



2 October 2025

CRO OIA 777/25

Tēnā koe

I refer to your request received on 9 September 2025, which has been considered under the Official Information Act 1982 (OIA). You requested the following information:

We have had communications with the Ministry (MOE) regarding ex gratia payments for undue delay under the Privacy Act, relating to requests for personal records, since at least 24 April 2024. Please provide a copy of any documentation, including in emails, meeting notes and Teams (or other instant messenger) chats relating to this matter held or created by MOE up until today's date.

provide a copy of any documentation, including in emails, meeting notes and Teams (or other instant messenger) chats relating to this matter held or created by CRO up until today's date.

On 16 September we clarified your request to exclude administrative communications. As this clarification occurred within seven working days after your request was received, it was treated as a new request and the time limit for the response refreshed to 14 October.

Information being released

Please find enclosed the following documents relating to interagency discussions about ex gratia payments for undue delay:

Item		Document Description	Decision
1	13/08/2025	Email: Redress System Operational Leaders Group	Released with redaction
2	13/08/2025	Draft Internal Policy: Ex-gratia payments for undue delay (Draft under development)	Released in full

I have decided to release the documents listed above, subject to information being withheld under section 9(2)(a) of the OIA – to protect the privacy of natural persons

If you wish to discuss this decision with us, please contact

OIA@abuseinquiryresponse.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available via www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

John Henderson
General Manager Enabling Services

From: [Delwyn Clement](#)
To: [JennaFaith Allan](#); katy.teamo001@msd.govt.nz; [Phil Knipe](#); [HUDDLESTON, Matthew \(PONEKE\)](#); [Kiriama Stevens](#); [Phaedra Fitzgerald](#)
Cc: [Sholto Fanifau](#); [Agnes Meredith-Leiataua](#); [Karen Wong](#)
Subject: RE: [IN-CONFIDENCE] Redress System Operational Leaders Group -
Date: Wednesday, 13 August 2025 2:46:00 pm
Attachments: [Ex gratia payments for undue delay \(Draft under development\).docx](#)

Kia ora koutou

Thanks Jenna-Faith for sending this through. I have used the MOE to begin to pull together a starting point for a Crown policy that could be used to confirm the approach going forward to decisions about ex-gratia payments for undue delay. One question I have on this policy is whether the policy should be confined to just this issue or whether there are other administrative failures where a similar approach maybe helpful.

For example, would it be helpful to have a similar framework to guide decision making about ex-gratia payments for undue delay for the provision of care records? I note there is a time pressure issue here as well so if it is agreed that there are other service failures, where having a consistent and aligned policy approach would be of assistance we may need to do this in phases with the focus being seeking agreement to the approach to payments for delay in claims and then reviewing and updating to expand to other relevant service phases as part of a second phase of work.

It would be good if agencies could review the attached draft and consider how this sits or aligns with any policies in place in their agencies. Let me know if it would be helpful for us to arrange a meeting to bring together the relevant SMEs to discuss and refine the policy further.

Nga mihi

Delwyn

From: JennaFaith Allan <JennaFaith.Allan@education.govt.nz>
Sent: Wednesday, 13 August 2025 9:59 am
To: Delwyn Clement <delwyn.clement@publicservice.govt.nz>; katy.teamo001@msd.govt.nz; [Phil Knipe <phil.knipe@health.govt.nz>](mailto:phil.knipe@health.govt.nz); [HUDDLESTON, Matthew \(PONEKE\)](#) <matthew.huddleston@corrections.govt.nz>; [Kiriama Stevens <kiriama.stevens@tpk.govt.nz>](mailto:kiriama.stevens@tpk.govt.nz); [Phaedra Fitzgerald <phaedra.fitzgerald@ot.govt.nz>](mailto:phaedra.fitzgerald@ot.govt.nz)
Cc: [Sholto Fanifau <sholto.fanifau@publicservice.govt.nz>](mailto:sholto.fanifau@publicservice.govt.nz); [Agnes Meredith-Leiataua <Agnes.Meredith-Leiataua@publicservice.govt.nz>](mailto:Agnes.Meredith-Leiataua@publicservice.govt.nz)
Subject: [IN-CONFIDENCE] Redress System Operational Leaders Group -

This email was sent from someone outside of Te Kawa Mataaho. Please take

extra care.

