



Abuse in Care
Royal Commission of Inquiry

**Royal Commission into Historical Abuse in State Care
and in the Care of Faith-based Institutions**

**Quarterly Report
As at 31 March 2020**



Purpose

This report updates you about the high-level activity of the Royal Commission into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Inquiry) for the quarter ended 31 March 2020 and year-to-date spend through to 31 March 2020.

In completing this report, we have had regard to the requirements set out in the Ministerial Letter of Expectations for 2019/20 dated 4 March 2020. The Inquiry's response to Covid-19 and its impact on the work of the Inquiry is the dominant theme running through this report.

The Commission's response to Covid-19

The Inquiry has responded quickly to the threat of Covid19 with a "people first" approach, while seeking to minimise the impact on operations and to ensure critical work is progressed and delivered.

The business response has factored in all-of-government guidelines, the advice and policy guidance coming from the Department of Internal Affairs (the Department), the needs and priorities of the Inquiry's work, the wellbeing and needs of staff and survivors and the ongoing communication with stakeholders (such as SAGE, community organisations, etc).

A Crisis Governance Group, Crisis Management Team and protocols have been stood up to ensure the situation is coordinated, essential resources are allocated, and business functions and services are maintained.

We have received positive feedback from both staff and the Department for our overall response and for our communicative and people-first approach.

The Inquiry has adopted the following principles to guide decision making:

- a. **maintain** our people-first (staff and survivors) and proactive communication response to the evolving Covid-19 situation;
- b. **deliver** the Inquiry priorities and deliverables that have been agreed but recognise they may need to be re-planned or re-prioritised and delivered differently with the lens of Covid-19 applied;
- c. **strengthen** strategy and planning by taking the opportunity offered by the slowdown in the Inquiry's momentum during the lockdown periods to divert spare energy and resources into key strategic areas that require further development.

Key activities continuing during the period

Below is a sample of key activities that continue to be worked on in the period:

- Maintaining survivor services – primarily contact centre and wellness support;
- Transcribing private sessions held up until March 2020 (360 private sessions of which 100 are transcribed);



- Developing and implementing private session options for survivors in lieu of face to face sessions e, g by video conference, audio and the ability to send in written accounts;
- Developing a new counselling support model through partnerships with external providers (with an expected approach in place by May 2020) – this is in relation to the \$15.3M set aside for counselling costs in the Inquiry’s budget;
- Continuing to collect, analyse and synthesise information required for the development of the Commission’s interim report to the Government;
- Developing more detailed strategies for communications and engagement, both proactive and reactive, explaining how we will reach and engage survivors (spectrum of Maori, Pacific people, the disabled community, LGBTQI and service providers) across the spectrum of the cohorts in our Terms of Reference;
- Gathering information on possible options for virtual hearings, and the investigation teams are discussing utilising virtual meeting/hearing technology to run roundtables in 2020;
- Investigative work continues in a limited capacity (refer below).

High-level impact of Covid-19 on the Inquiry’s Work Programme

The Commission has also been assessing the impact of Covid-19 and the Government’s response on the Inquiry’s overall work programme and timelines. We are also anticipating and planning for the possibility of a further wave of Covid-19 infection that could lead to a repeat of L4 and 3 lockdowns.

Following is a summary of the likely impact on the Inquiry work programme on the three key pillars of the Inquiry’s work;

Investigations and Public Hearings

Although investigative work continues, the Crown has limited capacity to access documents in Covid levels 4 and 3 given its other commitments; while the Faith-based institutions face challenges, they may not face the same type of restrictions. While in levels 3 and 4 physically stored information is inaccessible, digitally held documents can be accessed.

The schedule of public hearings planned for 2020 has been significantly impacted. The Redress hearings to be held in March and May 2020 have now been deferred to begin in September at the earliest. Proposed hearings in the second half of the year for the Māori and Catholic (Marylands School) investigations have also been deferred.

Completion of work on the Khyber Pass premises (including a purpose-built hearing facility) has ceased as a result of the level 4 lockdown. Uncertainty over when that will be restarted means in a “best case” scenario we will be unable to hold public hearings in the new premises before September 2020.



We are beginning to consider technology options to deliver public hearings, but even if these were possible, a “remote” public hearing is unlikely to deliver the same impact and profile that the Inquiry needs to gain widespread external support and momentum.

Survivor Accounts

The inability to meet face-to-face with survivors has caused the cancellation of private sessions for April 2020, and private sessions in that format will be unlikely to take place routinely until New Zealand reaches level 1, unless by special “exemption to travel”.

While private sessions via Zoom are currently being designed and the ability to provide written accounts will soon be available, it is likely that for a number of survivors access to the required technology will be difficult. Others may simply prefer a face-to-face meeting for cultural or other reasons.

It is inevitable that the number of planned private sessions for 2020 of 700 will not be achieved and this shortfall will be carried into subsequent years.

Policy & Research

Competition for scarce policy and research resources has become intense across the Public Sector and the Inquiry does not want to be competing inappropriately with agencies that urgently require this resource as a result of Covid-19. Scaling up Policy & Research to the desired level and therefore delivering on their demanding work programme may take longer than planned. The Inquiry has already experienced recent examples of people declining these roles as a result of their commitment to their home agency to support the Covid-19 response.

