

UNDER Section 20 of the Inquiries Act 2013
IN THE MATTER of the Royal Commission of Inquiry into Historical Abuse in
State Care and in the Care of Faith-based Institutions

**PRESBYTERIAN SUPPORT OTAGO'S SUBMISSION IN RESPONSE TO
NOTICE TO PRODUCE NO. 529**

5 October 2022



H Smith / S N O Hider
Telephone: +64 3 968 4011
Email: helen.smith@simpsongrierson.com
DX SX11174
PO Box 2402
Wellington

TO: The Chair and Commissioners

History, establishment and governance

The history and establishment of Presbyterian Support Otago, including the provision of care services and any changes to the services provided. Please include in your answer any role that the Presbyterian Church of Aotearoa New Zealand had in the establishment of Presbyterian Support Otago.

1. In the 1880's, there was a growing realisation that Presbyterian parishes were not capable of dealing with increasing social problems in the community with an alarming number of people were living in great poverty. Overseas, the Presbyterian churches were developing 'departments of work' to assist neglected children with similar social issues. On an overseas trip to these departments in 1905, William Hewitson, a Dunedin-based Presbyterian minister, began to appreciate the need for concerted social action. A committee was appointed by the Dunedin Presbytery, from which Presbyterian minister Andrew Cameron presented a motion for the Church to undertake social work. This motion lead to the creation of the Presbyterian Social Services Association (**PSSA**). PSSA's constitution required that half the committee members should be members of the presbytery. This requirement was changed in 1909 with the majority of committee members being Presbyterian businessmen. In 1984 the name of PSSA was changed to Presbyterian Support Services Otago, since shortened to Presbyterian Support Otago (or what we call PSO).
2. PSO first opened a residential children's home in 1906. At the time there was a lack of care facilities for children in the community, and PSO began its work with residential care for children who were not otherwise cared for and for people travelling to visit those in hospital. Changes in government policy in the 1980's meant that faith-based childcare facilities were no longer essential and the last children's home governed by PSO closed in 1991 as a result.

The structure and governance of Presbyterian Support Otago, and changes over time. In your answer include details of the leadership structure, including the roles and responsibilities of different positions and the process of selection for those in leadership positions. Please also include any clerical or non-clerical roles within Presbyterian Support Otago and their purpose.

3. PSO is governed by a Board of Directors. The Constitution originally allowed for up to 18 members but it was altered to allow for up to 13 members (currently there are 11). The Constitution states that four of these positions can be filled by Presbytery representatives with a process in place for appointment. This process was historically about ensuring representation from across Otago (North, Central, Southern presbytery regions), and were identified by the relevant presbytery. More recently, there has been acceptance that greater governance skills are required for an organisation of PSO's size. As such, the process has adapted so the PSO Board makes suggestions to the presbytery for these appointments (further explained below). The balance of Board positions are made from member representatives (i.e. people who have attended PSO's AGMs or otherwise have an interest in PSO's activities).
4. PSO's operations have changed significantly since it first started. As stated above, it no longer provides care to children, young persons and vulnerable adults. Instead, it now runs two main services: Enliven and Family Works.
5. Enliven provides support to older people and, in some places, people living with disabilities. It does this through residential aged care and retirement living. It also offers a range of support that aims to assist a person's emotional, cultural and social needs, as well as any practical day-to-day requirements. Family Works offers social services for families, including community outreach and advocacy, counselling services, education, social work, violence prevention and dispute resolution services.
6. In terms of managing these activities, the Board appoints a Chief Executive who is charged with managing the organisation within delegated authorities and within the framework of a strategic plan. There are up to 850 employees across Enliven, Family Works and Corporate services at PSO with a senior

leadership team of one CEO, four Directors (Family Works, Enliven, Finance, Corporate Services), and a Communications Advisor and Executive Assistant.

7. The employees under each directorate are made up of professional staff including registered nurses, registered social workers and affiliated accountants, qualified care staff (Enliven), specialist staff (IT, payroll, fundraising, health and safety, property and procurement) and clerical staff (reception and administration).

The formation of and ongoing relationship between Presbyterian Church Aotearoa New Zealand and Presbyterian Support Otago, including how that relationship has changed from 1950 to the present day, if at all.

