	New Spending Commitments	Care System Safety Package – recognising and responding to abuse in care
ID 16498	New Spending	New Spending Commitments	Care System Safety Package – building a diverse, capable and safe care workforce
ID 16499	New Spending	New Spending Commitments	Care System Safety Package – monitoring the provision of care by providers and individuals

9(2)(f)(iv)

ID 16501	New Spending	New Spending Commitments	Care System Safety Package – recordkeeping to connect people in care to their families, whakapapa and whenua
ID 16493	New Spending	New Spending Commitments	Crown Response Office (time limited operating funding)

This placeholder package has been costed in a way that will allow Cabinet flexibility when considering the redress policy options; therefore, it is the intent that policy decisions will only further refine the new investment required. Nonetheless, following our meeting on 16 December, officials undertook further refinement of the package to reflect your feedback on the costings that had been produced by that point. These refinements were discussed at the Crown Response Ministerial Group meeting on 17 December and further refinement will be taking place prior to the final package being submitted in January 2025

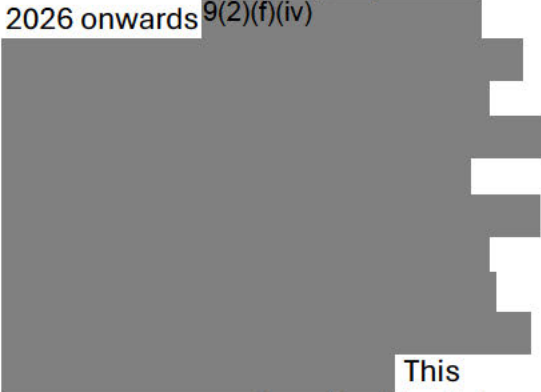
I have asked Officials to annex to this letter, the draft Envelope Summary, noting this is still in development as we finalise the package through to 23 January.

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**

**DRAFT Care System Package as at 19 December 2024 – Note we understand there will be changes to OT and MoE related content before submission of “placeholder” package**

Agency	Investment area for placeholder template	Initiative	Description	Total (over 4 years)
Joint contingency (Social Development – DSS, Health, Education, Oranga Tamariki)	Investment Area 1: Empowering families, whānau and communities to prevent entry into care	Early Intervention (joint contingency)	<p>Joint design of mechanisms to identify, evaluate and embed existing whānau and community-based interventions showing promise in achieving positive outcomes across systems.</p> <p>This could include a jointly funded contestable fund (or ROI process) which provides funding for existing early intervention services and supports working with families in areas of high deprivation. Each initiative would be evaluated against a standardised framework and identify barriers to embed, to inform a wider roll-out of the most promising intervention(s) and to measure long-term outcomes.</p>	\$25.000
Education	Investment Area 1: Empowering families, whānau and communities to prevent entry into care	Extend Intensive Wraparound Support programme to rural settings	<p>This initiative extends the already-successful Te Kahu Tōi   Intensive Wraparound Service (IWS) to an additional 15 students per year from 2026 onwards</p> <p> This removes pressure from Residential Special Schools [RSS] by providing a lower level of intervention that prevents the need for enrolment into an RSS.</p>	9(2)(f)(iv)
Health	Investment area 2: part one preventing abuse in care	Safer mental health and addiction environments - capital	These initiatives support an in-depth review and scoping of mental health inpatient units focusing on modernising safety features. This would provide a prioritised assessment of safety upgrades required to bring	\$50.000



Agency	Investment area for placeholder template	Initiative	Description	Total (over 4 years)
			units in line with modern best practice. Operational changes required are expected to be met from baselines. The objective would be to improve environments of inpatient units to ensure care settings are safer and more responsive to tāngata whaiora needs.	
Health	Investment area 2: part one preventing abuse in care	Safer mental health and addiction environments - operating	These initiatives support an in-depth review and scoping of mental health inpatient units focusing on modernising safety features. This would provide a prioritised assessment of safety upgrades required to bring units in line with modern best practice. Operational changes required are expected to be met from baselines. The objective would be to improve environments of inpatient units to ensure care settings are safer and more responsive to tāngata whaiora needs.	9(2)(f)(iv)

9(2)(f)(iv)

Released under the Official Information Act 1982



Agency	Investment area for placeholder template	Initiative	Description	Total (over 4 years)
			<div>9(2)(f)(iv)</div> <ul style="list-style-type: none"><li></li><li></li></ul>	
<div>9(2)(f)(iv)</div>				
<div>9(2)(f)(iv)</div>	<div>9(2)(f)(iv)</div>	<div>9(2)(f)(iv)</div>	<div>9(2)(f)(iv)</div>	<div>9(2)(f)(iv)</div>

Agency	Investment area for placeholder template	Initiative	Description	Total (over 4 years)
			9(2)(f)(iv)	
Social Development (DSS)	Investment area 2: part two recognising and responding to abuse in care	Audits	Audits - audit every provider over the next two years. Audits help check the quality of service is maintained. Increased frequency of audits improves safety and prevents abuse.	\$6.000
Social Development (DSS)	Investment area 2: part two recognising and responding to abuse in care	Improve our critical incident and complaints system	Current reporting relies on data entry into spreadsheets. A more efficient system will improve our ability to identify (and therefore react to) trends and outliers.	\$2.800
Joint contingency (Social Development – DSS, Health, Education, Oranga Tamariki, Justice)	Investment area 3: building a diverse, capable and safe care workforce	Workforce training (joint contingency)	Funding to lift the quality of safety of the care system workforce focussing on core training and ongoing development and workforce screening, across Health, Education, Social Development, Care, Disability and Justice sectors.	9(2)(f)(iv)

9(2)(f)(iv)

Released under the Official Information Act 1982

Agency	Investment area for placeholder template	Initiative	Description	Total (over 4 years)
			9(2)(f)(iv)	
Health	Investment area 4: monitoring the provision of care by providers and individuals	Bolstering independent oversight of compulsory mental health care	This initiative would improve models of care and increase capacity and capability of independent statutory roles and bodies under the Mental Health (Compulsory Assessment and Treatment) Act 1992, Substance Addiction (Compulsory Assessment and Treatment) Act 2017, the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (including independent watchdogs and review tribunals).	9,356

9(2)(f)(iv)

Released under the Official Information Act 1982

Released under the Official Information Act 1982

Agency	Investment area for placeholder template	Initiative	Description	Total (over 4 years)
			9(2)(f)(iv)	
Social Development (DSS)	Investment area six: recordkeeping to improve quality, quantity, capacity, access to records, and whanau connections	Provider records	Funding to support providers to help them treat records like taonga and respond to Recommendations 81-84. The Royal Commission made recommendations on best practice data collection, record keeping and information sharing	\$0,500
Education	Investment area six: recordkeeping to improve quality, quantity, capacity, access to records, and whanau connections	Supporting future record keeping	<p>The initiative will support the Ministry and the sector to prepare for significant changes to record keeping requirements in response to the RCOI. Changes to requirements around the State care records will affect the types of records education settings are required to keep, and for how long. For example, schools may be required to keep all school reports and other records related to learners for an extended period of time, which is currently not required of them.</p> <p>These changes will be significant for the education sector and require workforce capability and infrastructure support. To prepare for these changes, this initiative will provide:</p> <p>9(2)(f)(iv)</p>	9(2)(f)(iv)

Agency	Investment area for placeholder template	Initiative	Description	Total (over 4 years)
			<div data-bbox="775 309 887 338">9(2)(f)(iv)</div> <div data-bbox="172 501 1422 1736">Released under the Official Information Act 1982</div>	
<div data-bbox="97 1061 209 1090">9(2)(f)(iv)</div> <div data-bbox="172 501 1422 1736">Released under the Official Information Act 1982</div>				
Internal Affairs	Investment area six: recordkeeping to improve quality,	Uplift in care recordkeeping	Uplift in care recordkeeping to support new system through advice, standards, monitoring, audit and disposal rules.	<div data-bbox="1350 1939 1430 1968">9(2)(f)(iv)</div>

