

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

Quarterly Report (1 April – 30 June 2021)

Overall comments

Purpose

This report updates the high-level activity and performance expectations of the Royal Commission into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Inquiry) for the 2020/2021 year for the quarter ended 30 June 2021.

In completing this report, we have had regard to the requirements set out in the Ministerial Letter of Expectations for 2020/21, dated 26 June 2020.

Progressing core delivery – Operational highlights

Investigations

Following the Government's announcement of changes to the Terms of Reference, confirmation of the final report delivery date of June 2023 and budget confirmation, a significant focus for investigations in this quarter has been on developing Tē Tatōu Mahere, our new approach to completing the Inquiry.

The nine launched investigations continue to obtain documentary and witnesses evidence, with investigations expanding their witness lists, which can be time consuming given the volume of people they need to interview, and the challenges faced in locations and engaging with some people. As at 30 June 2021, we have engaged with nearly 700 witnesses and completed 300 witness statements and some 680,000 documents obtained.

Two hearings have taken place in this quarter, with the Residences hearing in May and the Lake Alice case study hearing in June. The Inquiry has received positive feedback particularly with respect to the latter from those that participated, especially from the survivors who attended. Following the Lake Alice hearing the focus for the investigation team has moved to delivering the report with a first draft anticipated to be delivered by the end of 2021.

During June the Redress investigation team undertook significant engagement to gather information and test ideas and themes as they proceed to confirm their recommendations and write the report. A Kingitanga sponsored hui took place on 2-3 June, and a redress round table on 1-2 July. Both events were extremely valuable and have provided the Inquiry with new information and strengthened relationships with key stakeholders.

Research and Policy

Approved work within the Research and Policy Work programme was successfully completed within the quarter. This included delivery of the Impacts of Abuse and Neglect in State and Faith-based Care Report; Examination of the settings and regulations for the historical use of seclusion and restraint in New Zealand and overseas; Examination of the systematic and operational factors contributing to abuse of children and young people at Lake Alice Psychiatric Hospital; and the summary of literature relevant to the abuse of Pacific Peoples in state and faith-based care.

Research and Policy were also key contributors during the quarter to the Redress submission and Redress roundtable events, alongside other work to support Redress context and provide survivor voice insights

Survivor Accounts

Survivor contact has been steady with a marked increase in telephone calls and correspondence during the Residences (weeks of 3 and 10 May) and the Lake Alice (weeks of 14, 21 and 28 June) hearings. This is what we would expect to see during a public hearing as the increased media coverage raises the profile of the Commission and survivors and their whānau contact us to discuss their experiences. The increased profile of the Commission can also be triggering for some survivors.

During the quarter, submissions were sought from survivors, stakeholders and members of the public on what changes could be made to redress processes. A total of 112 submissions were received.

A total of 122 face-to-face Private Sessions with survivors were conducted over this quarter, and we received 18 written accounts. We continue to schedule private sessions based on Commissioner availability whilst managing survivors expectations.

Last quarter we engaged with 105 Australian based survivors to extend an offer to attend a Private Session or provide a written account or a witness statement. We have completed ten zoom sessions, one witness statement and sent out two written account booklets to this cohort.

Wellbeing

We have increased our wellbeing service provision to include three additional providers, Mapu Maia, Tautoko Mai and The Personal Advocacy and Safeguarding Adults Trust (PASAT) to ensure that survivors have a range of wellbeing services available to them across New Zealand.

Community

Since being provided access to register survivors early this year, the Community Engagement team continues to register survivors. As of May 2021, the team has collectively registered over 60 survivors.

Having now completed six engagement sessions specifically tailored for the learning disability, neurodiverse and cognitive impaired (LDNDCI) community in Palmerston North, Christchurch and Auckland, the next round of these sessions will continue in Nelson and other cities in the South Island in the new financial year.

In support of the Inquiry's redress submission process in June, the Community Engagement team found ways for the disability and deaf sectors to provide feedback on the possible changes to the redress scheme.

From 19-22 May 2021 the Community Engagement team were in Dunedin to meet with several Pacific groups and organisations who know Pacific survivors of historical abuse. A key focus for community engagement, like many others, in the next quarter will be a focus on the Inquiry's reset planning.