8. Since PSO's inception, the Presbyterian Church's role and influence within the organisation has diminished over time. Today, a number of members of the Church volunteer, work for, or are part of the governing board of PSO, but the Presbyterian Church itself is not involved in any of the day to day work, decision making, or strategic direction setting of the organisation.
9. The only nominal powers retained by the Church relate to the appointment of presbytery representatives to the Board. However, in practice this role is mostly controlled by PSO. To explain: at the end of each presbytery representatives' term on the PSO Board, the local presbytery is contacted to inform them of an intent of the individual to remain on the Board as representative, or whether a nomination is sought. In recent years, due to the increase in governance responsibility and expectations, PSO has taken to informing the presbytery of individuals with skills suitable to the role which they request the presbytery nominate to remain aligned with the Constitution.
10. In addition, Members of the PSO board and leadership carry out 'Support Sunday' services at local Presbyterian churches which enables members of the Church to hear about available services, and to offer donations should they wish to support the organisation's services.

11. PSO sits on the land owned by the First Church of Otago, a prominent Presbyterian Church in Dunedin. The relationship with that church is commercial under a lease and rent is paid for the right to remain on the land at Moray Place. The building itself is owned by PSO.

The role of Presbyterian Support New Zealand, and the nature of the relationship between Presbyterian Support New Zealand and Presbyterian Support Otago.

12. The National Council of Presbyterian Support Services was formed in 1983 to provide a cooperative forum for the seven autonomous regions – Northern, Central, East Coast, Upper South Island, South Canterbury, Otago and Southland.
13. Operating under a federation structure, the seven regional Presbyterian Support organisations (including PSO) are governed, managed and operated separately to best respond to local needs. The seven organisations come together under the Presbyterian Support federation to share information, best practice ideas and, where possible, resources.
14. The National Council of Presbyterian Support Services has no ability to govern or make decisions for PSO, or any other regional organisation. Its role is to facilitate discussion as set out above.

The nature of the relationship with other Presbyterian Support organisations, and how these relationships were established and have changed over time.

15. As noted above, while the seven regional Presbyterian Support organisations (including PSO) are governed, managed and operated separately to best respond to local needs, the seven organisations come together under the Presbyterian Support federation to share information, best practice ideas and, where possible, resources.
16. There is regular communication between the seven Presbyterian Support organisations on areas of commonality such as comparison of standards of care, purchasing opportunities and exchange of ideas.

Policies, practices and guidelines that underpin decision-making for those in governing or leadership positions, including how these have changed over time.

17. The Board of PSO provides overview of authorities and policies that are required to operate PSO. The CEO is subject to specific authorities that are delegated by the Board. In turn the CEO delegates specific authorities to the executive team members against which they report to the CEO. The CEO then reports to the Board on performance, adherence to policies and financial performance.
18. Although we cannot comment specifically on how PSO operated in the 1950s to 1990s, observation of Board minutes and records from that time indicate that similar disciplines were in operation over that period which have continued to this day.

Whether those in leadership positions or those employed by or volunteering for Presbyterian Support Otago, undergo training, police vetting or security checks, and whether the approach has changed from 1950 to present day and why.

19. Like most organisations, practices have tightened due to a greater emphasis on health and safety and employment conditions. Vetting has changed considerably since 1950. The key thing to note is the services we provide have shifted significantly, and so has the availability of Police and conviction vetting.
20. Although PSO no longer provides 'care' as defined by the Royal Commission, all staff (including volunteers) are Police vetted if they work directly with or come into contact with vulnerable people (children and elderly). There is also separate vetting for those who work directly with children (social workers and volunteers within family works).
21. Anyone whose police vetting returns a result (i.e. any form of criminal activity or Police concern) will be subject to a process of consideration on whether

the result will likely impact their employment. PSO does not employ or continue to employ staff who have offended against children, vulnerable persons or elderly people, and any other forms of criminal activity are treated very seriously.

22. All staff receive appropriate and high-quality training. This is set out below under the question relating to people who are deaf or disabled.

Any internal accountability mechanisms, including policies, processes and/or practices implemented which relate to the review and monitoring of decisions made by those in leadership positions that affect members of Presbyterian Support Otago.

23. PSO is governed by a Board of Directors who are appointed to the Board for specific periods. These are described in the Constitution under which PSO operates. The Board has sub-committees for Finance, Audit and Risk, Governance, Clinical Governance, Ethics and Remunerations. Policies exist for each committee (there is also a detailed complaints policy) to ensure management are held accountable to the Board and members of PSO. An annual general meeting ensures any changes to practice are approved by the members prior to any constitutional changes being made.

How Presbyterian Support Otago has formally acknowledged the Te Tiriti o Waitangi | Treaty of Waitangi. Please include in your answer any commitments made to Te Tiriti o Waitangi | Treaty of Waitangi, and how have they developed over time.