Agency	Investment area for placeholder template	Initiative	Description	Total (over 4 years)
	quantity, capacity, access to records, and whanau connections		Improve management of legacy records.	
Internal Affairs	Investment area six: recordkeeping to improve quality, quantity, capacity, access to records, and whanau connections	Access to records	Improve accessibility to records to support redress system by survivors and agencies.	9(2)(f)(iv)
Total				9(2)(f)(iv)

Released under the Official Information Act 1982



# Redress System Budgeting options (post 17 Dec discussion with Ministers) – Working Draft for Reference

Package A (small) Continue status quo with a review period	Package B (medium) Integrate and Ramp up	Package C (large) New Entity and ramp up
Funding approx. \$TBCm/year (approx. \$TBCm over <b>four/outyears</b> )	Funding approx. \$TBCm/year (approx. \$TBCm <b>over four years</b> )	Funding approx. \$TBCm/year (approx. \$TBCm <b>over four years</b> )
<b>Structures / Entities</b> Status quo 4 State Claims agencies in operation, with two agencies needing a mechanism. Fund through out years, On time system review: \$TBCm: recommend at 2 or 3 year point (TBC)	<b>Structures / Entities</b> Status quo but move to either <b>One front door but back end stays as is (\$TBC)</b> <b>OR</b> Integrate into one unit in one Ministry (\$TBC) - will cost at the later Complaints and review function approx. \$XXm Annual or Bi-Annual system review \$XXm	<b>Structures / Entities</b> Integrates into a new entity – approx. \$TBCm over two years Complaints and review function approx. \$TBCm Annual or Bi-Annual system review \$TBCm
<b>Capacity</b> Remains at 1400 claims to be processed per year	<b>Capacity (need to check)</b> Ramp up 1400 in 25/26; 3000 in 26/27; 5000 in 27/28 (*advice being provided)	<b>Capacity</b> Ramp up: 3000 in 25/26; 6000 in 26/27 and 9000 in 27/28 (*advice needs to be provided)
<b>Monetary Payment</b> Cost at an average of \$20k per payment	<b>Monetary Payment</b> Cost at an average of \$20k per payment.	<b>Monetary Payment</b> Cost at an average of \$30k per payment Top up to previous settled claims - \$TBCm for up to 4150 claims
<b>Supports</b> Cost at an average of \$5k per claimant	<b>Supports</b> Cost at an average of \$5k per claimant SES receives ongoing <b>funding (or time limited TBC)</b>	<b>Supports</b> Cost at an average of \$10k per claimant SES receives <b>ongoing funding (or time limited TBC)</b> Enable survivors with closed claims to access support services (approx. 4150 survivors) Funding to allow co-design with survivors 9(2)(f)(iv)
Survivor Records – status quo	Survivor Records – status quo	Survivor Records Independent Records Website Approx. \$TBCm <b>over 4 yrs (or outyears?)</b>
Survivor Legal Fees – status quo	Survivor Legal Fees – status quo	Survivor Legal Fees – status quo
Funding not continued past June '25 for Survivor Experience Service		

## Yellow above to be confirmed prior to placeholder

- Need to confirm if bidding just for four years or outyears (we recommend out years) – including for SES and Independent Records Website
- Package B structure: big cost difference between one front door and integrating into one unit – recommend cost at the later, Nov Redress Cab paper asked for options for the former from claims agency CEs so we will consider what can be said/proposed in January package
- Need to confirm the capacity ramp up for Package B as heard two different things

## Other Notes/Considerations

- Depending on policy decisions to be made, there may be efficiencies to be found that could apply to all options
- Ensure clear in problem def'n function of current system is an Alternative Disputes Resolution model, to settle claims from survivors in a way that does not require litigation processes
- Elements for review: regular look at demand and capacity of system (ramp up or ramp down) to recast forecast; 3 yearly deeper review on governance, meeting intent, survivor experience, supports etc
- Any changes to assessment models TBC through policy process (\*advice needs to be provided)
- Advice to be developed on system demand and capacity



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

## Briefing

Abuse in Care Inquiry Response Plan Framework			
Date:	28 January 2025	Security level:	
Priority:	High	Report number:	CRACI 25/014

Actions for Minister	
<p>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 Hon Paul Goldsmith Minister of Justice Hon Louise Upston Minister for Social Development and Employment and Minister for Disability Issues Hon Judith Collins Minister for the Public Service Hon Mark Mitchell Minister of Police Hon Tama Potaka Minister for Māori Development Hon Matt Doocey Minister for Mental Health Hon Andrew Bayly Minister for ACC Hon Casey Costello Associate Minister of Health Hon Karen Chhour Minister for Children</p>	<p>Confirm matters relating to the development and reporting of the Abuse in Care Response Plan at an anticipated joint Ministers' meeting the week of 10 February.</p>

Contact for discussion			
Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Chief Executive, Crown Response Office		
Rebecca Martin	Head of Policy, Crown Response Office	s9(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 helped develop these proposals and were consulted on this paper. The Department of Corrections and the Ministry for Pacific Peoples were also consulted, and The Treasury has been informed.

### 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)



## Briefing

### Abuse in Care Inquiry Response Plan Framework

For: 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  
Hon Paul Goldsmith, Minister of Justice  
Hon Louise Upston, Minister for Social Development and Employment and Minister for Disability Issues  
Hon Judith Collins, Minister for the Public Service  
Hon Mark Mitchell, Minister of Police  
Hon Tama Potaka, Minister for Māori Development  
Hon Matt Doocey, Minister for Mental Health  
Hon Andrew Bayly, Minister for ACC  
Hon Casey Costello, Associate Minister of Health  
Hon Karen Chhour, Minister for Children

**Date:** 28 January 2025

**Security level:**

**Priority:** High

**Report number:** CRACI 25/014

### Background and purpose

1. This briefing updates you on work to develop a full Response Plan (the plan) to the recommendations in the Royal Commission's final report: *Whanaketia – Through Pain and Trauma from Darkness to Light* (Whanaketia) and its earlier interim report: *He Purapura Ora, He Mara Tipu* (the Redress report). It seeks decisions on a number of matters that are required to enable progress on the next stage of work on the plan.
2. We invite you to discuss the matters raised in this briefing with your officials, with a view to providing feedback on the specific questions at a joint Ministers meeting anticipated to be the week of 10 February 2025. Crown Response Office officials are also available to meet with you to discuss any of the matters contained in this briefing.

## Recommendations

3. It is recommended that you:

- a. **note** a finalised plan for the Government's response to the Abuse in Care Royal Commission's recommendations is due to be reported to Cabinet in April 2025;
- b. **note** a draft framework for the plan is provided in Appendix One;
- c. **note** to progress work on the plan decisions are required from joint Ministers. To facilitate decision making, a meeting will be scheduled for the week 10 February on the matters set out in recommendations 3d, 3e, 3f and 3h;
- d. **confirm** the following proposed approach to the structure, reporting and updating of the Response Plan:
  - i. set out the high-level phasing of the Government's response to the Royal Commission recommendations;
  - ii. anchor planning and reporting around a series of work packages that set out the detail of how Government is responding to recommendations that relate to the same topic matter (eg complaints);
  - iii. provide a simple recommendation response tracker that sets out the following information for each recommendation: fully accept, accept the intent, partially accept, decline, requires further consideration and the status of that work (completed, underway or yet to commence);
  - iv. build-out and update the Response Plan on an annual basis as required;

YES/NO

YES/NO

YES/NO

YES/NO

e. **confirm** the following proposed high-level phasing:

<b>Initial focus areas</b> (to June 2026)	<ul style="list-style-type: none"> <li>Complete the design and implementation of redress system changes.</li> <li>Make strategic decisions on any major changes to care system design and delivery.</li> <li>Take early actions to address known issues and improve care within existing settings.</li> </ul>
<b>Second phase of work</b> (July 2026 and beyond)	<ul style="list-style-type: none"> <li>Embed and monitor redress system changes.</li> <li>Commence implementation of strategic decisions relating to care system design and delivery.</li> <li>Commence wider work that is dependent on the outcome of decisions on overall care system design.</li> <li>Progress further actions to strengthen care provision within existing settings.</li> </ul>

