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

**Annual Report**

**As at 30 June 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 Royal Commission) for the year ended 30 June 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.

**Managing the Impact of COVID – 19**

The Royal Commission responded quickly to the threat of COVID-19 with a “people first” approach, while seeking to minimise the impact on operations and to ensure critical work was progressed and delivered. A Crisis Management Team and protocols were stood up to ensure the situation was coordinated, essential resources allocated, and business functions and services maintained. Throughout the period we worked closely with and were grateful for the advice received from the Department of Internal Affairs (the Department). We received positive feedback from both staff and the Department for our overall response and for our communicative and people-first approach during those challenging times.

Inevitably there were impacts on the Inquiry work programme. While investigations continued with some limitations on the timelines for information sought from external parties, the schedule of public hearings planned for 2020 was significantly impacted and the Redress hearings scheduled for March and May 2020 have now been deferred to begin in September 2020. The inability to meet face-to-face with survivors resulted in the cancellation of private sessions in April and May 2020.

On a more positive note, the Royal Commission took the opportunity offered by the slowdown in momentum during the lockdown period to divert spare energy and resources into key strategic areas. Notable achievements during that time included:

* 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 wellbeing support model through partnerships with external providers (this is in relation to the $15.3M set aside for counselling costs in the Inquiry’s budget) – more information on this is contained below;
* Continuing to collect, analyse and synthesise information required to progress the delivery of the Commission’s Interim Report to the Government; and
* Developing a series of operational strategies, policies and plans that position the Inquiry well for its duration.

**Progressing core delivery**

Registrations

Survivor registrations were 1,635 in total as at 30 June 2020 (2018/19: 1,100). Registrations have been running consistently lower that projected over the course of the Inquiry, however we expect to see numbers progressively increase as we move into our programme of public hearings commencing from September 2020.

We forecast that we will have between 6,000 to 9,000 registrations over the life of the inquiry to its current completion date in January 2023. This is based on actual registrations to date and then a forecast based on expected registration volumes off the back of public hearings and other planned engagement activities.

Investigations

Planning and resourcing our large investigations programme has been a key focus during 2019/20. The programme is now well underway. We have established multi-disciplinary teams and launched eight investigations – four thematic, and four care setting investigations as follows:

Thematic:

1. Redress (state and faith)
2. Māori experience of care
3. Pacific people’s experience of care
4. Disability (both thematic and care setting)

Care setting:

1. Psychiatric care
2. State children’s residential homes
3. Catholic Church
4. Anglican Church

We are planning that each of the investigations will have at least one public hearing in the next 18 months (to the end of 2021). Case studies approved so far for public hearings are the Lake Alice child and adolescent unit, and Marylands School in Christchurch run by a Catholic Order.

Public hearings

The Royal Commission held a Procedural hearing in August 2019. Its aim was to provide further information about how the Royal Commission will be undertaking the Inquiry. The first substantive public hearing, our Contextual hearing, took place in Auckland in October and November 2019. The focus of the Contextual hearing was to examine key elements that led to the establishment of the Royal Commission and some of the issues that will be examined during the inquiry, including the disproportionate extent of abuse in care for whānau Māori and people with a disability, and the intergenerational impacts of abuse.

Twenty-eight individual witnesses gave evidence, including victims, survivors, experts, academics and historians.

Public hearings as part of the redress investigation were deferred from March and May 2020 due to COVID-19. New dates have now been set for September and October 2020 for state-based redress hearings and for November 2020 and March 2021 for a faith-based redress hearing. Preparation for those hearings is on track. The hearings will take place in our new purpose-built facility in Auckland.

In 2021 we are planning further public hearings on institutions and themes within our current investigations, as well as roundtables, hui and fono.

Private sessions

Private sessions, where survivors share their experiences of abuse kanohi ki te kanohi with a Commissioner, continued during the year, although with a temporary hiatus during the COVID-19 lockdown period. Commissioners visited venues in 25 locations during the year, including metropolitan centres and a number of smaller regional locations such as Kerikeri, Napier, and Papamoa. Sessions were also held in 6 prisons. A total of 374 private sessions were held with survivors during 2019/20 (2018/19: 70) and 444 sessions have been held over the life of the RC.

For June and July 2020 sessions have been a mix of face to face and Zoom sessions. We have also received nine written accounts in 2019/20 since these were offered to survivors in May 2020. We are hosting group sessions in July 2020 for the first time.

Well-being support, including counselling, continues to be offered to all survivors and others who engage with the Royal Commission. For those survivors undertaking a private session with Commissioners, support is offered before, during and after the session. The feedback we have had from survivors rates the support offered through private sessions as consistently “excellent”.