24. PSO supports Te Tiriti o Waitangi and the need to ensure the voice of Māori is heard across all services and governance levels of the organisation.
25. Initiatives are being taken by PSO to strengthen connection with Ngāi Tahu (local iwi), including seeking representation at governance level. PSO has engaged a cultural consultant to assist the organisation to fully understand what needs to happen to strengthen its cultural capability. A permanent cultural advisor role is under development as we seek support from local rūnanga to understand what this should look like for the Otago community.

The role of Presbyterian Support Otago in the provision of care for deaf and disabled people and any relevant policies, procedures and practices.

26. People who are deaf or disabled are not under the “care” of PSO in these sense meant by the Commission. PSO provides support but not “care”. That said, and even though PSO no longer provides direct care to any children, young persons or vulnerable adults, PSO is committed to ensure that all staff provide the care and support that PSO does in a high-quality and professional manner.
27. Enliven: all service users are assessed on their need with records held within a “Vcare” patient management system. The Enliven philosophy and supporting policies of care and service delivery direct expectations of practices. Training is provided for all staff on vulnerable people and targeted support and education for specific individual needs which lie outside standard training programs is systematically identified and met. Over 62% of healthcare assistants are trained to, or above level 3 advanced care and support through Careerforce. PSO has a number of assessors to ensure as many staff as possible can progress through levels 3 and 4 of the recognised qualification.
28. Family Works: case management notes are recorded on the PAUA and Client Voices systems which are reviewed, and case assessments completed to support development of practice. All client-facing staff receive regular supervision and support through group and 1:1 sessions. Internal audits are completed to ensure adherence to policies with external audits completed by MSD and OT during monitoring visits.
29. PSO has a robust complaints process with deadlines for investigations and responses to ensure dissemination of learning and corrective actions occur.

Monitoring, oversight and safeguarding

Please outline from 1950 to the present day:

What steps have been taken by Presbyterian Support Otago to protect children, young persons and vulnerable adults from abuse while in care.

30. PSO closed its last children's homes in 1991 and no longer provides any residential based care for children, young persons or vulnerable adults. I have included some general comments on current Family Works policies, even though PSO (whether through Family Works or otherwise) no longer provides direct care to any children, young persons or vulnerable adults. I can provide more detail if that is required by the Commission but I have not provided it at this stage because:
- (a) It does appear relevant to this question; and
 - (b) The services now provided by PSO (through Family Works and Enliven) are not within the scope of the Royal Commission's Terms of Inquiry, noting that no children, young persons or vulnerable adults are in its direct care.
31. Although PSO's current operations are not 'faith based care', PSO is committed to provide a safe environment for anyone using its services.
32. As an example, Family Works provides a buddy program where suitably screened and capable adults are paired with families and young people who need a point of contact outside of their family home for support. They also provide children's group services such as 'growing taller', an educational program to give skills which help young people to manage emotions and situations. Every individual involved in any programs involving children is fully screened and police checked, but no 'care' is provided.
33. Family Works has detailed policy and practice guidance for all staff regarding identifying concerns and making reports of concern to Oranga Tamariki (**OT**). These processes and policies are reviewed bi-annually by the Ministry of Social Development (**MSD**) auditor and the Board also has a regular review process for all policies.

34. In addition, Family Works has the following processes and procedures in place, which PSO has explained previously:
- (a) Effective policies and procedures for making and responding to complaints
 - (b) Family Works staff record all case management notes on the case management (PAUA) system with review by the Team Manager.
 - (c) Peer review systems for Family Works teams
 - (d) Quality control processes
 - (e) One-on-one case management supervision for each practitioner from their Manager, which is then examined by the Ministry of Social Development auditor and Oranga Tamariki during their monitoring visits. The Ministry of Justice also examines case records and compares this against their own information
35. Similar processes and protections are in place with Enliven.

Please provide a summary and outline of the policies, practices, and guidelines in place to ensure the monitoring of and mitigation of the risks of abuse, including:

Any safeguarding policies in the period 1950 to the present day;

36. As I have said, I have included some general comments on how PSO responds to reports of abuse, even though it no longer provides direct care to any children, young persons or vulnerable adults. I can provide more detail if that is required by the Commission but I have not provided it at this stage because:
- (a) It does appear relevant to this question; and
 - (b) The services now provided by PSO (through Family Works and Enliven) are not within the scope of the Royal Commission's Terms of Inquiry, noting that no children, young persons or vulnerable adults are in its direct care.