YES/NO

f. **agree** the Crown Response Office continue to progress advice on the following approach to monitoring and reporting of progress against the Response Plan:

i. an annual progress report agreed by Cabinet and then tabled in the House of Representatives by September/ October, with the possibility of a mechanism for a Parliamentary Select Committee to consider the plan as a whole;

YES/NO

ii. quarterly updates to the Chief Executives' Group (Chief Executives of the Ministries of: Health, Education, Social Development, Justice, Disabled People (Whaikaha), and the Ministry for Children (Oranga Tamariki), the Solicitor-General as an ex-officio member, and chaired by a Deputy Chief Executive from the Public Service Commission;

YES/NO

iii. Ministers to be kept up-to-date on progress by their agencies, with joint Ministers' meetings convened where specific direction on particular matters is required;

YES/NO

g. **note** the Crown Response Office will provide advice to the 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 on options for an independent oversight group that could provide a view on the contents of and progress against the Response Plan;

YES/NO

h. **confirm** your preferred approach to responding to the Royal Commission's recommendations for a high level of partnering and co-design through every stage of work to respond to its recommendations (recommendations 117, 126, 127 and 135):

EITHER:

i. prioritise delivering on these partnering and co-design recommendations across the full response plan wherever possible;

YES/NO

OR

ii. portfolio Ministers and agencies to decide what is an appropriate level of partnering and co-design to take as part of the scoping work underway at a work package level, using existing reference and advisory groups and drawing on known insights where appropriate;

YES/NO

i. **note** the next phase of work will focus on:

i. finalising advice for Cabinet on the monitoring and reporting of the Response Plan, including engagement with the Clerk of the House on a potential approach to annual progress reporting to a Parliamentary Select Committee (subject to joint Minister's agreeing recommendation f);

YES/NO



- |   |        |
|---|--------|
| ii. developing advice for Cabinet on a potential role for an independent oversight group;   | YES/NO |
| iii. confirming what engagement support the Crown Response Office can provide to agencies in the development and implementation of work packages; | YES/NO |
| iv. finalising the work packages to sit within the plan and continuing to progress the agency scoping of those work packages;                     | YES/NO |
| v. continuing to progress work already underway to respond to the Royal Commission's recommendations.   | YES/NO |



Rajesh Chhana  
Chief Executive, Crown Response Office

Hon Simeon Brown  
Minister of Health

27 / 01 / 2025

/ /

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

Hon Paul Goldsmith  
Minister of Justice

/ /

/ /

Hon Louise Upston  
Minister for Social Development and Employment and Minister for Disability Issues

Hon Judith Collins  
Minister for the Public Service

/ /

/ /

Hon Mark Mitchell  
Minister of Police

/ /

Hon Tama Potaka  
Minister for Māori Development

/ /

Hon Matt Doocey  
Minister for Mental Health

/ /

Hon Andrew Bayly  
Minister for ACC

/ /

Hon Karen Chhour  
Minister for Children

/ /

Hon Casey Costello  
Associate Minister of Health

/ /

## Background

4. On 25 September 2024, Cabinet Social Outcomes Committee directed officials from the Crown Response Agencies, led by the Crown Response Unit, to develop and deliver a full Response Plan to the Royal Commission's final report, *Whanaketia*, and its interim redress report, *He Purapura ora, he Māra Tipu* for consideration by joint Ministers by the end of 2024. It also invited you to report back to Cabinet Social Outcomes Committee with this plan early in 2025 [SOU-24-MIN-0118 refers].
5. The Crown Response Office has been leading and coordinating this process, working primarily with 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). Other agencies including the Department of Corrections, Ministry for Pacific Peoples and the Treasury have been kept informed and involved, as required.

## **A draft framework for the Response Plan is appended for your feedback, with a view to reporting the final plan to Cabinet in May 2025**

6. The Crown Response Office, in consultation with response agencies, has developed a draft framework for the Response Plan. Consistent with the recommendations of the Royal Commission, the framework is designed to capture responses to the Royal Commission's final report, *Whanaketia*, as well as its December 2021 interim redress report, *He Purapura ora He Māra Tipu*. This draft framework is provided in Appendix One.

7. The design of the framework has been informed by approaches and learnings from other inter-agency contexts, including the co-ordinated response to the Royal Commission of Inquiry in the terrorist attack on Christchurch masjidain and whole-of government work on family and sexual violence.
8. We invite you to discuss the proposed framework with your officials and then provide feedback on two matters relating to the overall structure and phasing of the plan at a joint Ministers' meeting to be scheduled for the week of 10 February. Crown Response Office officials are also available to meet with you to discuss the draft framework.
9. We are seeking your feedback on the following proposed approach to the packaging and reporting of work to respond to the Commission's recommendations.
  - a. Given the number, complexity and interlinked nature of the recommendations, the Response Plan will group related recommendations into a series of roughly 30 "work packages" eg complaints, workforce, safeguarding, monitoring and reporting. The work package plans will set out at a high level the scope, deliverables, timing and nature of the work underway within each work package and identify lead agency / agencies and Minister(s). Work package plans will also capture decisions Government has taken in relation to individual recommendations.
  - b. The Response plan will also provide simple status reporting on a recommendation-by-recommendation basis as follows: fully accept, accept the intent, partially accept, decline, requires further consideration and the status of that work (completed, underway or yet to commence).
10. This approach will help ensure work to respond to those recommendations is progressed collectively to deliver maximum benefit and in a way that best realises the intent (rather than the simply the letter) of individual recommendations, is expected to help simplify decisions around prioritisation, and will make progress reporting more meaningful. It is also designed to support reporting to multiple audiences, including Ministers, the public and Chief Executives, recognising the likely interest in the Crown's overall progress against each of the individual recommendations.
11. We are also seeking your feedback on the proposed high-level phasing of the work that would be set out in the plan as follows.

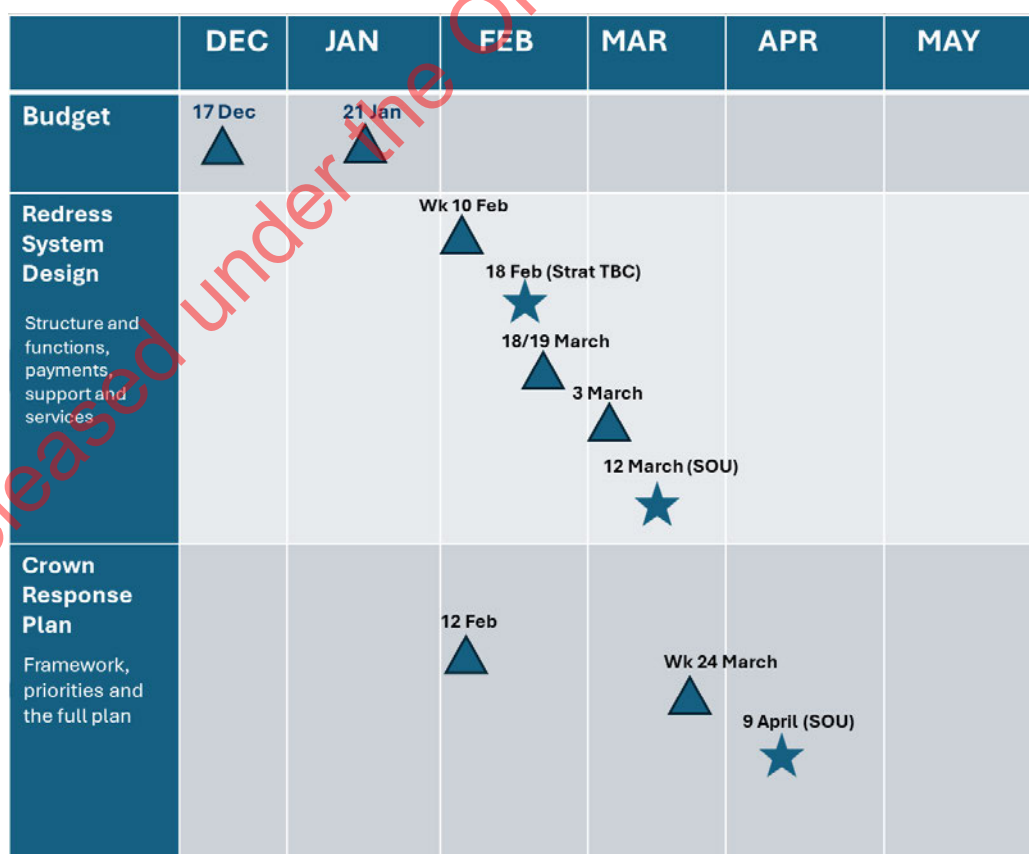
<b>Initial focus areas</b> (to June 2026)	<ul style="list-style-type: none"> <li>• Complete the design and implementation of redress system changes.</li> <li>• Make strategic decisions on any major changes to care system design and delivery. This would include the functional analysis to support a decision on the recommended establishment of a Care Safety Agency, a single regulatory framework that applies across all care settings, and other recommendations that might have machinery of government impacts.</li> <li>• Take early actions to address known issues and improve care within existing settings. Some of these actions are being progressed through the <i>Responding to Abuse in Care Legislation Amendment Bill</i> currently before Select Committee and Budget 25, with others being incorporated into existing or re-prioritised agency work programmes.</li> </ul>
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<b>Second phase of work</b>	<ul style="list-style-type: none"> <li>• Embed and monitor redress system changes.</li> <li>• Commence implementation of strategic decisions relating to care system design and delivery.</li> </ul>
<i>(July 2026 and beyond)</i>	<ul style="list-style-type: none"> <li>• Commence wider work that is dependent on the outcome of decisions on overall care system design.</li> <li>• Progress further actions to strengthen care provision in existing settings.</li> </ul>

