

Royal Commission Report:

1 July 2022 to 30 September 2022

Progress on Royal Commission priorities - Key Work Items:

Ngā Pūrongo – reports

- **Lake Alice Child and Adolescent Unit case study** – Natural justice for the Lake Alice Case Study was completed at the end of September, and the drafting of findings and pen portraits is underway, which will require a separate natural justice process. The Case Study is tracking to be presented to the Governor General before the end of the calendar year.
- **Marylands Case Study** – survivor voice, information analysis and synthesis were completed, and the draft report finalised during the quarter. Feedback from reference and advisory groups has been incorporated. The natural justice process commences from mid-October. The timing of the Faith Institutional Response hearing in October may mean institutions will not have capacity to respond to the Marylands content, pushing out the timing of the natural justice process and therefore delivery of the case study into the next quarter.
- **Final Report** – a reconfiguration of the Final Report structure into three parts has been underway this quarter in line with the broader reset of the work programme. Work continues at pace drafting Part 1 and a draft outline was circulated to advisory groups for feedback. We are planning for separate setting and thematic areas in Part 2. Discussions are ongoing on placement of content across the three parts (Part 3 is recommendations). Preliminary thinking on key threads across all case studies and thematic areas continues. This highlights the points of overlap and distinction between different setting and thematic areas, identifies gaps and assists in highlighting systemic issues and themes. We continue to work hard on delivery, while facing significant challenges.
- **Reference Groups for Reports** - We actively and regularly engage with our reference groups to support timely feedback and to test our thinking within the new report delivery structure. Material will continue to be shared in strict confidence with reference groups as part of the Case Studies and Final report development processes.

Tūhonohono me ngā hāpori – Engagement with survivors and communities

- This quarter has seen targeted regional engagement through our haerenga in Te Tai Tokerau, Tairāwhiti and Ōtepoti Bluff to learn more about the wider impacts that abuse in State and Faith-based care has had on local communities. During our haerenga there were several events organised by the community, including wānanga for NGOs, site visits to social service providers, residential facilities and forensic settings, talanoa with Pacific communities, lived experience groups for mental health, disability and the Deaf communities, and a kaupapa Māori workers wānanga.
- Our engagement has also focused on specific activities that will help the Final Report team with content gaps. Our planned Digital and Mental Health engagement has been a key component of this, as have our iwi engagements, wānanga, talanoa, wānanga with the Rainbow community, and planned engagement with rangatahi.
- Commissioner Paul Gibson visited Ōtepoti Dunedin to meet with patients at the forensic unit at Wakari Hospital and participated in a panel discussion on ‘keeping people in the community safe’ at the Enabling Good Lives Mid Central Leadership annual event.
- During the quarter 126 private sessions were held (103: June quarter). Good progress was made in ensuring that all survivors wanting a private session will have one in the remaining life of the Commission.

Ngā huihuinga me ngā wānanga – Public hearings and wānanga

- July saw the completion of the Disability and Mental Health Hearing - **Ūhia te Māramatanga, Disability, Deaf, and Mental Health institutional care public hearing**. Over 10 days the Commission heard from disabled survivors, Deaf survivors and survivors living with mental distress. We also heard from experts and others who shared their perspective and what they witnessed.
- In August the Royal Commission held the **State Institutional Response hearing**; this was an historic public hearing where State agencies were asked to respond to the abuse and neglect of children, young people and vulnerable adults. The hearing questioned witnesses from 14 agencies on failures to prevent and respond to abuse in State and Faith-based care. Witnesses included State agency chief executives and other senior staff.
- The Inquiry held a series of wānanga with internationally recognised experts in the disability and mental health field. We heard expert views across the legal, cultural, social and system sectors and advances within mental health and disability care systems around the world. Participants discussed their understanding of current disability environments and contemporary practice, along with transformational change, its progress and challenges.
- Further wānanga are planned with a specific te ao Māori focus and perspective. We will hear from experts in respect of the Australian indigenous experience. These provide us with the opportunity to hear about progressive developments from an international perspective.

Kaupapa here me te rangahau – Policy and Research

- **Care to Custody: Incarceration Rates Research Report** - At the State Institutional Response hearing we released an important research report that shows the links between State residential care and incarceration rates. This report is the first of its kind to analyse the interagency records of more than 30,000 children and young people between 1950 and 1999.
- The report provides evidence of what the Inquiry has heard through its work with survivors – a direct link between State care and criminal custody. The Royal Commission has been able to obtain the extensive list of children and young people in residential care over a 50-year period, which enabled the analysis of records for these people across agencies.

Whakawhiti kōrero - Communications

- The focus this quarter has been on our haerenga in Te Tai Tokerau, Tairāwhiti and Ōtepoti Bluff, as well as the Disability and Mental Health hearing, and the State Institutional Response hearing. A full communications programme supported the State Institutional Response hearing, including the release of the Care to Custody Incarceration Rates research report. This was our most successful hearing to date media-wise, made possible through working closely with the Survivor Advisory Group and survivors who gave evidence at previous hearings to respond via media to agency witness evidence.
- Support was also provided for the release of the Conch Documentary of *A Boy Called Piano*, which premiered at the New Zealand International Film Festival. The documentary’s main subject is a survivor who gave evidence at our Pacific hearing last year.
- A communications and engagement programme has been scoped to support a national conversation on the need for change in response to what the Inquiry has heard, centred around survivor stories and survivor voice. This includes key messages that can underpin and link our communications activities in the lead up to the delivery of the Final Report.
- Support continues for internal information and updates regarding the Commission’s work. The focus will turn to supporting the Faith hearing in October and preparing for the delivery of Case Study reports.