37. With that said, and because we come into contact with children, young persons and vulnerable adults in the services we provide, our present day policies on human resource, social service delivery of services, protection of vulnerable people and service users, and complaints, are all reviewed regularly with legislative and sector standard changes made. These policies are also reviewed at audit by MSD and OT. Though more recently, policies have been 'written over' as they are updated, as such, some previous policies may not be available.
38. PSO has not retained all policy iterations since 1950. Historical iterations of policies as are available have been provided to the Royal Commission through the previous submission from PSO.
39. We believe that today's policies are sound, as is the process of continuing to review and update them to reflect new information and best practice. However, we do not think the same can be said of historic policies, procedures, and processes.
40. Historically and from information available to us, we could not see regular monitoring of homes, staff, partners of staff. Similarly we could not see evidence of regular time spent with children and young people on their own with a trusted person such as their own social worker to see how they were doing in the home and in other areas of their lives such as school and with their birth family. If there had been, children and young people may have felt more able to disclose issues or issues may have been identified to encourage further investigation.
41. I am not particularly familiar with legislation and policies in place from 1950 to 1991, but I understand that it included the Children and Young Persons Act 1974 – this was discussed in PSO's earlier submission in response to Notice to Produce 1, including relevance policies (see Section B, C1A).

Any vetting policies in the period 1950 to the present day;

42. There are limited records from the past for us to refer to, but as set out above, we believe that historically there were not sound policies, procedures, and processes in place. That has changed.
43. As we say above, we no longer provide care, but our staff are still working with children and other vulnerable people.
44. Now, all adults who work directly with children (which includes staff, volunteers, Adult Buddies, students on placements and contractors) are vetted when recruited and in reference checks. PSO staff are also re-checked every two years, which meets or exceeds the minimum government requirement of every two to three years. Specific questions are asked of prospective staff members' ability and safety to work safely with children, including disclosures of any concerns about working with children. As required by the Children's Act 2014, all Family Works staff that work directly or indirectly with children are fully Police vetted which gives their full Police history including clean slate convictions.

Past and present approaches to handling known abusers, including those who joined the Presbyterian Support Otago with criminal charges;

45. The centennial book 'making a difference' records that the first complaint was received in the 1970's from a cottage resident. Police were investigating when the alleged offender suffered a major stroke and no charges were laid. During this time, PSO was also served with High Court papers about a physical abuse claim from a former resident of Glendining Homes (1950's). The litigation was later discontinued and the claim was resolved. I also offered follow up meetings and contact to provide ongoing support, but this was declined.
46. Past approaches by adults who made complaints of abuse while in the care of PSO went through a formal complaints process which resulted in six formal complaints ranging from 2004 to 2019. Complaints were investigated and in some instances payment was made with a formal apology for abuse experienced while in our care. Please refer to copies of documentation supplied with our response to Notice to Produce 202. As required by the

Children, Young Persons & Their Families Act 1989 (as it was then known) and contractual requirements from the former Children, Young Person's & Their Families Service, Police vetting of any potential abusers would have picked up known abusers with a Police criminal history.

Whether survivors of abuse while in the care of Presbyterian Support Otago are encouraged to report abuse, including whether they are able to report abuse anonymously. Please set out any support or information available to them.

47. PSO no longer provides care. However, contact information for the Health and Disability Commissioner and advocates are made available at all centres of PSO. In addition, PSO has information including feedback forms, and information about the Royal Commission on its website (<https://psotago.org.nz/contact/royal-commission-form>).

48. Family Works was established in 2005 and has a National Family Works Policy: Child Protection which clearly outlines our commitment to tamariki and rangatahi safety and protection, and Family Works' legal responsibilities. This includes clear protocols for recognising and responding to actual and suspected cases of abuse (including neglect). Any former, current, or potential client of Family Works is able to report historic abuse anonymously to our staff and can be supported by our Registered Social Workers to access all appropriate and timely support e.g. access to counselling, ACC Sensitive Claims, and other relevant specialist providers.

Any applicable policies of Presbyterian Support New Zealand and the Presbyterian Church of Aotearoa New Zealand.

49. Presbyterian Support New Zealand had no ability to direct policies around providing residential care to children by the Presbyterian Church of Aotearoa New Zealand as it is a separate legal entity completely independent of Presbyterian Support New Zealand its regional Presbyterian Supports including Presbyterian Support Otago.

How any policies, practices and guidelines relevant to (a)-(f) have changed over time.

50. As set out above, we think our earlier policies were not adequate. Significant changes have been made in recent years.

51. Now, all policies are reviewed on a yearly or bi-yearly cycle to ensure up to date information and legislation is incorporated into expectations of practice. Communication of any policy changes or updates occurs throughout PSO via several avenues including an intranet-based system. Annual performance reviews occur to support development.