12. This phasing reflects the priorities that were set out by the Prime Minister and the 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 following the tabling of the Final Report and at the public apology. It also reflects that while a significant number of the recommendations cannot be progressed until initial decisions are taken on the desired level of care system integration, there are a number of the work packages and elements within work packages that can be progressed as part of the initial phase of work.
13. The Response Plan, including phasing, work package configuration and scoping, would be built out and updated on an annual basis.

*Timeframe for the development and finalisation of the Response Plan*

14. The plan will be drafted from January to March 2025. We propose to report the Plan to Cabinet in April 2025. Decision milestones are set out below. As the plan includes responses to both redress and care system recommendations, this timeframe depends on Cabinet decisions on redress design taken over February and March 2025 as well as budget decisions.



## Early guidance from Ministers is needed to shape the approach taken to the development and monitoring of the Response Plan

### *Approach to partnership, co-design, consultation and engagement*

15. The Royal Commission found that the limited input of people in care, their families and communities into government's decisions about care contributed to abuse in care. It considered that meaningful change required a significant shift in the Crown's approach to partnering with communities, including survivors and those in care. It made a series of recommendations around partnering with iwi and co-design with various communities of interest including Māori, Pacific, Deaf and disabled people, people who experience mental distress and Takatāpui, Rainbow and MVPFAFF+<sup>1</sup> people at every stage of work to respond to the recommendations (recommendations 117, 126, 127 and 135). This included research, design, piloting, implementation and evaluation and would be expected to be reflected in the development of the overall plan as well as in discrete work packages.
16. The recommendations have set high expectations about the way this work will be progressed. This is reflected in the submissions received on the Responding to Abuse in Care Legislation Amendment Bill. The Select Committee has heard concerns about lack of engagement in the response to-date, with comments made about further silencing the survivor voice.
17. Partnering and co-design takes time and resources to do well. It requires an investment in relationships and ensuring work is done at a pace that enables meaningful opportunities to come together to plan, direct and review work. It would entail, in the short-term at least, a trade-off against the speed at which the plan can be delivered and may influence what work is prioritised.
18. It is likely that the value of and interest in stakeholder involvement will vary according to the content of each recommendation. For example, there may be less value in relation to recommendations such as pre-employment vetting and screening compared with recommendations relating to complaints processes.
19. We are therefore seeking a decision from Ministers about whether agencies should either:
  - a. prioritise delivering on the Royal Commission's partnering and co-design recommendations across the Response Plan wherever possible;
  - b. use a mix of engagement approaches depending on the nature of the work underway. This might include partnering or co-designing on some work packages or recommendations where it make sense, as well as using existing advisory and reference groups and drawing on known insights as appropriate and possible.
20. Following joint Ministers guidance, agencies will engage with portfolio Ministers on the specific approach to partnership, co-design, engagement or consultation required as they scope and design the work packages. There may also be an opportunity for agencies to seek the input of the independent group referred to in paragraph 29 into these decisions.
21. The Crown Response Office will work with agencies to understand how it can support engagement requirements identified through work package planning. This could include

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<sup>1</sup> Diverse sexualities, gender expressions and roles across Pacific cultures. It stands for mähū, vakasalewalewa, palopa, fa'afafine, akava'ine, fakaleiti (leiti), fakafifine.

supporting co-ordinated engagement across work packages with specific groups, particularly survivors of abuse in care and at least initially with faith-based groups, and providing a single view of planned engagement across work packages to help identify any potential overlaps, inconsistencies, gaps etc.


22. Further consideration will also need to be given to what support government may need to provide to faith-based groups to bring them under the regulatory regime for state care, if it is decided that this is required.

*Approach to recommendations relating to human rights and Te Tiriti o Waitangi obligations*

23. The Royal Commission recommendations (including some of those above) also talked about giving effect to Te Tiriti o Waitangi and international human rights instruments. This included upholding the rights of Māori, Pacific peoples, women and girls, children, and disabled and Deaf people (recommendations 117-118, 126-127).
24. There is already guidance provided to agencies by Te Arawhiti, Te Puni Kōkiri, and Cabinet Office about Treaty of Waitangi / Te Tiriti o Waitangi analysis and working with iwi and Māori. Similarly, the Ministry of Justice provides guidance on human rights issues, and the International Human Rights Governance Group (co-chaired by the Ministries of Justice and Foreign Affairs and Trace) provides guidance on human rights reporting. This guidance would underpin how these recommendations would be addressed.
25. There may also be opportunities to update the guidance to incorporate the Royal Commission's recommendations and the Crown Response Office will work with agencies to identify what further guidance may be of value in this context.

*Approach to monitoring, oversight and reporting*

26. Several of the Royal Commission's recommendations concern the approach to the monitoring and reporting on the implementation of, Whanaketia itself (including recommendations 131-138). These included recommendations to:
- a. publish a response to each recommendation within four months of Whanaketia in the House of Representatives;
  - b. deliver annual implementation reporting against the recommendations for at least nine years;
  - c. commission an independent review of progress in implementing the Royal Commission's recommendations and improving care safety overall within nine years of the tabling of the report; and
  - d. table the implementation reports and nine-year review in the House of Representatives and refer them for consideration by a parliamentary select committee.

27. s9(2)(f)(iv)
- 



28. s9(2)(f)(iv)

29. The Crown Response Office is also developing advice for the Lead Minister on options for the establishment of an independent group to provide a view on the overall plan and progress against it, with any final decisions around the establishment of such a group to be sought through Cabinet. This advice will include consideration of existing advisory and monitoring bodies and how such a group would operate alongside of, without duplicating the functions of, those bodies.
30. The Crown Response Office is also proposing quarterly updates to the Chief Executives Group involving the Chief Executives of the Ministries of: Health, Education, Social Development, Justice, Disabled People (Whaikaha), and the Ministry for Children (Oranga Tamariki), the Solicitor-General as an ex-officio member, and chaired by a Deputy Chief Executive from the Public Service Commission.
31. It is proposed that portfolio Ministers would be kept up-to-date on progress by their agencies, with joint Ministers' meetings convened where specific direction on particular matters is required.

