

Hon Chris Hipkins  
Minister of State Services

Aligning Crown Business with the Principles Guiding the Crown Response to  
the Royal Commission of Inquiry into Historic Abuse

Date of Issue: 25 September 2019

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**Title:** Aligning Crown Business with the Principles Guiding the Crown  
Response to the Royal Commission of Inquiry into Historic Abuse

SWC-19-SUB-0109-Summary

SWC-19-MIN-0033 Minute

CBC-19-SUB-0035 Summary

CBC-19-MIN-0035 Minute

**Author:** State Services Commission

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Chair  
Cabinet Social Wellbeing Committee

## **ALIGNING CROWN BUSINESS WITH THE PRINCIPLES GUIDING THE CROWN RESPONSE TO THE ROYAL COMMISSION OF INQUIRY INTO HISTORICAL ABUSE**

### **Proposal**

- 1 This paper outlines the development of an action plan covering several new pieces of work to align Crown business with the principles that Government has agreed will guide the Crown's response to the Royal Commission of Inquiry into Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission).
- 2 It also outlines some of the activity that has been completed, or is underway, which will help align agencies' 'business as usual' work with the principles.

### **Executive summary**

- 3 Cabinet has agreed six principles will guide Crown engagement with the Royal Commission and with survivors of historic abuse in care: manaakitanga; openness; transparency; learning; being joined up; and, meeting our obligations under the Treaty of Waitangi. Cabinet directed officials to identify actions that can be taken to demonstrate the principles.
- 4 The term survivor is used throughout this paper to describe people who experienced abuse in State care. It is important to note that the experiences are more than just for an individual and include impacts on whānau, hapū and iwi, and intergenerational impacts.
- 5 Māori were, and are, heavily impacted by the State care system. It is fundamental that Māori perspectives inform the Crown response. The Crown response also needs to remain sensitive to the current context, in particular the concern among Māori about the overrepresentation of Māori children in care, the wellbeing disparities that contribute to this, and the desire for greater Māori input into decisions that impact on Māori children and whānau. As the Royal Commission starts to outline its themes and inquiries we will have a better contextual picture, which builds on the Crown's own understanding of issues, to allow us to plan engagement over the next four years and beyond.
- 6 For the Crown to demonstrate 'learning' we need to listen to what the Royal Commission has to say and respond to its processes and potential recommendations. However, this must be balanced against the need to continue making improvements in the system to address serious known issues.
- 7 There are significant programmes underway to address systemic issues that will better align services with the principles. The programmes include the new operating model and approach for Oranga Tamariki, the development of the multi-agency Child and Youth Wellbeing Strategy, and the responses to the Mental

Health and Addiction Inquiry Report and the Welfare Expert Advisory Group Report. The Crown can potentially develop and extend existing programmes as vehicles to implement the Royal Commission's recommendations.

- 8 Given the need to have regard to the Royal Commission's process, the significant change programmes underway across government and that further changes may result from reviews underway, it is proposed to initially focus on immediate improvements to the historical claims process and the support and information available to survivors.
- 9 Four specific areas have been identified for immediate work that taken together will significantly improve survivor's experiences of the claims process:
  - improving historical claims processes across agencies (including registration, application forms and letters to claimants);
  - improving survivors' access to their own personal records and related general records;
  - improving the accessibility and alignment of communications material about claims processes, and more general survivor-related information; and
  - examining the level of support offered to survivors (including counselling) when they are seeking personal information or making claims, to ensure it is appropriate and consistent.
- 10 In the medium term, a separate workstream is underway examining alignment of the Crown approach to historic claims litigation, including the use of Alternative Disputes Resolution to address claims of historic abuse. This work will be reported back to Cabinet in October 2019. The work will progress closely with the proposed short-term areas, to ensure that potential improvements that could sit in either workstream are not inadvertently overlooked.
- 11 Crown agencies will advance the four short-term areas under a cross-agency action plan that is overseen and driven by the Crown Response's Sponsoring Group of Chief Executives. Work can be advanced as promptly as possible, drawing on other strategies and work programmes as necessary. Progress on the plan would form part of the regular reporting I receive as Responsible Minister for the Crown's response to the Royal Commission.

## **Background**

- 12 On 8 April 2019, Cabinet directed officials to "identify actions that can be taken to demonstrate the principles and then, coordinated through the Crown Secretariat, provide a "whole of Crown" report back to SWC by July 2019" [CAB-19-MIN-00139.01 refers].
- 13 The principles Cabinet has agreed will guide Crown engagement with the Royal Commission and the survivor community are: manaakitanga, openness, transparency, learning, being joined up and meeting our obligations under the Treaty of Waitangi. Cabinet also "noted that government is not currently perceived as always acting in accordance with the principles in its treatment of survivors" [CAB-19-MIN-00139.01 refers].
- 14 The definition of 'State care' contained in the terms of reference for the Royal Commission is broad, and includes social welfare, health and disability, education,

and transition and law enforcement settings. The definition is wider than what is traditionally considered 'in care' and extends to some temporary and non-residential settings.

- 15 Work on the Crown response is being progressed by an interagency group set up to respond to the Royal Commission. It includes the Ministries of Health, Education, Justice, and Social Development, Oranga Tamariki, Crown Law, Te Puni Kōkiri, the New Zealand Police, the Department of Corrections, the State Services Commission and Archives New Zealand. The interagency group is coordinated by a small Crown Secretariat, under the governance of a Sponsoring Group made up of key Chief Executives who are members of the Social Wellbeing Board.
- 16 The purpose of the Royal Commission is to examine and report on: the nature and extent of abuse that occurred; the factors that caused or contributed to such abuse; the impact of abuse on individuals, families, whānau, hapū, iwi and communities; the circumstances that led to individuals being taken into care and the appropriateness of such placements; what lessons were learned, what changes were made and what gaps remain; current frameworks to prevent and respond to abuse in care; and redress and rehabilitation processes. Its vision is "transforming the way we as a nation care for children young people and vulnerable adults in our communities".