Legal Assistance

Legal assistance is provided for under section 18 of the Inquiries Act. The administrative processes and funding to support applications from participants for legal assistance - (including legal help in preparing for private sessions) – was successfully established during 2019/20. This was progressed in conjunction with the Department, to be ready in advance of the investigations and public hearing work programme planned for 2020.

Research & Policy

During the year we have significantly scaled up the capacity and capability of the Research & Policy team to meet the demands of the Inquiry over the long term. A Research and Policy strategy and work programme was approved by Commissioners, comprising deliverables relating to investigations and public hearings, as well as stand-alone, core research. The team has also delivered an initial analysis of 50 private session transcripts, across a number of care settings, plus several literature reviews that will be drawn on for the Royal Commission’s Interim Report.

Interim Report

The Interim report is one report in two parts – the Substantive Interim Report and the Administrative Report. The Terms of Reference has a delivery date of December 2020 for the Interim Report.

Work on the Substantive Interim Report began in early 2020 and progressed well during the year. It was a key focus during the lockdown period. The report will draw on evidence from last year’s Contextual hearing and the upcoming Redress hearing, themes from private sessions, survivor case studies, literature reviews, details of cohort numbers and overall inquiry planning. There is a volume in the report devoted to “Survivor Voices” - an analysis of 50 private session transcripts, across a number of care settings.

We anticipate the Substantive Interim Report being largely complete by September 2020, although we are not currently planning to present it until after the election.

Administrative Report

The preparations to develop the Administrative Report are well underway as at 30 June 2020 with an August 2020 target date for a first draft of the key material available to the Department, as requested in your Letter of Expectations 2020/21. We are engaging with Departmental officials regularly on our progress.

This estimates of workload and cost are largely drawn from the detailed planning and financial modelling that has taken place by the Royal Commission during 2020.

**Enhancing Survivor focus**

Wellbeing Policy & Programme

During 2019/20 the Royal Commission developed a Wellbeing Policy, supported by a Survivor Wellbeing programme, which provides a comprehensive range of support options to survivors. The programme acknowledges that the wellbeing services which support survivors must be tailored to meet the needs of the individual survivor. The challenge is to provide this level of bespoke care in an environment where we are expecting to engage with thousands of survivors over the lifetime of the Inquiry.

It was determined that to offer the depth and breadth of wellbeing services required, we needed to look beyond the Royal Commission’s internal capability and partner with providers who had existing infrastructure to deliver the range of services required. After a robust Request for Proposal (RFP) process, an external provider was engaged in June 2020 to begin a six-month co-design with the Royal Commission to provide a national wellbeing service for our survivors.

In addition, the Treaty Engagement team will engage with local Kaupapa Māori NGOs to encourage Māori to connect with the Royal Commission. These survivors will be offered psychosocial support direct from the NGO.

The external survivor wellbeing service went live on 3 July 2020.

Reset of SAGE

During the year we changed our approach from engaging with the full SAGE group to working with smaller or single sub groups on specific pieces of work. We also undertook full vetting and sought agreement to the Code of Conduct from all members. Of the previous 12 members:

* + six returned the Code of Conduct
	+ three indicated they no longer wish to participate on the group, and
	+ we are still engaging with three members.

We met with the six members who have returned the Code of Conduct in June 2020 to discuss how they can be involved in our investigations programme and provide them with some media training. That meeting was very productive, and the Royal Commission is confident that it has turned the corner regarding the contribution of SAGE to the Inquiry.

Community Engagement

The establishment of the Community Engagement team (the team) in July 2019 had three key objectives:

* Raise awareness about the mahi of the Royal Commission, Inquiry and Commissioners;
* Support greater diversity of survivors, witnesses and communities to participate in our mahi (ToR points 7, 13 & 19);
* Socialise the purpose of the Inquiry to ensure buy-in for report recommendations.

The team have been initially prioritising Pasefika, disabled peoples (in particular learning disability), Deaf and homeless. Targeted engagement initiatives with the mental health, LGBTIQA+, seniors, young people and women sectors will be developed next year.

To date, the team has achieved the following:

* Prioritised community organisations, support groups and networks who have the largest potential to connect survivors, and their whānau with over 100 Pasefika, 60 disabled people’s organisations, groups and networks are now in our community database;
* Delivered four Pasefika large group meetings (with overall 180 people in attendance) to collect insights and intel from our communities to support various internal teams to develop a range of options to enable diverse survivors from diverse backgrounds to share their experiences;
* Developed a formal (MoU) with VOYCE Whakarongo Mai to enable large organisations to support our awareness raising campaign and assist relevant survivor cohorts to participate in the Inquiry;
* Organised the first Private Collective Witness session that highlighted systemic issues both with the conceptualisation and provision of disability care, including that disability services are treated differently by government to other forms of “care”;
* Supported the organisation of the first Pacific family witness session for a witness who has an underlying chronic condition. He was a witness of historical abuse at a boys’ home;
* Ran a procurement process for New Zealand Sign Language interpreters for public hearings, private sessions and ad hoc events. Contracts were awarded to two companies, allowing Deaf survivors to have choice when arranging their private session.