**The scope of the Response Plan will mirror that of the Royal Commission except where specific recommendations may have wider or narrower impacts**

32. It is proposed that the plan should use a definition of 'in care' based on the Royal Commission's terms of reference, as follows:

*"In care" is where the State assumes responsibility, whether directly or indirectly, for the care of a child, young person or adult. "In care" includes where responsibility was assumed because of a decision or action by an official, through a voluntary or consent-based process or as the result of an order. It includes where the State passed on its authority through delegation, contract, license or in some other way.*

33. The scope of the terms of reference specifically did not include prisons, including private prisons, general hospital admissions, aged residential or in-home care including private aged care, or immigration detention, unless the person was also in State care at the time. It included young people in youth justice facilities and psychiatric and psychopaedic hospitals.
34. There may be occasions where work to respond to a work package or recommendations identifies a slightly different definition of what is in care that in paragraph 20. For example, recommendations on the physical design of care facilities including the use of CCTV (recommendation 75(a)) may be decided to not be appropriate for some care settings. If this occurs, a clear rationale for it will need to be set out in the project documentation.
35. The Royal Commission's use of terminology varied throughout its reports. It did not differentiate between family and whānau, or between foster care and whāngai, and included adoptions as being 'in care'. For disabled people it stated that a 'care worker' does not include parents (including adoptive parents) or siblings even where they are paid to care for their

family members. The differences between these terms may become relevant in work related to family care and to the Commission's definition of who is a care worker. They will need to be clarified through work on some specific work packages or recommendations.

## **Next steps**

36. The next phase of work will focus on:

- a. advice on a potential role for an independent oversight group;
- b. consult with the Clerk of the House on what options might be available to enable annual progress reporting to a Parliamentary Select Committee (subject to joint Minister's confirming work on this option should progress);
- c. confirming what engagement support the Crown Response Office can provide to agencies in the development and implementation of work packages;
- d. finalising the work packages to sit within the plan and continuing to progress the agency scoping of those work packages; and
- e. continuing to progress work already underway to respond to the Royal Commission's recommendations.

37. The Crown Response Office is working with officials from the relevant government agencies, who are expected to keep their Ministers up to date as work towards the development of the individual work packages, the overall plan and the Cabinet paper, progresses.

38. Two joint Ministers' meetings are also being sought as follows:

- a. The week of 10 February to confirm the matters set out in this briefing; and
- b. mid-end-March ahead of reporting the finalised Response Plan to Cabinet in April.

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# Title page to be designed

## Response Plan

*Government response to the Royal Commission into historical abuse in State care and in Faith-based institutions*

2025

This is an example document, that sets out the current draft framework for the Response Plan  
The sections and headings may change as drafting begins  
The key elements of the document will be designed once drafting has been undertaken  
Sections, headings and visuals are examples only  
All sections will be kept as brief as possible  
All visuals will include explanatory notes

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## Background

**The Royal Commission was set up by the Government to investigate what happened to children, young people and vulnerable adults in care**

1. This section will include a high-level background to the Royal Commission, including:
  - a. the terms of reference and scope of the Commission's work
  - b. the detail of the expansion to cover faith-based entities
  - c. its key reports, focussing on the recommendations for Government
2. Overall, this section will:
  - a. be brief
  - b. will direct people elsewhere for further, detailed information

### **The Commission's final report; Whanaketia**

3. This section will include high level commentary on the Commission's *Whanaketia* findings, recommendations and vision for the future

### **The Commission's interim redress report; He Purapura Ora, he Māra Tipu**

4. This section will include high level commentary on the Commission's *He Purapura Ora, he Māra Tipu* findings and recommendations

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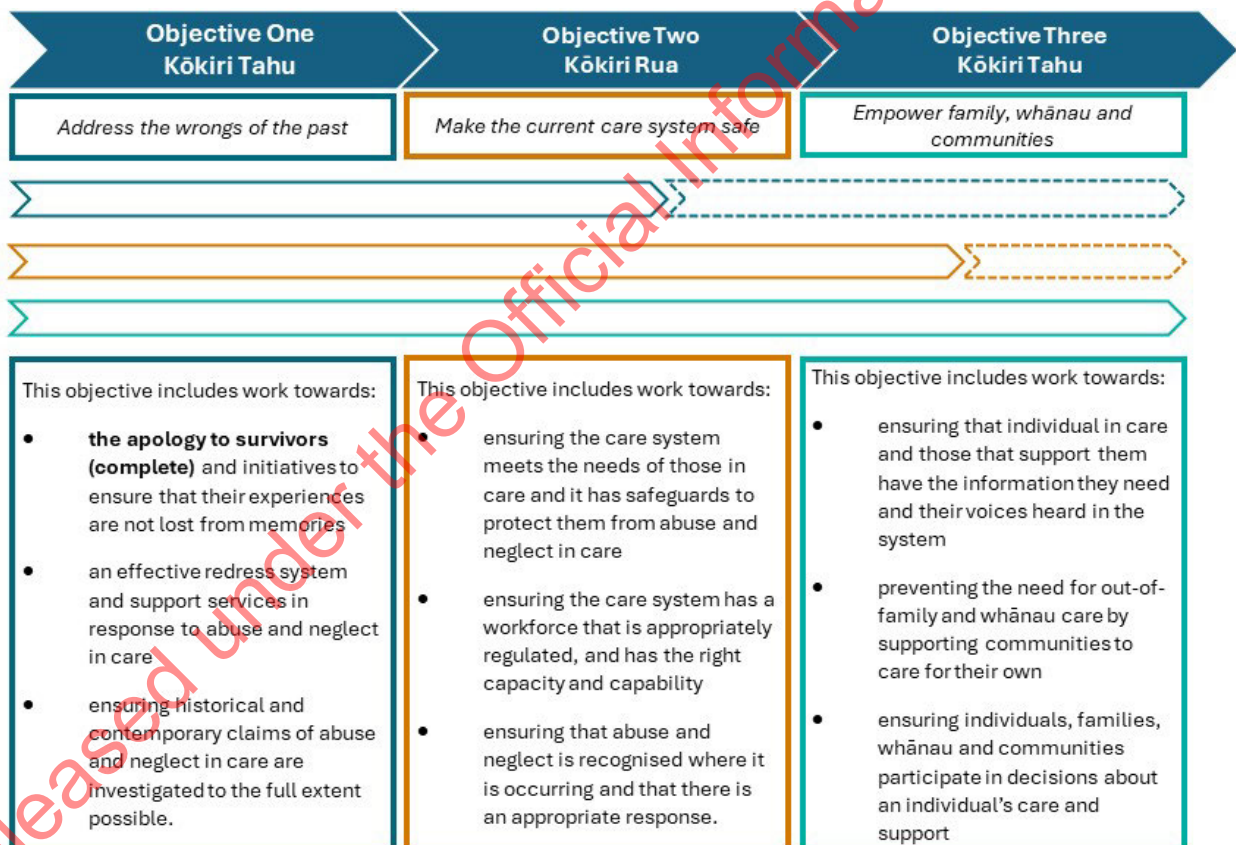
## Approach to the response plan

The plan sets out how Government is responding to the Royal Commission's recommendations

5. This section will speak, at high level, to the ongoing work to respond to the findings, recommendations and to deliver the response plan

**It is structured around three high-level objectives looking to the past, present and future**

6. This section will briefly introduce the three high-level objectives that guide the structure of the plan:
  - a. addressing the wrongs of the past
  - b. making the current care system safe
  - c. empowering families, whānau and communities



**The complexity and number of recommendations, and the system shifts they envisions, require a multi-year, multi-agency work programme**

7. This section will set out that the plan will be a multi-year work programme of work and why including:
  - a. complex and numerous recommendations
  - b. recommendations often directing government towards system level changes



- c. recommendations not generally directed at single agencies or ministers)

**There are opportunities and risks to the successful delivery of the plan, and dependencies with other work across government and within communities**

8. This section will outline:

- a. key assumptions and constraints in developing the plan
- b. the main opportunities, and risks and their mitigations
- c. critical dependencies and how they will be managed

**This plan has been developed by government agencies and will set out future work with key stakeholders and communities of interest**

9. This section of the plan will address the approach to responding to the Royal Commission's in relation to:

- a. partnering with Māori
- b. co-design with communities of interest
- c. working with faith-based institutions

**This response plan will be overseen by Ministers and Cabinet, and governed by Chief Executives, and delivered across agencies**

10. This section will set out, at a high level, how the plan will be:

- a. overseen by Ministers and Cabinet
- b. governed across agencies by Chief Executives
- c. potential role for independent group (subject to Cabinet decisions)
- d. delivered across agencies.