Treaty Engagement

This quarter's highlight is the Treaty Engagement directorate's delivery of the revised Treaty statement, and Treaty principles and standards following approval from Te Taumata and agreement from the Commissioners. This will guide the Commission's work in meeting the Treaty requirements of the inquiry's Terms of Reference and help inform and guide the writing of reports.

Engagements have continued with Māori providers, Iwi and the survivor community, which have strengthened external relationships providing the Inquiry with valuable insights and kaupapa Māori expertise:

- Office of the Kingitanga – continued to provide assistance to host the redress hui at Hopuhopu on 1-2 July that brings together tikanga and Treaty expertise to inform the redress report.
- Te Taumata Advisory Committee – the Treaty Engagement directorate supported the Committee in its meetings with Māori investigations, legal and Counsel Assist, and Commissioners on 13-14 April. The Committee's role is to inform and advise the Commission's direction from a Treaty perspective.
- Muaupoko Tribal Authority – ongoing engagement relating to Kohitere Boy's Training Centre, Hokio Beach Training School and Kimberley Psychiatric Hospital, which were all located in their rohe. The Authority hosted a visit to these sites on 27 May that included members of the Treaty Engagement, legal and investigations (Residences) teams.
- Redress report – supporting the redress investigation, including helping with the drafting from a Māori and Treaty perspective.
- Lake Alice report - supporting the planning for this report.

Communications/Media

The Commission was mentioned in 474 media items between 1 April and 30 June 2021. These articles reached a cumulative potential audience of 14.4 million (and if paid for in advertising would have cost \$4.82M). The majority of coverage was in relation to the Lake Alice hearing (317 media items). The Residences hearing also falls within this reporting period. On social media, the Inquiry reached 35,146 people across 38 posts, with 11,915 total engagements (likes, comments, shares and clicks). During this period, we had an increase of 462 page likes and followers.

Key performance indicators

Organisational Delivery

Interim Report

The Inquiry is to provide an interim report on its work, in writing, by 28 December 2020. The report will be in two parts – a substantive interim report and an administrative interim report.

How we will monitor our performance	Status
Substantive Interim Report	Completed
Comments: The substantive interim report, Tāwharautia: Pūrongo o te Wā, was presented to the Governor-General on 4 December 2020, meeting the requirements of clause 35 (1) of the terms of reference. The report was publicly released on 16 December 2020.	

How we will monitor our performance	Status
Administrative Report	Completed
Comments: The Administrative Report was provided to the Minister of Internal Affairs on 3 December 2020.	

Investigations and Public Hearings

Nine investigations were launched in 2020/21. All of these investigations will extend beyond the 2020/21 financial year. Public hearings on Redress (State and faith-based), State children's residential care, and Psychiatric care (Lake Alice Child and Adolescent Unit) have been completed with a hearing into Pacific people's experience of care currently underway (July 2021). Reporting against each investigation will occur progressively.

NOTE: The recent decision by the Government to amend the Commission's Terms of Reference and confirm the final reporting date of no later than 30 June 2023, will necessitate a reset of the current investigations work programme. This will include strengthened monitoring and reporting arrangements.

How we will monitor our performance
Investigations and Public Hearings overall
Comment: The nine launched investigations are well into obtaining their documentary or witness evidence which will be a continuing piece of work as the Inquiry develops. The investigations are currently expanding their witness lists which can be time consuming given the volume of people they need to interview, and how hard those people are to locate for some investigations. The Investigations team are working in partnership with the Community Engagement team in developing different methods of finding hard to engage (reach) witnesses to ensure relevant witnesses are identified and approached. We anticipate a surge in Māori and Pacific witnesses following the Māori and Pacific hearings.

How we will monitor our performance
Redress investigation (State and faith-based)
Comment: The team is well developed in their redress investigation report writing. This includes significant input from the thematic investigations and the faith-based investigations.

How we will monitor our performance
Māori experience of care
Comment: The Māori investigation is now preparing for its first public hearing currently anticipated to take place in September 2021. This hearing is likely to include survivor voices and expert evidence, both of which are currently being obtained and briefed.