### **Māori perspectives are vital**

- 17 The overrepresentation of Māori in the State care system is a key factor that underlies the work of the Royal Commission. A key question for Māori and the Crown will be to ask how this overrepresentation happened, where it began, and its causes. The Royal Commission is required to give appropriate recognition to Māori interests. The Royal Commission has said the inquiry will be underpinned by Te Tiriti o Waitangi and its principles, will partner with Māori throughout the inquiry process, and will consider the impact of abuse on individuals and their families, whānau, hapū, iwi and communities, including immediate, longer-term and intergenerational impacts.
- 18 It is fundamental that Māori perspectives inform the Crown response. Not only is this consistent with the principles but these perspectives are required to understand the context of the Royal Commission's themes and inquiries, as well as the Crown's own understanding of issues. The key point is that any changes made to the system must make the system work better for Māori and address the issues that result in overrepresentation.
- 19 The Crown response will consider the principles and approach of the Māori-Crown Engagement framework to building closer partnerships with Māori. The response will also use relevant past agency consultation with Māori, including the insights revealed in Puao Te Ata Tu (which raised concern in 1986 at the "high numbers of young Māori in the [Social Welfare] Department's institutions and those who make up its social work case-loads"<sup>1</sup>), to inform its engagement and work.
- 20 The Crown response also needs to remain sensitive to the current context, in particular the concern among Māori about the overrepresentation of Māori children in care, the wellbeing disparities that contribute to this, and the desire for greater Māori input into decisions that impact on Māori children and whānau.

1 Puao Te Ata Tu, The Report of the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare, 1986, page 15

- 21 An example of previous agency consultation and how Māori perspectives have informed work undertaken is the Ministry of Social Development's recent redesign of its historical claims process. Engagement with Māori was a starting point for reviewing the process and continues to be part of the continuous improvement model implemented.

### **We should proceed having regard to the Royal Commission's process and potential recommendations**

- 22 As the Crown, it is important for us to respect the role of the Royal Commission. This means we must take care that actions taken are consistent with the Royal Commission's work or its potential recommendations. One of the principles is 'learning' and so the government must listen to what the Royal Commission has to say.
- 23 Respect for the Royal Commission's process and potential recommendations, however, needs to be balanced against the need to continue with Government programmes that address serious issues such as the overrepresentation of Māori in State care and the need to adopt more appropriate whānau-centred policies across government.
- 24 A number of Crown agencies are already implementing significant change processes to address the above and other serious systemic issues. Aligning with the principles will be an ongoing process that takes place within this context. The Crown can build on existing change programmes as it considers the Royal Commission's recommendations.

### **Changes have been made to the government care system, more are underway but there is still much to do to improve the care system**

- 25 The State care system has changed significantly since the shift to de-institutionalisation in the late 1980s and early 1990s. For example, the Family Group Conference system was established for child protection and youth justice services, community-based care became the norm for disabled children and the mentally ill, all borstals and many children's residential institutions have closed. However, although these initiatives resulted in some improvements it was not enough. Continuous improvement of the State care system is needed to vigilantly protect against abuse. Agencies need to ensure systems, processes and policies prevent, detect and tackle any issues.
- 26 The State care system is continuously being reviewed and many change programmes are currently underway. Significant examples include the implementation of the new operating model and approach for Oranga Tamariki and the multi-agency Child and Youth Wellbeing Strategy (being developed in response to a new legislative requirement for government to adopt a strategy to improve the wellbeing of all children with a particular focus on the core populations of interest to Oranga Tamariki). The first Child and Youth Wellbeing Strategy will be published later this year. The legislation also requires the development of an Oranga Tamariki action plan setting out how the chief executives of children's agencies will work together to improve the wellbeing of the core populations of interest to Oranga Tamariki. These strategies and plans may be a frame through which recommendations and findings from the Royal Commission about the future care system can be delivered.

- 27 The change programmes will also better align services with the principles. The proposed Child and Youth Wellbeing Strategy has principles that are relevant to, and consistent with, the Crown response to the Royal Commission. For example, an important principle is that children and young people's wellbeing is interwoven with family and whānau wellbeing.
- 28 The new operating model being implemented in Oranga Tamariki aligns with 'manaakitanga' by prioritising safe stable and loving care, 'learning' by listening to the voices of children and using their insights to inform policy, practices and services, 'transparency' and 'openness' by public reporting on outcomes - including current rates of abuse in care. It aims to help meet 'Treaty obligations' by requiring priority be given to placing children in care with their whānau, hapū, families and family groups, and in their communities, and by implementing the new section 7AA of the Children, Young Persons and Their Families Act 1989 (now the Oranga Tamariki Act 1989). Section 7AA implementation will involve building strategic partnerships with iwi and Māori and developing policies and practices that aim to reduce disparities for Māori children and young people. Oranga Tamariki is developing an assurance framework to ensure all policy practices and services give effect to Section 7AA and their Treaty obligations.
- 29 The principles are also relevant to the Government response to the Mental Health and Addiction Inquiry Report, the responses to family and sexual violence, and to the Welfare Expert Advisory Group (WEAG) Report. The WEAG was established in May 2018 to provide advice to the Government on options that could best give effect to the Government's vision: New Zealand's social security system is one that ensures people have an adequate income and standard of living, are treated with and can live in dignity and are able to participate meaningfully in their communities. The principles that WEAG has recommended<sup>2</sup> for the design and operation of the welfare system are consistent with the principles that Cabinet has agreed for the Crown response.
- 30 Appendix A sets out examples of work recently completed, underway or planned as they relate to a survivor's experience of moving through the State care system.
- 31 In addition, several new reviews have been announced in the last few weeks that are not included in Appendix A, that may result in further change.