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## Summary of the response and progress made

11. This section will provide a high-level summary of:

- a. the response
- b. progress made
- c. phasing of future work to respond to the recommendations

12. It will set out how, under key of the three high level objectives, the:

- a. recommendations are being grouped into work packages
- b. work packages are grouped under key themes

13. It will include two visuals:

- a. a summary of the plan mapped against the three objectives. This will include the components of work within each of the three objectives (set out against from now to – June 2025 and Year Two and beyond: July 2025 to July 2026 and beyond)
- b. a summary of the overall response to each recommendation (agree, partially agree, agree with intent, decline, requires further consideration) and its status (completed, underway, not yet started)

14. The intention is that this section is just a couple of pages.

### The initial phase of the plan is underway

15. This section will summarise intention to initially focus on:

- a. Complete the design and implementation of redress system changes.
- b. Make strategic decisions on any major changes to care system design and delivery.
- c. Take early actions to address known issues and improve care within existing settings.

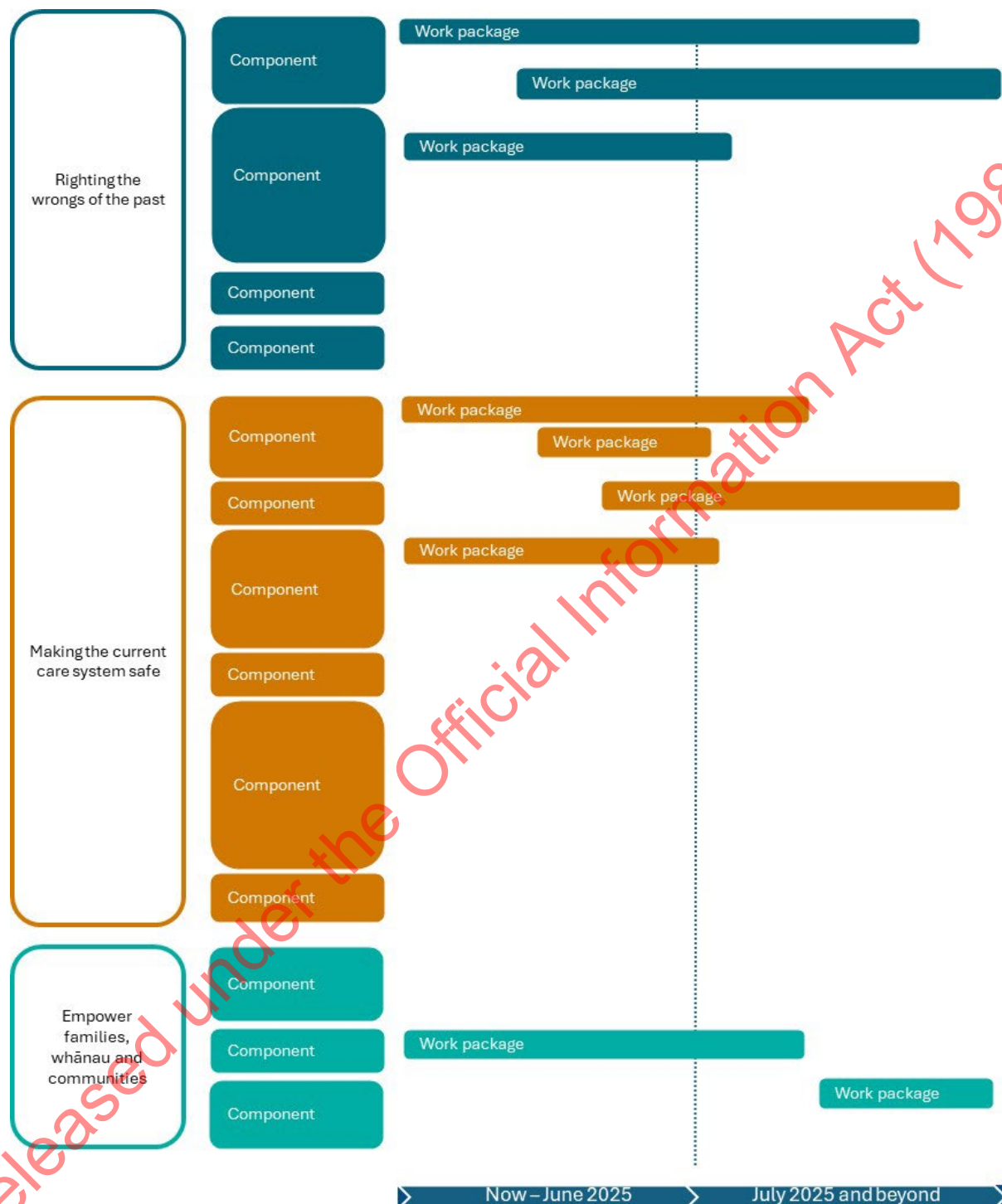
### The next phase of work

16. This section will summarise intention to focus on:

- a. Embed and monitor redress system changes.
- b. Commence implementation of strategic decisions relating to care system design and delivery.
- c. Commence wider work that is dependent on the outcome of decisions on overall care system design.
- d. Progress further actions to strengthen care provision within existing settings.

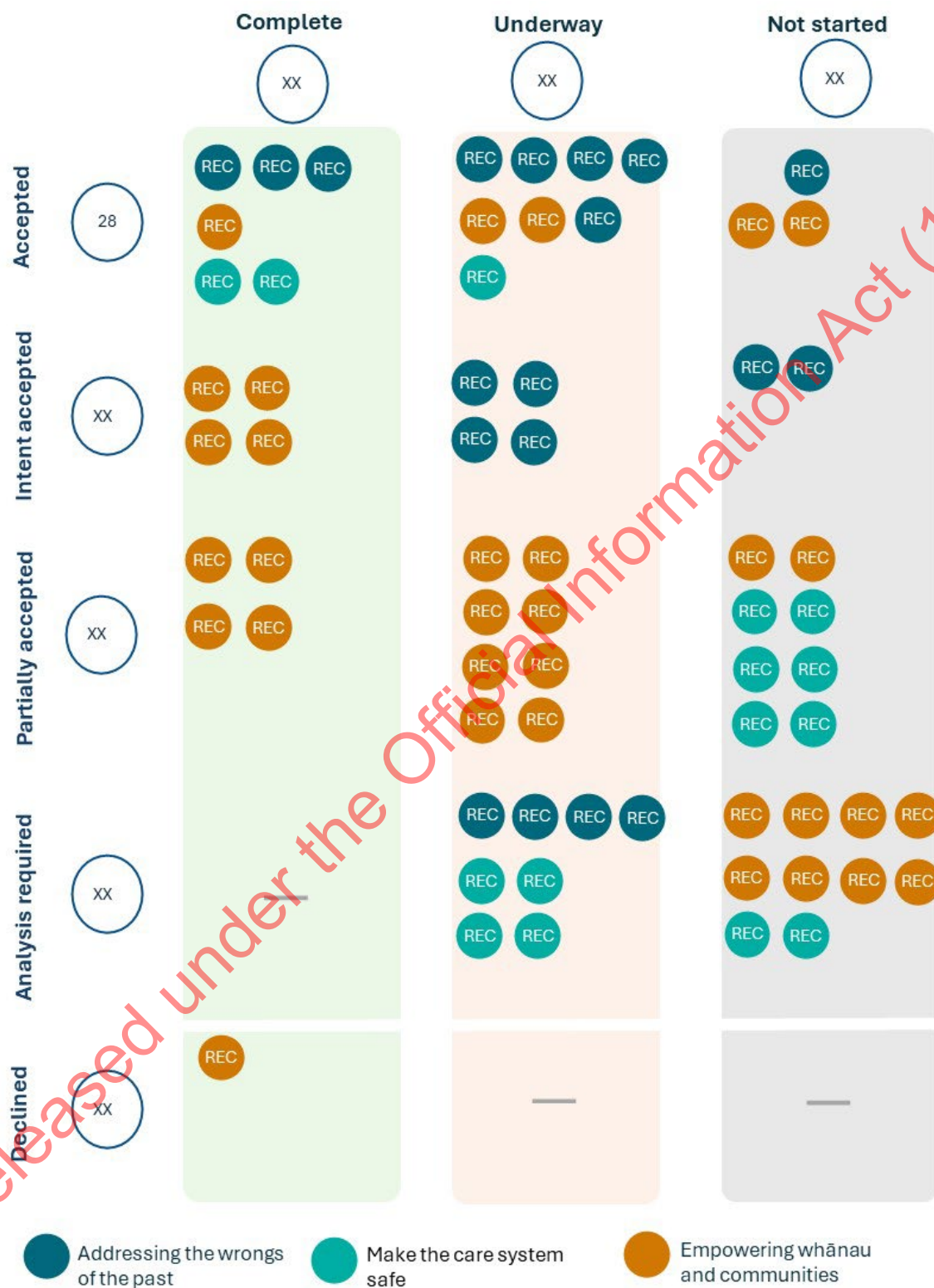
## Summary of the Response plan

17. A visual of the plan will be shown here, with notes on how to read it



## Recommendation summary

18. A high level recommendation summary will be shown here, with notes on how to read it



## Detailed response plan

**This section of the plan provides more detail about the work packages being undertaken to address the recommendations**

