



Abuse in Care
Royal Commission of Inquiry

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

Quarterly Report (1 July 2020 – 30 September 2020)

As at 30 September 2020

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 2020/21 year quarter ended 30 September 2020.

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.

The Chair, Judge Coral Shaw, would welcome an introductory meeting with the Minister at the earliest opportunity.

Progressing core delivery

Additional Commissioner

We are pleased to advise that Julia Steenson, the fifth Commissioner commenced duties in August. Julia is a welcome addition, providing extra support and expertise to our mahi.

Public Hearings

The first phase of the State Redress hearing commenced on 21 September when the Inquiry heard from survivors of abuse in care about civil claims made against the State. It also heard from survivors about civil litigation in the courts and before the Human Rights Tribunal.

Fifteen individual witnesses gave evidence including survivors, lawyers representing claimants, and representatives of Non-Governmental Organisations.

A number of additional health and safety protocols were implemented to enable the Redress hearing to proceed while Auckland was at COVID-19 Alert 2, including:

- providing a Healthcare nurse to undertake temperature checks for all those entering for the hearing;
- masks and gloves were provided but were not mandatory;
- two Hygiene Officers were in attendance to ensure physical distancing and hygiene requirements were met;
- management of the number of people who were able to attend, with a maximum of 72. This was made up of staff, media, witnesses and whanau, opposing counsel, external contractors and stakeholders invited by Commissioners. It was not possible to accommodate members of the public at this hearing.
- Given the limitation on social distancing only three Commissioners were in attendance.

Two hearings will take place in the next quarter; the second phase of the State Redress when witnesses for the Crown will give evidence (19 October – 4 November) and Faith-Based Redress (30 November – 11 December). The focus of the latter will be on the redress

processes of the Catholic Church, Anglican Church and the Salvation Army. The Royal Commission will investigate the adequacy of redress and what needs to be done to support people who have been abused or neglected in faith-based institutions. Key themes from the State Redress hearing will be reflected in the Substantive Interim Report, due to be provided in December 2020.

Investigations

Nine investigations are now underway and six have published scope statements. These are Residences, Psychiatric, Māori, Catholic, Anglican, and Redress. The Pacific and Disability scopes will be published in due course. Each investigation has a Counsel Assist appointed and in place to lead it. They are supported by a multi-disciplinary team, comprising resources and expertise from across the Inquiry. The focus of the investigation work is currently on obtaining documentary or witness evidence and working to ensure relevant witnesses are identified and approached.

We have, however, decided to rate the overall investigation programme as amber, on track but under close management. This is because research and policy plans for each investigation are still being finalised and the investigations programme as a whole is still not fully resourced, with a number of roles in their final recruitment stages.

We expect to report progress in all these areas in the next quarter.

Survivor Accounts

Overall, survivor contact (phone calls and emails) increased during this quarter. This was particularly evident in September during the public redress hearing but was also driven by increased registrations and the management of private session bookings.

Contact Centre volumes increased four to five -fold during the redress hearing and there was a corresponding significant increase in registrations, from an average of 1-2 per day during non-public hearing periods to 5-6 during the hearing. A total of 45 registrations were received over the course of the two-week hearing (see table below). We have implemented a new telephony system which will enable us to more accurately track call volumes going forward.

Table: Contacts to and from the Contact Centre prior to and during the September 2020 State Redress Hearing

	Week 14 Sept	1st Week Public Hearings	2nd Week Public Hearings
Registrations Full	4	23	22
Registrations Lite #	0	1	0
Phone Calls Out	39	76	109
Phone Calls In	27	166	106
Emails Out	161	471	447
Emails In	208	766	590
Private Session Bookings	0	5	6
Letters In	5	0	6

Letters Out	4	6	13
Text Sent	2	15	11

Registrations Lite is a process for people who feel triggered by what they have seen/heard/read in particular near or during the public hearings, and they contact the Contact and Support Centre, but are not in scope. If the individual chooses to, we capture contact detail and what the RC provided in terms of assistance.

The inability to meet face-to-face with survivors due to Covid-19 restrictions this quarter resulted in the cancellation of 17 private sessions and the implementation of additional health and safety protocols. Sessions via Zoom were conducted with survivors where appropriate, but the number of private sessions held, particularly in August and September, were lower than planned.

Research and Policy

The first tranche of literature reviews for the Psychiatric, Catholic, Māori and Residences investigations settings were completed. The reviews will consider the factors of Circumstances of going into Care, Nature, Extent, Causes and Impacts of Abuse. Delivery of these reviews will be staggered between now and the end of 2020.

Tranche two includes, the settings of foster care, transitional and law enforcement, non-residential psychiatric hospitals and disability facilities, boarding schools and other educational settings. The reviews will consider the circumstances of going into care, and the nature, extent, causes and impacts of abuse. We are proposing to outsource this work for completion by 30 June 2021.

Community and Treaty Engagement

During the quarter the Community Engagement team connected with community organisations, support groups and networks to raise awareness of the Royal Commission and encourage registrations particularly in hard to reach communities.