#### **Four areas within historic claims and personal records processes have been identified where new actions can be progressed**

- 32 In assessing the more immediate actions we can take to align our systems and processes with the principles, agencies used the perspective of a survivor's journey through the State care system, including looking back on past experiences from their time in care. While the description used is a survivor's journey, it is critical to note the impacts of care are broader than individual survivors and affect family and many others in the community. The experience of Māori in care, in particular, must include consideration of whānau, hapū and iwi impacts.

<sup>2</sup> The principles recommended by WEAG are to: Be person-centred and wellbeing focused, keep children paramount, value whānau and families, treat people with dignity, respect, and compassion, provide an income sufficient for an adequate standard of living, provide full and correct entitlements, deliver support that is easy to access, timely and appropriate, provide an employment service that supports people into good and appropriate work, Support provision of housing that is affordable, secure, of good quality and appropriate for the person (and their family or whānau), promote mutual expectations, aim for equitable outcomes, build and maintain effective linkages with other parts of government and to be sustainable.

- 33 Agencies are therefore advancing further work in four specific areas to demonstrate alignment with the Crown response principles:
- improving historical claims processes across agencies, (including registration, application forms and letters to claimants);
  - improving survivors' access to their own personal records and related general records;
  - improving the accessibility and alignment of communications material about claims processes, and more general survivor-related information. For example, increased visibility and signposting of useful publicly-available information; and
  - examining the level of support offered to survivors (for example, counselling as part of claims-related processes and help with interpreting technical information in records) to ensure it is appropriate and consistent.
- 34 There are more substantive, medium-term issues around this historical claims process that will feed into an October 2019 report-back on the Crown Litigation Strategy discussed in paragraph 49.

### **Improvements to historical claims processes across agencies**

- 35 Officials from the agencies that have historical claims processes (the Ministries of Health, Education and Social Development and Oranga Tamariki) are working together to develop ways to improve the claims processes across government. The goal is to identify practical short-term ways to improve the consistency and transparency of the different claims systems to make it work better for claimants.
- 36 Historical claims processes have been operating for at least the last 15 years (and ad-hoc claims were in many cases accepted prior to that) and there are differences in how each agency operates, depending on their circumstances. There are opportunities for agencies to learn from each other and to better align their processes with each other.
- 37 Some examples that are being considered, by the particular agencies, include:
- a more consistent and transparent claims registration process;
  - adopting a common claims application form for use by all four agencies; and
  - consistent letters that are sent to claimants.
- 38 In addition, a better referrals process between agencies could be developed for claimants who have claims against more than one agency - to help direct them towards the claims process for the second agency if that is what the claimants want (a joined-up, "no wrong door" approach).

### **Improved access for claimants to their own information**

- 39 Work is underway, coordinated by Archives New Zealand, to look at how to improve the system for people requesting personal records. An optimum system should take a joined-up "no wrong door" approach to information, assisting people

to find their information through a process that is as integrated as possible, but which maintains people's privacy and meets all legal requirements.

- 40 However, more could be done to improve the consistency and ease with which people that were formerly in State care can access their records, and the manner in which they receive them. For example, standards could be developed for more consistent and transparent redactions for client files in line with the Privacy Act. The Ministry of Social Development offers historic claimants their personal files without need to first request them. Ways of proactively providing records to survivors will be investigated.
- 41 Consideration could also be given to whether it would be possible to expand this work to include other, more general types of information request such as more consistent interpretation of the Official Information Act when requests are made under it. The latter is a potentially large piece of work that agencies will discuss with the Office of the Ombudsman. The increased proactive release of material could also be considered.

### **Better communications to potential claimants and their supporters about what is available**

- 42 Improved communications about claims processes, how to access them and what they offer would be useful for survivors. For example, information about which agency has responsibility for which care setting is likely to be a helpful starting point for survivors. Ensuring this information can be accessed in a multitude of ways and formats to reflect survivor's particular circumstances (for example, different disability accessible formats) is essential.
- 43 The quality and availability of online information could be improved in a relatively short time. Options agencies are exploring include a single web portal that provides information on all agencies' claims processes and links to the relevant websites. Further work could consider a link to the Royal Commission website (if it agreed) and faith-based and other NGO service providers could also be approached to see if they wanted to be included.
- 44 Improved Official Information Act processes and improved access to more general information about current and past institutions and processes, may also be helpful to survivors and to others who ask for information (for example, supporters and advocates for survivors of abuse in care). This could include better referral processes for passing Official Information Act requests between agencies or joint responses where a request covers the business of more than one agency.

### **More consistent support for survivors**

- 45 A medium-term issue is the availability and type of support provided to survivors. The Confidential Listening and Assistance Service (CLAS) was able to provide counselling and support for people who spoke with them, and then asked those people if they wanted to be referred into the formal claims processes run by agencies. This meant that some pastoral support had been provided before people came into the claims processes. Agencies meet some of this need, but they are not all resourced to provide support services on a consistent basis, and pastoral care has not been filled completely since CLAS was wound up in 2015.

