



## Terms of Reference – Plain English version

### Why the Inquiry was set up

The Government set up this Inquiry in response to public calls for a broad-based inquiry into abuse and neglect, both in State care and in the care of faith-based institutions.

### What we can investigate

We are investigating the abuse and neglect of children, young people and vulnerable adults who were in the care of the State and faith-based institutions in New Zealand between 1950 and 1999. We may also consider issues and experiences before 1950 and hear from people who have been in care since 1999, including people who are still in care now, in order to inform our recommendations for the future.

### What questions we will look at

These include:

- *Why people were taken into care* – including if there was bias, discrimination or bad decision-making by agencies.
- *What abuse and neglect occurred* - what took place and to what extent?
- *Why it happened* – what made it possible for abuse and neglect to happen to people?
- *What effects this had* – on the person abused, their family/whānau and others. This includes long-term effects and effects on future generations.
- *What was learned* – what changes were made over the years in response to abuse and neglect, including to laws, rules, and efforts to monitor places where care is provided?
- *How well the redress and rehabilitation processes are working and can be improved.*
- *How things can be done better* in the future to avoid the mistakes that allowed historical abuse to occur.

### How we work

We receive information in many ways: by listening to people, holding public hearings, receiving submissions in writing and by obtaining documents and records. We also conduct research. We have powers to require people and institutions, including Government agencies, to give us information and documents.

## How we hear from people

We have several ways to hear from people:

- in private sessions;
- in public hearings;
- in round table discussions;
- by submissions.

## Our principles

We recognise Te Tiriti o Waitangi. We are also guided by a set of principles including:

- doing no harm;
- focusing on victims and survivors;
- taking a whānau-centred view;
- working in partnership with iwi and Māori;
- working inclusively with Pacific people;
- facilitating the meaningful participation of people with disabilities or mental illness;
- responding to differential impacts on any particular individuals or groups;
- being sensitive to the different types of vulnerability that arise for people in care;
- ensuring fair and reasonable processes for individuals and organisations associated with providing care; and
- avoiding a legalistic approach.

## Our independence

The Royal Commission is independent of the Government and faith-based institutions. We reach our own conclusions and recommendations in our own way.

## How we report

In December 2020 we presented Tāwharautia: Pūrongo o te Wā, our interim report. It covered the main themes uncovered in our work until then, the way we are working, survivor voices, and the work ahead in the next phase of the inquiry.

We will also prepare at least two more reports.

1. **By December 2021 we will provide an interim report on redress.** This will include recommendations for the provision of redress for people who have suffered abuse in care of State or faith-based institutions.
2. **By June 2023 we will provide our final report.** We will report on what we found out about the nature of the abuse, the extent of it, what impact it had on people, what has improved, and what may still need to be done.

We will make recommendations to the Government and faith-based institutions about:

- what needs to change to ensure that the factors that allowed abuse and neglect to occur historically do not continue;
- what needs to be done to support people who have been abused or neglected (redress, rehabilitation and compensation processes);
- how to address the harm caused; and
- what actions the government and faith-based institutions will need to undertake to apologise for the harm caused.

## **2021 Amendments**

In April 2021 the Government announced they would be making changes to the Terms of Reference, and these changes were finalised in July 2021.

The key changes were:

1. To change our final reporting date from 3 January 2023 to 30 June 2023.
2. To remove the mandate to examine current frameworks to prevent and respond to abuse in care, including current legislation, policy, rules, standards and practices.
3. To continue the ability to make recommendations on redress, and to ensure that the factors that allowed abuse to occur in care pre-1999 do not persist
4. To continue our ability to hear from survivors about issues and experiences after 1999 for the purposes of making the above recommendations
5. To have more specific requirements about how the Inquiry must report on its progress to the Minister.

This summary has been updated to reflect the 2021 amendments.

**This summary was prepared to help people understand the Terms of Reference. It does not replace the full Terms of Reference.**

Issued on 16 September 2021.