Communication & Media

The Communications team has worked hard during the year to build awareness of the Inquiry, provide advice to Commissioners and the Secretariat and devise and deliver the Communications strategy for the Inquiry. Amongst other things this has included strategic and operational communications advice, media management (proactive and reactive), website management, supporting risk and reputational management, organising live streaming of Inquiry hearings, and writing and editing internal communications products. As the Inquiry moves into a phase of scheduled Investigations (supported by public hearings) the nature of the team’s work will change to support this delivery.

Treaty Engagement

We have taken a three-pronged approach to expressing the articles of the Treaty. In the context of the Commission’s work this means that we have:

* Engaged with Iwi and National Māori Entities noting specifically those groups who have their own legislation (rangatiratanga).
* Engaged Māori NGOs to provide kaupapa-based support for Māori survivors where there are existing relationships of trust.
* Engaged Te Rōpu Kaupapa – Māori focus groups to strengthen survivor advice and care experienced expertise (ōritetanga).

The recent establishment of a Taumata group to work with the Royal Commission is a significant milestone for the Inquiry.The Taumata will seek to ensure the Commission implements an effective Treaty based approach informed by the articles of the Treaty, across the work of the Royal Commission. The Taumata will complement existing Māori expertise within the Royal Commission.

The Taumata will also assist the Royal Commission by:

* providing guidance and support regarding the appropriate tikanga to be observed when engaging with Iwi, hapū and Māori organisations; and
* strengthening relationships with Māori to promote engagement with the Royal Commission.

Iwi, hapū and Māori Entities will still be able to address the Royal Commission directly on matters that are important to them.

The Treaty Engagement team continued their active engagement work during the 2019/20 year. They have engaged with:

* Survivors through survivor-led hui
* NGOs, some national and other local, regional entities.
* Māori leaders from across the country
* Iwi organisations (Kīngitanga and Waikato, Te Ātiawa, Te Muaupoko, Ngāti Whātua kei Ōrākei, Te Rarawa, Ngāi Tahu, Ngāti Whātua, Ngāti Rangi and Te Arawa, Ngāti Kahungunu, Ngāti Porou, Ngāti Mutunga, Ngāti Apa). Some iwi have indicated high interest while others are a ‘wait and see’. Ongoing engagement with iwi has been regular and we will continue to engage with all iwi throughout the life of the Commission.

Te Rōpu Kaupapa are a series of Māori survivor focus groups that will occur bi-monthly from September 2020. Each session will be shaped around key investigation areas and ensure that survivors are provide several opportunities to provide advice and care experience expertise into the work of the Commission.

The Royal Commission has also arranged for English and Te Reo advertising on all Iwi radio stations by the Royal Commission for a two-week period to drive interest in the Inquiry and registrations among both Māori [and Pasefika] survivors.

**Building a Solid Foundation**

During 2019/20 the Royal Commission continued to put the building blocks in place for a successful inquiry. Given the unique scale and complexity of the Inquiry, building the right foundations has been a critical component of the work. It has had to be accomplished alongside developing and executing the Inquiry’s core work programme. Components of building foundations progressed over the last 12 months include:

Governance and decision-making

In parallel with commencing investigations and progressing the policy & research work programme, work has continued through the year to strengthen governance and decision- making processes over the Royal Commission’s operational work programme and to ensure clear roles and responsibilities have been identified and agreed. Two new governance committees have been established covering investigations and research & policy, two of the three key pillars of the Royal Commission’s operating model. The committees, each of which will have a Commissioner representative, will guide and oversee the work. Final decision making, however, remains with the full Commissioner panel.

Risk Management

The inherent complexity and significant scale of the Royal Commission’s Terms of Reference, coupled with a finite timeframe to complete the work, means that by definition the Inquiry carries significant risk. Effective risk management is therefore critical. The Royal Commission has continued to build its maturity in this area through 2019/20. Risk management policies and processes are now embedded. There is an ongoing programme of raising awareness of risk and how they can be mitigated and managed within the Royal Commission. High-level strategic risks are reported and discussed on a monthly basis with Commissioners.

The Royal Commission has strong processes around assessment and management of conflicts of interest covering Commissioners, executive management and staff. These are reviewed and updated on a regular basis.