- 46 Many survivors are eligible to access ACC-funded support, including pre-cover support. The Ministry of Social Development's claims unit refers survivors to ACC if those survivors are not accessing it. The Ministry of Social Development offers counselling of up to six sessions if the person is not eligible for ACC, and plans to extend support by looking at community partnerships to provide relevant wrap-around services. The Ministry of Health refers people to their general practitioners for counselling or includes funding for counselling as part of wellbeing payments. The Ministry of Education provides funding for counselling based on discussions with the particular survivor around their needs.
- 47 Claimants may also need support to read their personal files after they have requested them - for example, to help them understand the technical language, or to process them in disability accessible formats. Such support is provided at different levels and types by each agency. Agencies can examine these support arrangements and levels, to consider how they could be harmonised or brought into a more common, consistent approach.
- 48 The Ministry of Education uses independent assessors to work with claimants in its historic claims process. The Ministry of Social Development is to pilot the use of external agencies, such as NGOs and iwi, to talk to claimants who might not feel comfortable talking directly to agencies. As part of the work, the two Ministries will share the lessons from these processes with each other and the other agencies, with a view to improving the survivor experience across all agencies.

### **The Crown approach to historic claims litigation is already under consideration**

- 49 The Crown approach to historic claims litigation, including the use of Alternative Disputes Resolution (ADR) to address claims of historic abuse, is being progressed under a separate work-stream, being led by Crown Law, which will report back to this Committee in October 2019 [CAB-19-MIN-00139.01 refers]. That report will consider whether changes should be made to the way current historic claims litigation and ADR processes are conducted, to better reflect the principles.
- 50 This work will progress closely with the short-term actions outlined above, to ensure that improvements that sit in either the short or longer term are not inadvertently overlooked.

### **Activities will be progressed under an action plan to help improve things for survivors of abuse in care and have wider impacts across the system**

- 51 Crown agencies are forming the outlined activities into a cross-agency action plan that is overseen and driven by the Crown Response's Sponsoring Group of Chief Executives. Since the work involves records and claims processes across agencies, a single plan will help to continue ensuring efforts are well integrated.
- 52 Work will be advanced as promptly as possible, drawing on other strategies and work programmes as necessary. Progress on the action plan will be included in the regular Crown response reporting I receive as Responsible Minister.

- 53 Much of the broader change needed to align business as usual with the principles is behavioural or cultural – joining up, being more open and transparent, listening, learning, supporting – and making sure that government provides services in a manner that is relevant for Māori. The activities should have positive impacts that are wider than just people who have been in State care.
- 54 Although intended to improve the current system for survivors of abuse in care, the actions are not intended to get ahead of the Royal Commission. The action plan would be adjusted as required in light of any Royal Commission findings.

## **Consultation**

- 55 This paper has been developed collaboratively by an interagency working group made up of the Ministries of Health, Education, Justice, and Social Development, Oranga Tamariki, the State Services Commission, Crown Law, the New Zealand Police and the Department of Corrections, and coordinated by the inter-agency Crown Secretariat for the Historical Abuse Inquiry Response.
- 56 Advice was provided by Archives New Zealand, Te Puni Kōkiri and ACC. The Ministry for Pacific Peoples, Te Arawhiti, the Office for Disability Issues and the Ministry for Women were also consulted.
- 57 The Department of Prime Minister and Cabinet and the Treasury have been informed.

## **Financial implications**

- 58 This paper has no immediate financial implications. As the proposed actions are worked through, there may be resulting cost implications identified that result in future requests for funding.

## **Human rights implications**

- 59 A strong rationale for this work, and for the work of the Royal Commission, is to uphold human rights. This work will not determine individual cases, but it is an important part of making changes to create a system that is more transparent and supportive for survivors of abuse in care and their whānau hapū, iwi, families and family groups.
- 60 Human rights implications include procedural fairness for all parties, whether they are complainants or persons whose conduct is being examined by the inquiry.
- 61 The proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 and will support New Zealand to meet its obligations under various relevant international treaties and obligations. These include the UN Convention on the Rights of the Child, the UN Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the UN Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of all Forms of Discrimination Against Women, the UN International Convention on the Elimination of All Forms of Racial Discrimination and the UN Declaration on the Rights of Indigenous People.

## **Legislative implications**

62 This paper has no legislative implications.

## **Regulatory impact and compliance cost statement**

63 This paper has no regulatory or compliance implications.

## **Gender implications**

- 64 This work may have some gender implications, particularly as it relates to family and whānau impacts, as women are often the primary whānau carers and carers of children and vulnerable adults. For example, as at May 2019, 87 per cent of carers receiving unsupported child benefit or orphans' benefit were women.
- 65 It is not known whether girls were more, or less, likely to have been abused in State care than boys. More men than women have made formal claims of historical abuse in care. However, data collected over the past twenty years shows a pattern of higher rates and more frequent incidences of sexual violence and abuse among girls and women, much of which is not reported. For example, the NZ Crime and Victims Survey 2018 found that females are more likely to be victims of family violence and sexual violence (which is one of the abuse types that will be considered by the Royal Commission).
- 66 This work needs to be consistent with the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The CEDAW Committee was concerned about the persistence of multiple barriers impeding women and girls from obtaining access to justice and effective remedies. It makes this observation with particular reference to Māori, Pasefika, Asian, migrant and refugee women, women with disabilities, transgender, lesbian and bisexual women and intersex persons.
- 67 It is important that any systems for recognition or redress are accessible to women, particularly Maori women, and that they are supported to come forward if they have suffered from abuse in State care or from the wider impacts, for example as caregivers or whānau members.