Community Engagement and Communication

The number of community organisations, support groups and networks being engaged by the Inquiry nationwide currently stand as approximately:

- 80 for disabled and Deaf,
- 5 for homeless, and
- 90 for Pasefika.

To ensure that our relationships are maintained throughout the response to Covid-19 the Community Engagement team have reviewed the impacts it is currently having on our communities and offered support where possible. Most of these organisations are classified as essential services and are noticing an increase demand on their staff and resources.

The Inquiry acknowledges these organisations’ changing priorities and that for some supporting their people to engage with the Inquiry is not currently a priority.

The Treaty Engagement team continues their work. They have engaged with



- 8 NGOs, some national and other local, regional entities.
- Māori leaders from across the country who we designed our approach with.
- Iwi organisations (Te Ātiawa, Ngā Muaupoko, Ngāti Whātua kei Ōrākei, Te Rarawa, Ngāi Tahu, Ngāti Whātua, Ngāti Rangī and Te Arawa). Some iwi have indicated high interest while others are a 'wait and see'.
- Completed the first survivor-led hui which resulted in 9 registrations.

Important Communication activities for the quarter included:

- The Royal Commission was mentioned 25 times in the media in March. This coverage reached a cumulative audience of 592,943 and if paid for in advertising would have cost \$111.2k.
- Commissioner Sandra Aloffivae appeared in an *E-Tangata* profile piece reaching Māori and Pasefika audiences.
- David Cohen, journalist and author of *Little Criminals* (experience of Eponi Boys' Home and study of New Zealand's residential juvenile criminal system of the 1950s to 1980s), held two Q&A's on Newstalk ZB's *Nutters Club* discussing the Royal Commission and encouraging survivors to contact the Inquiry.
- As well as reactive media regarding a previous employee, media work in March focused on proactive media planning for the Redress hearing using witness statements. This work was interrupted by the lockdown caused by Covid-19.
- The team will shortly commence English and Te Reo advertising on all Iwi radio stations for a two-week period to drive interest in the Inquiry and registrations among both Māori and Pasefika survivors.

Proposed Extension to Inquiry Timeframes

The delays to the Inquiry's work programme in key areas are leading Commissioners to consider whether an extension to the timeframes of the Inquiry beyond the January 2023 end date is necessary. More detailed work in key work programme areas will be undertaken to validate the extent of the delay required. The Inquiry has notified the Department and will engage with officials as appropriate. The Chair will also discuss this further with you at your upcoming meeting with her on 14 May 2020.

It is worth noting that due to the unprecedented breadth and complexity of this Inquiry, as well as the sensitivity of the subject matter, completing the work to fulfil, in full, the Terms of Reference by January 2023 was always going to be a challenge. The impact of Covid-19 has made that task immeasurably more difficult, particularly when the safety, security and wellbeing of survivors lie at the centre of our Terms of Reference.



Working with the Department of Internal Affairs

Work has continued through the lockdown to refresh the Inquiry's working relationship with the Department as set out in your Letter of Expectations 2019/20. This will be supported by, in particular, a revised Memorandum of Understanding and a Statement of Performance Expectations. The work is on track to be completed in time for the beginning of the new financial year on 1 July 2020. Both the Department and the Chair of the Inquiry are delighted at the quality of our relationship and the ongoing improvements that have been achieved to date.

Financial summary to 31 March 2020

The year to date variance for the 9 months to 31 March 2020 was a \$11.444M underspend across all outputs. The second half of the year was expected to see an increase in operating expenditure due to additional public hearings being planned and held, together with new operating systems coming on line and a further increase in FTE numbers. The impact of Covid-19 and the measures taken by the Inquiry in response has negated that increase. The Inquiry is now expected to be underspent, in total, at financial year end 30 June 2020.

Departmental Output Expense: Royal Commission into Historical Abuse in State Care and in the Care of Faith-based Institutions.

Output	YTD* Actual (\$m)	YTD Budget (\$m)	YTD Var (\$m)	Total spend to appropriation to date # (\$m)	Duration Multi-year Approved Budget (\$m)	Comment
Operating expenses	15.235	18.012	2.777	23.007	44.108	The anticipated increase in expenditure driven mainly by personnel and public hearings costs has not occurred due to Covid-19.
Commissioner fees	0.908	1.363	0.455	1.491	6.122	The average days worked by Commissioners has been impacted by the Commission running 1 Commissioner down since Sir Anand Satyanand's retirement.
Counselling costs	0.14	2.191	2.051	0.14	15.335	The underspend will be largely permanent this financial year as the new model for counselling and associated costs will be implemented from the beginning of the next financial year.



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Legal Assistance	0	2.747	2.747	0	8.79	Reflects a slowing in the anticipated schedule of Public Hearings. In addition, \$100k of actual costs have been identified as being incorrectly coded to operating costs. Totals for next quarter will be corrected.
Capital	0.789	4.203	3.414	1.079	4.493	The underspend of \$3.414m is driven by the timing of construction progress payments on the Auckland public hearing space. Construction was shut down Wednesday 25 March in response to the Government Alert Level 4 announcement. The financial impacts of the shut-down will be worked through over the coming months.

*YTD spend for the 9 months of 19/20 financial year (1 July 2019 to 31 March 2020)

Whole of life costs from inception of the Royal Commission Inquiry