Robust Information Systems

Having robust information and investigation systems in place to support the core work of the Inquiry is critical.  Privacy and security around the data we are collecting and creating is paramount in maintaining the relationships we are building with survivors.  Overlaid across these needs is the importance of ensuring we meet our obligations to the Public Records Act 2005, not only from a statutory obligation but ensuring that there is a robust record behind the findings and recommendations that the Royal Commission will make.

Information at the Royal Commission is stored in approved information systems that meet the mandatory requirements outlined in the Government’s Protective Security Requirements (PSR) and are certified to hold information with a security classification up to ‘IN-CONFIDENCE’ and ‘SENSITIVE’.

Key areas of focus this year have been:

* Establishing and implementing an Information Management Strategy, to be in place by the end of the 2020 calendar year.  This strategy will define how we will meet our obligations under the Public Records Act 2005 and in conjunction with the established policies drive rigour into the Royal Commission’s record keeping practices;
* Implementing an electronic evidence management system, Relativity.  This system will be the repository of all evidential material that has been provided by agencies over the life of the Royal Commission.  It also supports a workflow for the investigation workstreams of the Royal Commission to sort, organise and analyse this material;
* Maintaining the central client relationship management system which is used for registration of all survivors.  This holds the central record for all the information provided to us by survivors and our interactions with them.  This system is not open by default to all staff due to the sensitivity of the records and enables the Royal Commission to centrally secure and manage the Survivor records.

Hearing Space in Auckland

The Royal Commission took possession of Khyber Pass premises, incorporating a new, purpose built hearing space, on 1 October 2019. Cabinet agreement to funding to progress the fit out was obtained in September 2019. Staff were able to be located on-site from mid-February 2020. The lockdown associated with COVID-19 delayed the completion of the fitout, but despite this work restarted promptly and the fitout work is now on-track for completion in August 2020 with a formal opening in early September. Public hearings will commence in the new facility in September 2020. Completion of the new Auckland premises is a key building block in the Royal Commission’s foundations for the Inquiry.

Corporate Functions

The Royal Commission has worked hard over the last 12 months to ensure its corporate functions are fit for purpose and well managed. An important part of that process has been working with the Department to ensure that for each of the corporate services provided by the Department that delivery expectations and the roles and responsibilities of each party are clear and well documented. The Royal Commission has also completed and put in place a number of policies and processes, in the health and safety area in particular, to ensure we meet the Department’s financial and human resources obligations. The Royal Commission is aiming to have corporate services that are efficient, effective and proportionate in relation to the delivery functions of the Inquiry.

Relationship with the Department

During the year the Department and the Royal Commission mutually agreed to a ‘reset’ of their relationship to enable the Royal Commission to operate independently, while ensuring the Department can fulfil its role and its obligations to the Minister. The resulting framework for the relationship that is now in place, is based on the tools used by the Crown to engage with and monitor independent Crown Entities (ICE). This reflects the unique size and scale of the Royal Commission in comparison with other inquiries for which the Department is the administering agency. Both parties are committed to a productive and professional relationship that will last for the duration of the Inquiry.

**Financial summary to 30 June 2020**

The full year variance of spending to budget for the year was an $15.256M 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 contributed to further underspending in the second half of the year.

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

**Summary of expenditure by appropriation - 2019/20**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Output | FY\* Actual ($m) | FY Budget($m) | FY Var($m) | Total Actual spend to appropriation #($m) | Duration Multi-year Approved Budget($m) | FY Comment |
| Operating expenses | 23.013 | 28.699 | 5.686 | 30.785 | 44.108 | The anticipated increase in expenditure driven mainly by personnel and public hearings costs has not occurred due to COVID-19. |
| Commissioner fees | 1.243 | 1.891 | 0.649 | 1.826 | 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 | 0.203 | 3.697 | 3.495 | 0.203 | 15.335 | The underspend is due to the slowdown in the Inquiry work programme due to COVID-19. The new model for counselling and associated costs will be implemented from the beginning of the next financial year. |
| Legal Assistance | 0.121 | 4.395 | 4.274 | 0.121 | 8.790 | Reflects a slowing in the anticipated schedule of Public Hearings impacted by COVID-19. An uplift in Public Hearings is planned for 2020/21. |
| Capital  | 3.049 | 4.203 | 1.154 | 3.339 | 4.493 | The underspend of $1.154m reflects delays in construction progress on the Auckland public hearing space. Construction was shut down Wednesday 25 March in response to the Government Alert Level 4 announcement. The Auckland public hearing space is now scheduled to complete in Quarter 1 of the new financial year. |
| Total | 27.629 | 42.885 | 15.256 | 36.274 | 78.848 | Total underspend to budget of $15.256m in financial year 2019/20Total Whole of life spend of $36.274m at financial year end 2019/20 |

\*FY = Full Year (1 July 2019 to 30 June 2020)

# Whole of life costs from inception of the Royal Commission Inquiry