## **Disability perspective**

- 68 Disabled people and their experiences of abuse in State care need to be recognised and respected. One in four New Zealanders identify as disabled. Many disabled children and adults were deprived of their liberty or taken into State care solely due to their physical or intellectual, disability, or mental health status, particularly in the period before de-institutionalisation in the early 1990s. For example, it is estimated that at the peak of enrolments about 460 disabled children were in nine State-funded residential schools.
- 69 Government care and claims services need to actively consider how they will work for disabled people, particularly disabled survivors, to ensure services are available to all. Engagement with disabled people is needed as part of the Crown response. This will enable us to ensure that disabled peoples perspectives are included as part of the Crown response and that they are kept informed about the response process as it develops.

70 This is an opportunity to acknowledge that disabled people are a valued group in our society on an equal basis with others and put the UN Convention on the rights of Persons with Disabilities into practice.

## Proactive release

71 I propose to proactively release this paper in whole within 30 working days of its noting by Cabinet. It will be published on the State Services Commission website, with other agencies linking to the page as required. I do not propose to issue a separate press release at the time this paper is proactively released.

## Recommendations

72 It is recommended that the Committee:

- 1 **note** that Cabinet agreed a set of six principles will guide Crown engagement with the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission) and with survivors of abuse in State care [CAB-19-MIN-00139.01 refers] – manaakitanga, openness, transparency, learning, being joined up, and meeting our obligations under the Treaty of Waitangi;
- 2 **note** that officials were directed to identify actions that can be taken to demonstrate the principles and then provide a “whole of Crown” report back to this Committee [CAB-19-MIN-00139.01 refers];
- 3 **note** it is fundamental that Māori perspectives inform the Crown response, and any changes made to the State care system must help make the system work better for Māori;
- 4 **note** it is important for the Crown to adopt a balance between having regard to the Royal Commission’s processes and potential recommendations, and the need to proactively address systemic issues;
- 5 **note** the government care system is continuously being reviewed and many change programmes are currently underway making significant shifts which will better align services with the principles;
- 6 **note** that four specific areas within historic claims and records processes have been identified for further work to demonstrate alignment with the Crown response principles, which taken together will significantly improve survivors experiences of the claims process:
  - 6.1 improving historical claims processes across agencies;
  - 6.2 improving survivors’ access to their own personal records;
  - 6.3 improving the accessibility and alignment of communications material about claims processes, and more general survivor-related information; and
  - 6.4 examining the level of support offered to survivors (including counselling) when they are seeking personal information or making claims, to ensure it is appropriate and consistent;

- 7 **note** that Crown agencies will form the four areas outlined in recommendation 6 into a cross-agency action plan that is overseen and driven by the Crown response's Sponsoring Group of Chief Executives;
- 8 **note** that progress reporting on the action plan will be included in the regular reporting to me as Responsible Minister for the Crown response; and
- 9 **note** that the Crown approach to historic claims litigation, including the use of Alternative Disputes Resolution to address claims of historic abuse, will be the subject of a separate report back to this Committee in October 2019 [CAB-19-MIN-00139.01 refers].

Hon Chris Hipkins  
Minister of State Services

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**Appendix A: Examples of initiatives, strategies and change programmes that are seeking to improve people’s journey through the State care system**

<b>Stage in the journey</b>	<b>Work done or underway to help improve the journey</b>
Entering the government care system	<ol style="list-style-type: none"> <li>1. Oranga Tamariki’s National Care Standards aim to ensure every child and young person knows what to expect when they are in the care or custody of Oranga Tamariki. The Standards took effect on 1 July 2019 and should change the way children experience care.</li> </ol>
Being in the government care system	<ol style="list-style-type: none"> <li>2. Oranga Tamariki’s National Care Standards span the care experience and are designed to signal a commitment to lifting the quality of care by setting minimum standards for practice and the support provided to children, young people and their caregivers. The Standards also include requirements for both self-monitoring and independent monitoring of compliance with the regulations.</li> <li>3. A Child Wellbeing Strategy has been developed</li> <li>4. Oranga Tamariki has also established a Safety of Children in Care Unit which is responsible for publically reporting on harm in care, assessing findings of abuse of children in care, and providing feedback to staff on practice issues that they identify. A child-centred compliments, complaints and suggestions feedback mechanism has been established to ensure the organisation holds itself accountable to children first and foremost.</li> <li>5. Programmes to reduce bullying aim to change children’s experiences in schools. As part of its injury prevention function to reduce sexual violence, ACC supports programmes in schools to provide young people with skills to engage in safe, healthy relationships and to seek help quickly when they need it.</li> <li>6. Training and vetting of the staff and caregivers responsible for children and vulnerable adults has changed significantly since the 1950s, with more training and a greater focus on safety. Māori and Pacific social work teams have been set up in some locations with high numbers of Māori or Pacific clients. Social worker registration will be compulsory within two years under the Social Workers Registration Act 2019 and all adults who work with children are now subject to compulsory vetting under the Education Standards Act 2001, and the Children’s Act 2014 and associated regulations.</li> <li>7. Oversight and monitoring of systems continues to develop. For example, a revised framework is being developed for external oversight of Oranga Tamariki. The</li> </ol>