[IN-CONFIDENCE]

Kia ora koutou

As discussed at our Ops leaders hui yesterday, please see **attached** the Ministry's current sensitive claims ex-gratia payment policy.

We have not published or widely circulated this so please keep in-confidence for now – Not for wider sharing.

Jenna-Faith Allan | Director | Sensitive Claims Team
Network & Regulatory | Te Pae Aronui

| Mobile §9(2)(a)
National Office 1 The Terrace
education.govt.nz

He mea tārai e mātou te mātauranga kia rangatira ai, kia mana taurite ai ōna huanga
We shape an education system that delivers equitable and excellent outcomes

Te Mahau



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Ex-gratia payments for unreasonable delay in progressing claims

Policy Number	P.xx	Contact	Crown Response Office
Version Number	1.0	Approved Date	
Policy Owner	Chief Executive, Crown Response Office	Due for Revision	

Background

Redress agencies provide redress to people who believe they have been harmed while in state care. [xxx]

Any administrative errors are therefore likely to have a significant impact on claimants and their whānau – they cause hurt and distress and reinforce mistrust in the Crown rather than increasing trust and confidence.

It can be difficult to set timeframes for processing claims, because of the range of unexpected matters that can arise during redress process claim, survivors have an expectation that Redress agencies will progress claims a timely manner and in line with what works for the individual survivor.

When will ex-gratia payments for unreasonable delay be considered by Redress Agencies

Reasons for delay in processing claims include many matters that are outside of the Redress agencies control. In these situations, it would be unreasonable for the Redress agency to offer a payment. Examples of the types of situations where an ex-gratia payment for unreasonable delay would not be considered include:

- Claim paused while Police investigation is conducted
- Claimant cannot be located
- Claim does not progress in queue as quickly as hoped because other claims take longer to process than anticipated
- Other claims are prioritised for health reasons and so claim takes longer to reach the top of the assessment queue
- Needing to resolve legal questions (for example relating to liability) before processing the claim
- Staff and/or assessor capacity and capability issues (e.g. difficulties filling vacancies, time taken to train new staff and assessors)
- The need to 'cluster' claim assessments by school for efficiency (and to meet legal representatives' requests to bundle client's claims so lawyers can travel once to attend multiple interviews)
- Matters outside the Ministry's control such as the COVID pandemic.

At times, Redress Agencies may, due to administrative error, cause a claim response to be delayed. This may include circumstances such as a claim being mistakenly overlooked or de-prioritised. In these circumstances it may be appropriate for a Redress Agency to consider making an ex-gratia payment to recognise the impact of the delay.

Ex-gratia payments may be made of a sense of goodwill or moral obligation. When considering making a payment for an unreasonable delay a Redress Agency will need to have regard to their agency policies and procedures around making such a payment and follow the approval process outlined in these processes.

Framework to support decision making when making payments for unreasonable delay

The following framework should be used to guide decision making when payments for unreasonable delay:

Duration	Amount	Rationale	Example
Up to one year	Up to \$1,000	This recognizes the serious impact of the delay on the claimant, Payments would only be considered where delays fall outside of the Redress agencies expected service standards and have been caused by Redress Agencies decision-making or oversight.	A claim or counter-offer is de-prioritised without reason, a claim or counter-offer is mistakenly 'missed' or overlooked and so not responded to.
Up to two years	Up to \$2,500		
Up to three years	Up to \$3,500		
More than 3 years	Assess impacts cases by case		

Note: Decisions about ex gratia payments for other service failures outside of this policy would be guided by Redress agencies policies and procedures.