How we will monitor our performance
Pacific People's experience of care
Comment: The Pacific People's investigation public hearing will be held from 19 July for two weeks. The hearing will be held at Fale o Samoa which is the heart of the Pacific community in Auckland. The hearing will include survivor voices / expert evidence, and a Talanoa panel of prominent people within the Pacific community to discuss potential areas for reform and recommendation. As of time of writing, the public hearing is under way.

How we will monitor our performance
Disability investigations (disability care settings and experiences of disabled people in care)

Comment: The Disability investigation has started its roadshow engagement plan. This will involve visiting significant centres around New Zealand and will hold meetings with service providers, NGOs, caregivers and families of survivors, and survivors themselves. A public hearing is currently being planned for the first half of 2022.

How we will monitor our performance

Psychiatric care investigation

Comment: The Lake Alice public hearing has concluded, and the team is focusing on writing up the Inquiry's first case study report.

How we will monitor our performance

State children's residential care investigation

Comment: The Children's Residential Care survivor public hearing has concluded. The team is now refining its investigation plan, which will also be informed by the outcomes of the Inquiry reset.

How we will monitor our performance

Catholic Church investigation

Comment: The Catholic Church investigation team has been engaging in significant planning effort to allocate resources to writing the redress report, the Marylands case study public hearing which will take place in November 2021, and consideration of future case study and investigation work.

How we will monitor our performance

Anglican Church investigation

Comment: The Anglican investigation team is contributing to the redress report and planning for the next case study, which is yet to be confirmed.

Research and Policy

This work is focussed on delivering research products to support the investigations and hearings workstreams. Other discrete research and policy work will sit outside the Investigations and Hearings streams. This work will include research and briefings, round tables, Commissioner information sessions, written reports – both internal and commissioned - and other information needs to support Commissioners. Separate reporting against each stream of the policy work programme – core and investigative - will occur progressively as they are established.

How we will monitor our performance

Comment: Progress on delivering the Research and Policy (R&P) work programme outputs is being monitored weekly by the R&P team and by the Inquiry's Programme Steering Committee.

Survivor Accounts

Private sessions with survivors to hear their experiences include written, face-to-face, technology (zoom) and group/marae-based sessions. It excludes witness statements collected from investigations.

How we will monitor our performance	Target 20/21	YTD 20/21	Apr-June 2021	Jan-Mar 2021	Oct-Dec 2020	July-Sept 2020
Total Survivor registrations	920 (revised target)	921	273	185	263	200
Private sessions conducted, including Written Accounts and Zoom sessions	320	466	140	107	94	127
Witness Statements	-	218				
Wellbeing sessions provided	2,175 (revised target)	2,149	730	503 ^(A)	454	462
<p>^(A) Note: figure revised from previously reported 483 to 503 following internal audit of data Comment: Survivor registrations were strong this quarter due to two significant public hearings, and redress submissions being called for.</p>						

Community and Treaty Engagement

Engagement with Iwi, NGOs and support/community organisations. 'Engagement' constitutes a stakeholder activity (e.g., large or small group meetings, significant conversations, face-to-face or virtual meetings that advisors have with an external community stakeholder (new or established).

We will engage with external stakeholders (with a focus on Māori, Iwi, Pacific people, Disabled and LGBTTIQA+) to increase awareness of our work and to promote engagement and the registration of survivors.

w we will monitor our performance	Target 20/21	Total 20/21	Apr-June 2021	Jan-Mar 2021	Oct-Dec 2020	July-Sept 2020
Community engagements	120 per month	2125	751	1374	466	292
Treaty engagements	5 iwi and 10 survivors per month	401	127	135	86	53
<p>Comments: The breakdown of Treaty engagement in the fourth quarter is as follows: April – 31 with iwi, and 56 with survivors; May - 14 with survivors (iwi figures not available); June - 15 with iwi and 10 with survivors</p>						

Organisational Health and Capability

While the Department is the substantive employer of Royal Commission staff, the Royal Commission is independent. These measures are designed to provide reassurance to the Minister that the Royal Commission is functioning well as an entity.

Human resources

We will monitor FTEs recruited against our annual resource plan. The Royal Commission's resource plan is based on each business unit having completed a comprehensive people planning and financial modelling process. The resource plan for 2020/21 shows the overall FTE numbers and the resource mix that the Royal Commission is aiming to have in place by 30 June 2021.