<b>Stage in the journey</b>	<b>Work done or underway to help improve the journey</b>
	<p>Ministry of Social Development was appointed as an independent monitor from 1 July 2019, to establish the monitoring function. It is intended to transfer that function to the Office of the Children’s Commissioner once it is established and a new legislative framework is in place.</p> <p>8. Boards of Trustees must refer teachers to the Teachers Council if they have concerns about teacher behaviour. All schools must have policies around the prevention of abuse.</p> <p>9. Whistle-blowing provisions have been introduced via the Protected Disclosures Act 2000 to enable staff to make disclosures about serious wrongdoing, so that staff themselves can report on things that are not working.</p> <p>10. Oranga Tamariki has established a Voices of Children Team to understand children and young people’s experiences, needs and aspirations. This is intended to ensure the voices of children and young people are incorporated into policies, practices and services. It also assists the organisation to engage effectively and safely with children and young people of different ages, stages, communication abilities and cultures.</p> <p>11. There is also a new complaints function in the Office of the Ombudsman and advocacy is provided by the Office of the Children’s Commissioner.</p>
Leaving the government care system	<p>12. The age of leaving the care of Oranga Tamariki has been raised from 17 to 18. A new transition support service is being established for young people leaving the care of Oranga Tamariki, which will provide support for young people before they leave care until the age of 21 (or 25 for those with complex needs). The service will connect young people with a key youth worker, who will ensure that are connected to key agencies, and to their family, whānau, hapū, iwi or community where they wish to do so.</p> <p>13. The Ministry of Social Development provides a number of new and expanded programmes, such as Mana in Mahi, to support young people leaving the education system to find employment.</p> <p>14. The Ministry of Education has a number of programmes designed to help learners maintain contact with education and return to education. For example, assistance to help return young people to education from the justice system. Education agencies also provide information and support learners as they leave the schooling system.</p>

Stage in the journey	Work done or underway to help improve the journey
	<p>15. ACC provides access for survivors of sexual assault or abuse to counselling treatment and support. This includes one-to-one therapy, social work support, and whānau support. Survivors of sexual abuse do not need to make a claim to ACC or seek a referral from primary care to access this support.</p>
<p>Looking back on experiences in the care system</p>	<p>16. The Ministry of Social Development (MSD) has recently redesigned its historical claims process for people who were in the care of the former Department of Social Welfare and Child Youth and Family Services. The redesign involved extensive consultation with stakeholders, including claimants and iwi and Māori organisations, to gather feedback on what they needed. The redesigned model is one of continuous improvement with enhancements planned over the next few years. Immediate changes include a more streamlined assessment process, recruitment of more diverse team members to better meet claimants' cultural and personal needs, a specialist claimant support team, and the preparation of new communications resources. MSD is also developing community partnerships so claimants have more choice about who they will engage with and that they get access to supports and assistance. MSD is improving the way it provides information to Oranga Tamariki to help prevent abuse. Over the next few years MSD will increase the number of staff working on claims. Further changes will be made in response to feedback from claimants and other stakeholders.</p> <p>17. The Ministries of Education and Health also provide historic claims services with every claim managed on a case by case basis within the broader claims process to ensure that the claimants are treated fairly and respectfully.</p>

RELEASED BY SSC UNDER SUPPLY MANAGEMENT



# Cabinet Social Wellbeing Committee

## Summary

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### Aligning Crown Business with the Principles Guiding the Crown Response to the Royal Commission of Inquiry into Historic Abuse

**Portfolio** State Services

**Purpose** This paper reports on the development of an action plan to align Crown business with the principles that will guide the Crown's response to the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission).

**Previous Consideration** In April 2019, Cabinet agreed to a strategic approach to support the response to the Royal Commission, consisting of principles, outcomes, and work programme actions.

Cabinet agreed to the following principles:

- manaakitanga: treating people with humanity, compassion, fairness, respect and responsible caring that upholds the mana of those involved;
- openness: being honest and sincere, open to receiving new ideas, and willing to consider how the government does things currently and has done things in the past;
- transparency: sharing information, including the reasons behind all actions;
- learning: active listening and learning from the Royal Commission and survivors, and using that information to change and improve systems;
- being joined up: agencies work together closely to make sure activities are aligned, engagement with the Royal Commission is coordinated and the resulting actions are collectively owned; and
- meeting the Crown's obligations under Te Tiriti o Waitangi: honouring the Treaty, its principles, and building a stronger Māori-Crown relationship through the way the government operates and behaves.

Cabinet directed officials to identify actions that can be taken to demonstrate the principles and then, coordinated through the Crown Secretariat, provide a "whole of Crown" report back to SWC.

[CAB-19-MIN-0139.01]

**Summary** Work on the Crown response is being progressed by an interagency group. The interagency group is coordinated by a small Crown Secretariat, under the governance of a Sponsoring Group made up of chief executives who are members of the Social Wellbeing Board.

Māori were, and are, heavily impacted by the State care system. It is

fundamental that Māori perspectives inform the Crown response. The Crown response also needs to remain sensitive to the current context, in particular the concern among Māori about the over-representation of Māori children in care, the wellbeing disparities that contribute to this, and the desire for greater Māori input into decisions that impact on Māori children and whānau.

The Crown response will consider the principles and approach of the Māori-Crown Engagement framework to building closer partnerships with Māori.

Programmes are under way to address systemic issues that will better align services with the principles, including the new operating model and approach for Oranga Tamariki, the development of the Child and Youth Wellbeing Strategy, and the responses to the Mental Health and Addiction Inquiry Report and the Welfare Expert Advisory Group Report. The Crown can potentially develop and extend existing programmes as vehicles to implement the Royal Commission’s recommendations.

Four areas have been identified for immediate work that will significantly improve survivor’s experiences of the claims process:

- improving historical claims processes across agencies;
- improving survivors’ access to their own personal records and related general records;
- improving historical claims processes across agencies;
- examining the level of support offered to survivors when they are seeking personal information or making claims, to ensure it is appropriate and consistent.

Agencies will advance the four short-term areas under a cross-agency action plan that is overseen and driven by the Crown Response’s Sponsoring Group of Chief Executives. Work can be advanced as promptly as possible, drawing on other strategies and work programmes as necessary.