19. This section will further explain the objectives and the key themes

20. It will be a short introduction to the detailed plan

### Navigating this section of the document

21. This section will help people read and understand the detailed plan.

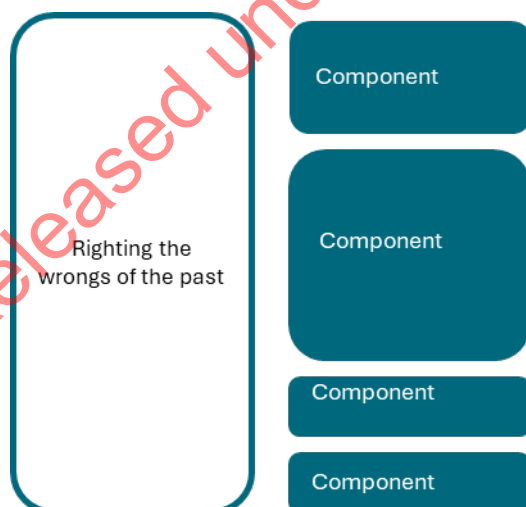
22. There will an explanation of how each section of the detailed plan works:

- a. three objectives
- b. a series of key themes under each of the objectives
- c. work packages under each component
- d. for each work package, a summary of work:
  - i. lead agency / agencies and Minister(s) identified for each package
  - ii. high level intent in written narrative as set out by the Commission
  - iii. high level summary of scope as understood at this time
  - iv. indication of where parts of the system are already delivering
  - v. existing work

### Addressing the wrongs of the past

**This section of the plan sets out in detail the work packages to respond to the Royal Commission's recommendations for addressing the wrongs of the past**

23. A short introduction will be made, that speaks to the key themes in the section



24. There will be some visuals to aid reading and understanding

25. Work will be set out in a templated format

### **Key theme template format: theme title here**

*What [XX] means*

26. This section will explain the key theme and what it includes

*What the Commission found and recommended about [XX]*

27. There will be a high level, discursive summary of the Commission's findings and recommendations

*The work packages and recommendations covered in this section*

28. The relevant work packages and the recommendations they contain will be shown in a visual, before each package is set out

*Summary of the work packages under this key theme*



*Work package one: [insert title here]*

29. Insert brief introduction on the package here, including:

- a. high level intent in written narrative as set out by the Commission
- b. high level summary of scope as understood at this time
- c. indication of where parts of the system are already delivering

Work completed to date

30. Insert any work completed to date, that has delivered on the recs or their intent

Work underway

31. Insert any work underway, including B25 and existing work programmes

Future work

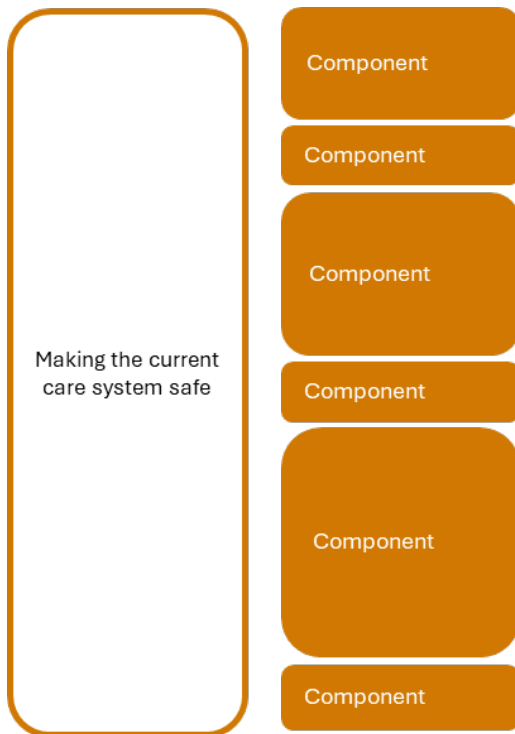
32. Insert any known next steps

### **Making the current care system safe**

**This section of the plan sets out in detail the work packages to make the current care system safe**

33. A short introduction and visual will be made, that speaks to the key theme in the section.





34. There will be some visuals to aid reading and understanding

35. Work will be set out in a templated format

### **Key theme XX: XX**

*What [XX] means*

36. This will explain the key theme what it includes

*What the Commission found and recommended about [XX]*

37. There will be a high level discursive summary of the Commission's findings and recommendations related to the component.

*The work packages and recommendations covered in this section*

38. The relevant work packages and the recommendations they contain will be shown in a visual, before each package is set out

*Summary of the work packages under this key theme*



*Work package one: [insert title here]*

39. Insert brief introduction on the package here, including:

- a. high level intent in written narrative as set out by the Commission
- b. high level summary of scope as understood at this time

- c. indication of where parts of the system are already delivering

Work completed to date

40. Insert any work completed to date, that has delivered on the recs or their intent

Work underway

41. Insert any work underway, including B25 and existing work programmes

Future work

42. Insert any known next steps

## Empower families, whānau and communities

**This section of the plan sets out in detail the work packages to empower families, whānau and communities**

43. A short introduction will be made, that speaks to the key theme in the section



44. There will be some visuals to aid reading and understanding

45. Work will be set out in a templated format

### Key theme XX: XX

*What [XX] means*

46. This will explain the key theme and what it includes

*What the Commission found and recommended about [XX]*

47. There will be a high level discursive summary of the Commission's findings and recommendations related to the component

*The work packages and recommendations covered in this section*

48. The relevant work packages and the recommendations they contain will be shown in a visual, before each package is set out

*Summary of the work packages under this key theme*



*Work package one: [insert title here]*

49. Insert brief introduction on the package here, including:

- a. high level intent in written narrative as set out by the Commission
- b. high level summary of scope as understood at this time
- c. indication of where parts of the system are already delivering

Work completed to date

50. Insert any work completed to date, that has delivered on the recs or their intent

Work underway

51. Insert any work underway, including B25 and existing work programmes

Future work

52. Insert any known next steps

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## Monitoring and reporting on this plan

53. Reporting will be delivered against work packages in the plan and recommendations

54. This section will set out the plan for monitoring and reporting including:

- a. the timeframe and approach to commencing annual public reporting
- b. any plan for enabling scrutiny of progress by Parliamentary Select Committee
- c. any role for an independent stakeholder group.

55. This section will also set out:

- a. timing for a review of the plan and this approach
- b. that the Plan will be updated if required on an annual basis.

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## 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.