How we will monitor our performance	Target 20/21	FTE's (actual) as at 30 June 2021	FTE's (actual) as at 31 March 2021	FTE's (actual) as at 31 Dec 2020	FTE's (actual) as at 30 Sept 2020
2020/21 Resource Plan	188 (revised target)	176.47	186.5	177.3	141.3
Comments: The majority of recruitment was paused during the quarter while we worked through the organisational reset. This has resulted in the revised target not being met.					

Records

As a public office under the Public Records Act 2005, the Royal Commission must take reasonable steps to ensure its records are kept and transferred in an efficient and timely manner from the Royal Commission to the Department at the conclusion of the Inquiry.

This includes providing suitable documentation to accompany these records at transfer to ensure that the Department can comply with its obligations under the Official Information Act 1982 and the Public Records Act 2005 once the Royal Commission is closed.

How we will monitor our performance	Target 20/21	Actual
Royal Commission will comply with any records audit processes requested by the Department for all records held by the Royal Commission	100%	N/A
Comments: There were no requests for records audit processes in the fourth quarter.		

Royal Commission policies and procedures

Under its Terms of Reference, the Royal Commission is required to implement clear policies and methods of work. While public service and departmental standards and policies apply by default, the Royal Commission has the ability to develop bespoke policies and procedures to fit their unique circumstances.

How we will monitor our performance	Target 20/21	Apr-June 2021	Jan-Mar 2021	Oct-Dec 2020	July-Sept 2020
Number of instances of departure from public service and departmental policies	Not applicable	2	2	1	1
<p>Comments: There were two engagements in the fourth quarter that were considered departures from procurement policies. The first was the urgent recruitment of a Senior Advisor Communications for 6 months to fill the gap left by resignations in the Communications team.</p> <p>The second was the extension of a contract for provision of a range of security services – this arrangement was originally non-compliant as it was put in place in the early stages of the Inquiry without a competitive process. The provider is well imbedded in the organisation and to transition away from them would be problematic and costly with limited benefits to be achieved in the relatively short period of time left to the Inquiry.</p>					

An organisation fostering a culture of respect and inclusion

We aim to be an organisation that fosters a culture of respect and inclusion and reflects and understands our communities and their needs. We aim to be an organisation where everyone feels respected and included regardless of gender, ethnicity, age, sexual orientation, the extent of disability and religious beliefs.

How we will monitor our performance	Target 20/21	Actual
Staff report satisfaction with Royal Commission flexible working processes and guidelines, survey bi-annually	90%	Met
<p>Comments: No activity this quarter as we have delayed the second pulse check survey for flexible working until after the organisational reset. The results for the first flexible working surveys conducted in the second quarter, saw a 60% response rate, of which 96% of respondents satisfied with the range of flexible working options offered.</p>		

Financial statements

Financial reporting requirements

The Royal Commission will submit a financial report to the Department quarterly, until the Royal Commission ends.

The quarterly financial reports will be made publicly available by publication on the Royal Commission's website and will be published no later than two calendar months after the end date of the report. In addition to website publication, the Department will report on the Royal Commission's expenditure in its Annual Report.

Financial Summary for June 2021

Q4 YTD Financials to June 2021 (\$k)

Appropriation	YTD Actual	YTD Budget*	YTD Variance#	Remaining Whole of Life Funding Out Years
Departmental MYA	40,303	40,309	6	76,964
Commissioner fees	1,250	2,107	857	3,106
Legal Assistance	816	8,669	7,853	14,509
Counselling Assistance#	1,167	522	(645)	3,493
Capital^	1,312	1,154	(158)	390
Total	44,848	52,761	7,913	98,462

Table Actuals are un-audited/totals may not sum due to rounding

Notes

Counselling Assistance Budget was reduced in December 2020 via a Fiscally Neutral Adjustment to fund operating expenditure. Sufficient outyear funding is available to this MYA (Multi Year Appropriation) to fund the \$645k overspend reflected in this table which will be appropriated reflected in Crown Financial Information System.

^ Capital for the Royal Commission is managed within the Department's broader annual capital appropriation. Small variances are, therefore, not material.

* YTD Budget in tables reflect the most recent changes to appropriations from Budget 2021.