A separate workstream is under way examining alignment of the Crown approach to historic claims litigation, including the use of Alternative Disputes Resolution to address claims of historic abuse. The Minister of State Services will report further in October 2019.

<b>Regulatory Impact Analysis</b>	Not applicable.
<b>Baseline Implications</b>	None from this paper.
<b>Legislative Implications</b>	None.
<b>Timing Issues</b>	None.
<b>Announcement</b>	None indicated.

<b>Proactive Release</b>	This paper will be proactively released.
<b>Consultation</b>	<p>Paper prepared by SSC. CLO, Corrections, MoE, MoH, MoJ, MSD, Police, and Oranga Tamariki were consulted. DPMC was informed.</p> <p>The Minister of State Services indicates that the Minister of Finance, the Attorney-General, the Minister for Children, the Minister for Māori Crown Relations Te Arawhiti and Minister of Corrections, the Minister for Social Development, the Minister of Health, and the Minister of Police were consulted and that New Zealand First and the Green Party were consulted.</p>

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**The Minister of State Services recommends that the Committee:**

- 1 note that in April 2019, Cabinet:
  - 1.1 agreed to a strategic approach to support the response to the Royal Commission, consisting of principles, outcomes, and work programme actions;
  - 1.2 agreed to the following principles:
    - 1.2.1 manaakitanga: treating people with humanity, compassion, fairness, respect and responsible caring that upholds the mana of those involved;
    - 1.2.2 openness: being honest and sincere, open to receiving new ideas, and willing to consider how the government does things currently and has done things in the past;
    - 1.2.3 transparency: sharing information, including the reasons behind all actions;
    - 1.2.4 learning: active listening and learning from the Royal Commission and survivors, and using that information to change and improve systems;
    - 1.2.5 being joined up: agencies work together closely to make sure activities are aligned, engagement with the Royal Commission is coordinated and the resulting actions are collectively owned;
    - 1.2.6 meeting the Crown's obligations under Te Tiriti o Waitangi: honouring the Treaty, its principles, and building a stronger Māori-Crown relationship through the way the government operates and behaves;
  - 1.3 directed officials to identify actions that can be taken to demonstrate the principles and then, coordinated through the Crown Secretariat, provide a "whole of Crown" report back to the Cabinet Social Wellbeing Committee (SWC);

[CAB-19-MIN-0139.01]
- 2 note it is fundamental that Māori perspectives inform the Crown response, and any changes made to the State care system must help make the system work better for Māori;
- 3 note it is important for the Crown to adopt a balance between having regard to the Royal Commission's processes and potential recommendations, and the need to proactively address systemic issues;

- 4 note the government care system is continuously being reviewed and many change programmes are currently under way making significant shifts which will better align services with the principles;
- 5 note that four specific areas within historic claims and records processes have been identified for further work to demonstrate alignment with the Crown response principles, which taken together will significantly improve survivors experiences of the claims process:
  - 5.1 improving historical claims processes across agencies;
  - 5.2 improving survivors' access to their own personal records;
  - 5.3 improving the accessibility and alignment of communications material about claims processes, and more general survivor-related information; and
  - 5.4 examining the level of support offered to survivors (including counselling) when they are seeking personal information or making claims, to ensure it is appropriate and consistent;
- 6 note that Crown agencies will form the four areas outlined in recommendation 5 into a cross-agency action plan that is overseen and driven by the Crown response's Sponsoring Group of Chief Executives;
- 7 note that progress reporting on the action plan will be included in the regular reporting to the Minister of State Services as Responsible Minister for the Crown response;
- 8 note that the Crown approach to historic claims litigation, including the use of Alternative Disputes Resolution to address claims of historic abuse, will be the subject of a separate report back to SWC in October 2019.

Gerrard Carter  
Committee Secretary

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**Hard-copy distribution:**  
Cabinet Social Wellbeing Committee  
Office of the Prime Minister



# Cabinet Social Wellbeing Committee

## Minute of Decision

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### Aligning Crown Business with the Principles Guiding the Crown Response to the Royal Commission of Inquiry into Historic Abuse

**Portfolio**                      **State Services**

On 28 August 2019, the Cabinet Social Wellbeing Committee **referred** the submission under SWC-19-SUB-0109 to the meeting of the Cabinet Business Committee on 2 September 2019 for further consideration.

Gerrard Carter  
Committee Secretary

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**Present:**

Rt Hon Jacinda Ardern  
Hon Grant Robertson  
Hon Dr Megan Woods  
Hon Andrew Little  
Hon Carmel Sepuloni (Chair)  
Hon David Parker  
Hon Jenny Salesa  
Hon Damien O'Connor  
Hon Willie Jackson  
Hon Aupito William Sio  
Hon Poto Williams  
Jan Logie, MP

**Officials present from:**

Office of the Prime Minister  
Office of the Chair  
Officials Committee for SWC

**Hard-copy distribution:**

Minister of State Services



# Cabinet Business Committee

## Summary

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### Aligning Crown Business with the Principles Guiding the Crown Response to the Royal Commission of Inquiry into Historic Abuse

Portfolio                      State Services

On 28 August 2019, the Cabinet Social Wellbeing Committee **referred** the attached submission under SWC-19-SUB-0109 to the meeting of the Cabinet Business Committee on 2 September 2019 for further consideration.