Redress System Package – Alternative Scaling Options

	Option 1					Option 2					Option 3					Option 4				
	Initial changes - payments and capacity remain the same					Initial changes – increased payments					Initial changes – increased capacity and moderate capacity increases					Initial changes – increased payment and more significant capacity increases				
	Operating costs associated with this option (\$m)					Operating costs associated with this option (\$m)					Operating costs associated with this option (\$m)					Operating costs associated with this 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	2025/26	2026/27	2027/28	2028/29 & outyears	Total
Capacity	\$14.86	\$107.02	\$103.30	\$103.41	\$328.58	9(2)(f)(iv)					9(2)(f)(iv)					9(2)(f)(iv)				
Monetary payment	Average of \$20k per payment per claim					Average of \$30k per payment per claim					Average of \$30k per payment per claim					Average of \$30k per payment per claim				

- All packages include a package of improvements to the experience of survivors that can be made in the short term, including:
- Making legislative changes to support more fulsome apologies
  - Aligning payment levels so there is consistent payments for the same type of experience
  - Introducing 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
  - Introducing a simple application process with a single-entry point to make a claim
  - Ensuring that survivors with claims across multiple State agencies have one point of contact and their claim is managed as one claim
  - Introducing shared governance and oversight of the State redress processes, including a common monitoring framework that incorporates survivor insights
  - Introducing a common payment framework
  - Making 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)
  - Creating 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.
  - Moving to a consistent support service offerings across each redress agency
  - Introducing a legal fees framework

**Note:**

- Options two and four includes 9(2)(f)(iv) to top up closed claims
- Options two, three and four include top-up payments for survivors with closed claims spread across two years



## Briefing

Crown Response Work Programme and Summary of Budget '25 Package			
Date:	13 May 2025	Security level:	
Priority:	Low	Report number:	CRACI 25/051

Actions for Minister	
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	For information and discussion with Officials and Joint Ministers on the Crown Response work programme

Contact for discussion			
Name	Position	Telephone	1 <sup>st</sup> contact
Rajesh Chhana	Chief Executive, Crown Response Office	s9(2)(a)	
Molly Elliott	Chief Advisor to Chief Executive, Crown Response Office	s9(2)(a)	✓

Agencies consulted
The Public Service Commission, Department of Prime Minister and Cabinet, The Treasury, the Ministries of Education, Health, Justice, Social Development, Oranga Tamariki – Ministry for Children and Whaikaha – Ministry of Disabled People, Te Puni Kōkiri and Crown Law are aware of the content in this briefing (although have not been consulted on the briefing itself).

### Minister's office to complete

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

### Comments



## Briefing

### Crown Response Work Programme and Summary of Budget '25 Package

**For:** 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

**Cc:** Hon Simeon Brown, Minister of Health  
Hon Paul Goldsmith, Minister of Justice and Minister for Arts, Culture and Heritage  
Hon Louise Upston, Minister for Social Development and Employment and Minister for Disability Issues  
Hon Judith Collins KC, Attorney-General and Minister for the Public Service  
Hon Mark Mitchell, Minister of Police and Minister for Corrections  
Hon Tama Potaka, Minister for Māori Development  
Hon Matt Doocey, Minister for Mental Health  
Hon Scott Simpson, Minister for ACC  
Hon Karen Chhour, Minister for Children  
Hon Casey Costello, Associate Minister of Health

**Date:** 13 May 2025

**Security level:** Budget - Sensitive

**Priority:** Low

**Report number:** CRACI 25/051

### Purpose

1. This briefing provides you with view across the Crown Response work programme and highlights key upcoming milestones for your information. It has two attachments:

a. s9(2)(f)(iv)

b. Crown Response Budget '25 Summary of Initiatives, which is due to be released on Budget Day (see Appendix Two).

### Recommendations

2. It is recommended that you:

a. **note** there have been significant Cabinet decisions made across April and May, including Budget decisions, that enable the Crown's response;



- b. **note** that government agencies are organised and working together to implement the Crown's response and provide ongoing policy and other advice to Ministers;
- c. **note** that the first annual monitoring report on the Crown's Response is due to Cabinet in October 2025;
- d. **note** that future redress related Ministerial decisions will be the responsibility of redress portfolio Ministers;
- e. **note** that the full Crown response including oversight of progress towards budget initiatives will be the responsibility of this broader group of joint Ministers;
- f. **agree** that a smaller group of redress Ministers will meet separately as needed for redress specific decisions; **discuss** this briefing at your next meeting with Crown Response Joint Ministers. **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

13 / 05 / 2025

/ /

## Background

3. In April and May 2025 Cabinet made a significant number of decisions regarding the Crown's Response to the Royal Commission of Inquiry into Abuse in Care. This includes:
  - a. *Delivering an enhanced redress system for survivors of abuse in State care* [CAB-25-MIN-0101 refers];
  - b. *Abuse in Care Inquiry: Crown Response (May 2025)* [ECO-25-MIN-0060 refers]; and
  - c. Budget '25 investments (Appendix Two)

## Officials have governance structures in place to deliver on the Crown's Response

4. Officials are organised across government to oversee and deliver on the Crown's response. A Crown Response Chief Executives' Group and separate Deputy Chief Executives' Group have been operating for some time. Both have had their Terms of Reference recently refreshed to ensure it reflects this new phase of responding to the Royal Commission recommendations and supporting the Crown's response.
5. Member agencies on the CEs and DCEs groups include the Public Service Commission (including Crown Response Office), Department of Prime Minister and Cabinet, The Treasury, The Ministries of Education, Health, Social Development, Oranga Tamariki – Ministry for Children and Whaikaha – Ministry of Disabled People.
6. Other agency officials also attend as needed including: Crown Law, Te Puni Kōkiri, Ministry of Justice, ACC, Police and the Department of Corrections.
7. In April 2025, a new Redress System Senior Officials Group was established to lead and oversee the operational implementation of redress system changes. Members of this group include all the State redress agencies (Ministries of Social Development, Health, Education, and Oranga Tamariki) as well as Te Puni Kōkiri, Department of Corrections and the Crown Response Office.
8. There are cross agency care system and redress focused working groups which are active in both implementation and policy development.

## Implementation is underway, or soon to be, in key areas ....

9. **Survivor Support and Recognition Fund:** In October 2024 Cabinet agreed to establish a survivor-focused fund with \$1.5m ringfenced for initiatives delivered by non-governmental organisations providing direct support to survivors and \$0.5m for local authorities for projects to care for or memorialise unmarked graves associated with relevant sites. Since the fund opened on 19 February 2025, 22 applications have been granted for initiatives to support survivors. A further 11 applications are being processed and the application process for NGOs has been temporarily closed as the remaining funding is fully subscribed. Several local authorities have made enquiries regarding the fund and are progressing their plans ahead of making an application.



10. **State Redress:** Agencies have commenced implementation of the top-up for survivors with previously settled claims that enables them to apply for a top-up to their settlement, giving effect to the average payment increase Cabinet agreed to
11. **Ministerial Advisory Group:** Cabinet has agreed to establish a Ministerial Advisory Group which will provide relevant Ministers with advice on the Government's response, including implementation and the next phase of the wider response. Officials will be providing the Lead Coordinating Minister with initial advice by the end of May on the appointment process with a view to commence the appointment process in early June and an aim for the group to be in operational by October.
12. **Budget '25 investments:** In addition to redress, Budget '25 package invests in care system, prevention, and care records improvements (outlined in Appendix Two). Officials are currently working on implementation plans for these initiatives and will provide Ministers with an update on implementation in July 2025.
13. **National Day of Reflection:** During the National Public Apology to survivors in November 2024, the Prime Minister announced a "*National Day of Reflection*" on the 12 November 2025 to mark the one-year anniversary of the apology and provide an opportunity to stop and reflect on what survivors have endured and ensure measures are in place to prevent further abuse. Work is currently underway on a proposed approach for Ministers on how the day could be marked.
14. **Lake Alice Redress:** On 18 December 2024, the Government confirmed it would provide redress to survivors who were tortured at the Lake Alice Psychiatric Hospital Child and Adolescent Unit (the Lake Alice Unit). The Crown Response Office administers the Lake Alice Torture Redress which is due to conclude in September 2025.

**...while further work and Ministerial decisions are needed to confirm the Crown's work programme in other areas**

15. s9(2)(f)(iv) [Redacted]
16. s9(2)(f)(iv) [Redacted]
17. s9(2)(f)(iv) [Redacted]

s9(2)(f)(iv)

18. s9(2)(f)(iv)

19. **Crown response monitoring** The first annual monitoring report on the Crown's Response is due to Cabinet in October 2025.

### Next steps

20. s9(2)(f)(iv)