Insights:

- While survivors acknowledge the State’s admissions and apologies, there is a lack of survivor trust and confidence that the public sector can fully and finally address the issues moving forward given the track record of the last 50 years.
- The evidence heard reinforces how fragmented and in need of transformation the care system is. Agencies continue to work in silos, the system is increasingly high cost and complex and is not meeting the needs of those in care today.
- Chief Executives do not appear to be fully aware of contemporary issues in the care system or understand the unique issues for each cohort (Māori, Pacific etc), including a lack of appreciation of disability issues.
- There appears to be a lack of trust by agencies of community providers, especially Māori and iwi providers, while the agencies themselves did not seem representative of the communities they serve
- Like the care system overall, the oversight and monitoring system is not coherent and easy to understand, with a number of overlaps and gaps identified.

Risks and Issues

- Natural justice timeframes for both the Marylands and Lake Alice case studies are challenging as we are dependent on the agencies consulted to respond within the timeframes we provide. We are also dependent on critical personnel internally to lead out on and complete these processes. Allowing agencies time to comment mitigates the risk of legal challenge that could delay the release of the reports.
- COVID-19, influenza, and other leave commitments continue to impact the availability of key staff, jeopardising our ability to meet already tight timeframes. The reconfiguration of our work programme has helped, but work pressures remain intense. Wellbeing support is on offer and people leaders are actively monitoring staff work hours and wellbeing.
- Recruitment and retention remains a challenge. Key staff continue to leave at critical points in the report development process impacting delivery. We are putting in place retention strategies to retain key staff. Contracts of at least 100 staff come to an end in January 2023 as planned.
- There is a risk that a number of survivors who have contacted the Commission will not be heard by the time the Commission closes. Bespoke outreach plans for Māori, Pacific, Incarcerated, International, Mental Health, Deaf and Disability and LGBTQI+ cohorts have been developed. Survivors are being offered a range of options to engage, including written accounts, community engagements and private sessions.
- We have budget pressures to manage in the final year of the Inquiry. We are engaging with the Department on options to manage these pressures while remaining within the overall funding envelope for the Inquiry.

Indicators of Effectiveness

Indicators	Progress	Commentary
<ul style="list-style-type: none"> • Indicator: Number of survivor registrations and wellbeing sessions this quarter 	Progress status: Amber	Commentary: 170 survivor registrations and 126 private sessions held (13 written accounts provided). 2034 Wellbeing interactions undertaken.
<ul style="list-style-type: none"> • Indicator: Documentary analysis undertaken 	Progress status Amber	Commentary: During the reporting period we have engaged with 193 witnesses and have completed 180 witness statements (1,094 Overall). 26,691 documents came in to be analysed bringing the total to 1,116,150. Workload is heavy and ongoing prioritisation and efficiency measures remain in place.
<ul style="list-style-type: none"> • Indicator: Hearings and wānanga successfully completed within the quarter as planned 	Progress status Green	Commentary: We are managing our programme well and have delivered in line with expectations, despite some wānanga deferred due to staff illness and Covid-19.
<ul style="list-style-type: none"> • Indicator: Reports and other key deliverables completed as planned within the quarter 	Progress status Red	Commentary: The Marylands Case study will now not be delivered until the first quarter of next year due to delays in the natural justice process which are outside our control. The Lake Alice case study remains on track to be delivered to the Governor-General in December 2022.
<ul style="list-style-type: none"> • Indicator: Delivery of the Inquiry's final report by 30 June 2023 	Progress status Red	Commentary: Overall, we are working hard to achieve the deadline, but are facing significant challenges.
<ul style="list-style-type: none"> • Indicator: Delivery of the Inquiry's work programme within the budget provided by Government 	Progress status Amber	Commentary: We are managing budget pressures in the final year of the Inquiry by close control of costs and engaging with the Department on further options for funding, while staying within the overall funding envelope.



On track



Off-track, but impacts mitigated



Off-track, and further mitigation required

Financial Performance

Expenditure year to date (July to September) compared to Year to Date budget and to Appropriation (APP):

Departmental Expenditure: (000's)



- Departmental expenditure is currently running 4.6% (\$0.6m) over budget. Spending has increased during the quarter as the Commission is focused on completing all investigations and hearings.
- A focus is being applied to the strict management of costs.

Non-Departmental Expenditure:

Commissioner Fees: (000's)



- Commissioner fees are \$0.3m under budget YTD. While costs will continue to increase due to the allowance for working up to five days and heavier workloads it is not expected that the Commissioners will use the total appropriation.

Legal Assistance: (000's)



- Legal Assistance is currently \$0.3m under budget YTD. We do not expect to use the full appropriation.

Counselling Assistance: (000's)



- Counselling Assistance is currently \$0.7m under budget YTD. As previously noted the Commission is still exploring more avenues to support survivors and anticipates that the spend will increase over the remainder of the Inquiry. We do not expect to use the full appropriation.