#### The Minister of State Services recommends that the Committee:

- 1 note that in April 2019, Cabinet:
  - 1.1 agreed to a strategic approach to support the response to the Royal Commission, consisting of principles, outcomes, and work programme actions;
  - 1.2 agreed to the following principles:
    - 1.2.1 manaakitanga: treating people with humanity, compassion, fairness, respect and responsible caring that upholds the mana of those involved;
    - 1.2.2 openness: being honest and sincere, open to receiving new ideas, and willing to consider how the government does things currently and has done things in the past;
    - 1.2.3 transparency: sharing information, including the reasons behind all actions;
    - 1.2.4 learning: active listening and learning from the Royal Commission and survivors, and using that information to change and improve systems;
    - 1.2.5 being joined up: agencies work together closely to make sure activities are aligned, engagement with the Royal Commission is coordinated and the resulting actions are collectively owned;
    - 1.2.6 meeting the Crown's obligations under Te Tiriti o Waitangi: honouring the Treaty, its principles, and building a stronger Māori-Crown relationship through the way the government operates and behaves;

- 1.3 directed officials to identify actions that can be taken to demonstrate the principles and then, coordinated through the Crown Secretariat, provide a “whole of Crown” report back to the Cabinet Social Wellbeing Committee (SWC);

[CAB-19-MIN-0139.01]

- 2 note it is fundamental that Māori perspectives inform the Crown response, and any changes made to the State care system must help make the system work better for Māori;
- 3 note it is important for the Crown to adopt a balance between having regard to the Royal Commission’s processes and potential recommendations, and the need to proactively address systemic issues;
- 4 note the government care system is continuously being reviewed and many change programmes are currently under way making significant shifts which will better align services with the principles;
- 5 note that four specific areas within historic claims and records processes have been identified for further work to demonstrate alignment with the Crown response principles, which taken together will significantly improve survivors experiences of the claims process:
  - 5.1 improving historical claims processes across agencies;
  - 5.2 improving survivors’ access to their own personal records;
  - 5.3 improving the accessibility and alignment of communications material about claims processes, and more general survivor-related information; and
  - 5.4 examining the level of support offered to survivors (including counselling) when they are seeking personal information or making claims, to ensure it is appropriate and consistent;
- 6 note that Crown agencies will form the four areas outlined in recommendation 5 into a cross-agency action plan that is overseen and driven by the Crown response’s Sponsoring Group of Chief Executives;
- 7 note that progress reporting on the action plan will be included in the regular reporting to the Minister of State Services as Responsible Minister for the Crown response;
- 8 note that the Crown approach to historic claims litigation, including the use of Alternative Disputes Resolution to address claims of historic abuse, will be the subject of a separate report back to SWC in October 2019.

Vivien Meek  
Committee Secretary

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**Hard-copy distribution:**  
Cabinet Business Committee  
Minister of Police



# Cabinet Business Committee

## Minute of Decision

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### Aligning Crown Business with the Principles Guiding the Crown Response to the Royal Commission of Inquiry into Historic Abuse

**Portfolio**                      **State Services**

On 2 September 2019, the Cabinet Business Committee:

- 1        **noted** that in April 2019, Cabinet:
  - 1.1        agreed to a strategic approach to support the response to the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission), consisting of principles, outcomes, and work programme actions;
  - 1.2        agreed to the following principles:
    - 1.2.1        manaakitanga: treating people with humanity, compassion, fairness, respect and responsible caring that upholds the mana of those involved;
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    - 1.2.5        being joined up: agencies work together closely to make sure activities are aligned, engagement with the Royal Commission is coordinated and the resulting actions are collectively owned;
    - 1.2.6        meeting the Crown's obligations under Te Tiriti o Waitangi: honouring the Treaty, its principles, and building a stronger Māori-Crown relationship through the way the government operates and behaves;
  - 1.3        directed officials to identify actions that can be taken to demonstrate the principles and then, coordinated through the Crown Secretariat, provide a "whole of Crown" report back to the Cabinet Social Wellbeing Committee (SWC);

[CAB-19-MIN-0139.01]

- 2        **noted** that it is fundamental that Māori perspectives inform the Crown response, and any changes made to the State care system must help make the system work better for Māori;

- 3 **noted** that it is important for the Crown to adopt a balance between having regard to the Royal Commission's processes and potential recommendations, and the need to proactively address systemic issues;
- 4 **noted** that the government care system is continuously being reviewed and many change programmes are currently under way making significant shifts which will better align services with the principles;
- 5 **noted** that four specific areas within historic claims and records processes have been identified for further work to demonstrate alignment with the Crown response principles, which taken together will significantly improve survivors experiences of the claims process:
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- 5.4 examining the level of support offered to survivors (including counselling) when they are seeking personal information or making claims, to ensure it is appropriate and consistent;
- 6 **noted** that Crown agencies will form the four areas outlined in paragraph 5 into a cross-agency action plan that is overseen and driven by the Crown response's Sponsoring Group of Chief Executives;
- 7 **noted** that progress reporting on the action plan will be included in the regular reporting to the Minister of State Services as Responsible Minister for the Crown response;
- 8 **noted** that the Crown approach to historic claims litigation, including the use of Alternative Disputes Resolution to address claims of historic abuse, will be the subject of a separate report back to SWC in October 2019.

Vivien Meek  
Committee Secretary

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**Present:**

Rt Hon Jacinda Ardern (Chair)  
Hon Kelvin Davis  
Hon Phil Twyford  
Hon Dr Megan Woods  
Hon Chris Hipkins  
Hon Andrew Little  
Hon Carmel Sepuloni  
Hon Dr David Clark  
Hon David Parker  
Hon Nanaia Mahuta  
Hon Stuart Nash  
Hon Ron Mark  
Hon Tracey Martin  
Hon James Shaw

**Hard-copy distribution:**

Minister of State Services

**Officials present from:**

Office of the Prime Minister  
Department of the Prime Minister and Cabinet