Key activities included:

- Connections were made with Pacific contacts in Christchurch and the Cook Island community in Tokoroa with the intention of undertaking initial group meetings in October 2020 focussed on potential survivors in these communities.
- Holding a workshop meeting with VOYCE - Whakarongo Mai a community organisation that advocates for children and young people who have experience in the care system. The Commission has a Memorandum of Understanding with VOYCE. The focus of the workshop was on the workings of the Inquiry and the respective parts in relation to a survivor's journey. Regular fortnightly meetings have been established.
- Attending meetings of two deaf community organisations to provide an update on the Inquiry and encourage deaf survivors to register.
- Finalising contracts and holding induction sessions with literacy support providers for specific communities such as learning disabilities.

A key focus for community engagements in the next quarter will include Pacific and Catholic communities and schools, Auckland based community organisations, support groups and networks in sectors such as psychiatric and mental health.

The Treaty Engagement team have continued to support the Survivor Advisory Group (SAGE) and Te Taumata, the Commission's Māori Leadership Group. They have continued to engage with a number of iwi and Māori entities including: Ngāti Apa in support of the Psychiatric Care team for the Lake Alice investigation; Ngāti Whātua to provide cultural support at the Public hearing, Ratana Hāhi with regard to the faith-based investigation; the Muaūpoko Tribal Authority and Waikato Tainui. The team has also engaged with Māori providers of literacy support for survivors making written submissions.

Communications

Important Communications activities for the quarter included:

- The Royal Commission was mentioned 196 times in the media between 1 July and 30 September. This an increase of more than 200 percent on the previous quarter. This coverage reached a cumulative potential audience of 6.6 million (and if paid for in advertising would have cost \$798,800).
- Most of the coverage (155 mentions) was the result of proactive media engagement in relation to the State Redress Hearing. The remaining coverage was garnered from proactive engagement about:
 - the launch of nine investigations including case studies in relation to Lake Alice and Marylands school;
 - Messages to Aotearoa (whereby survivors who engage with the Royal Commission are offered the opportunity to send a message to New Zealand on a postcard. The messages are anonymous and added to our website); and the completion of 500 private sessions;
 - Numbers of registered prisoners; and
 - Public comments around historical abuse at Dilworth School in Auckland.
- The productions and launch of three NZ Sign Language videos and an explainer video about the Lake Alice Investigation.
- In the next quarter, the team will be publishing a series of videos covering all aspects of the Inquiry's work, providing media and communications support for two hearings as well implementing a review and audit of the website and social media.

Interim Report

The Interim report is one report in two parts – the Substantive Interim Report and the Administrative Report. The Terms of Reference specify a delivery date of December 2020. The Interim Report will draw on evidence from the Contextual Hearing held in October/November 2019 and the State Redress Hearing, which is taking place in September/October 2020.

We are on track to deliver the Interim Report to the Governor General in December 2020.

Administration Report

The Inquiry's budget on establishment recognised the limited information about how many people might have been abused in care and how many survivors and others might become involved in our work. The Administrative Report sets out our analysis of the likely workload to complete the Inquiry. It also provides a detailed assessment of the additional budget and time needed to do this. We continue to engage regularly with Departmental officials on our progress.

Risks

Conflicts of Interest

The progress of the Inquiry into its delivery phase has prompted a review of the way the Commission monitors and manages its conflicts of interest. A Conflict of interest Assessment Panel has been formed comprising two senior managers and a member of the Counsel Assist team. Applicants with backgrounds, work experience or interests relating to past employment at agencies such as the Ministry of Social Development, Oranga Tamariki, Crown Law, the Ministries of Health and Education and faith-based institutions must be referred to the Panel for consideration of any declared interests, and actual or perceived conflicts before recruitment is finalised. The Panel is also undertaking a reassessment of current employees, counsel assisting, and contractors with similar backgrounds to ensure any existing conflicts are managed appropriately.

Privacy Breach

On 13 October 2020 the Royal Commission was notified by a journalist that they had been made aware of a privacy incident involving personal details of one survivor being sent, in error, to another survivor.

As a serious privacy breach, involving the release of survivor information, an incident management team was stood up to investigate the incident, endeavouring to contain - as much as possible - the spread of information so that the individual's data was respected.

Both survivors were contacted: the person whose information was breached, and the person who the information was sent to in error. We have given our sincere apologies and offered wellbeing support. We are continuing to engage with both survivors either directly or through their nominated support people.

The Office of the Privacy Commissioner, the Department and the Public Services Commission were all notified.

In addition, survivors on our mailing list were sent a special email about the issue in which we offered our sincere apologies and aimed to reassure them that their personal information is safe with us, as many will feel justifiably anxious.

This incident is being fully investigated, and we are reviewing our processes to ensure that we can confidently assure survivors that the information they share with us will be kept safe going forward.

Impact of Covid-19 on the Inquiry's work programme during this quarter

The Royal Commission moved quickly in response to the Covid-19 outbreak in August 2020, again with a "people/survivor first" approach, while seeking to minimise the impact on operations and to ensure critical work was progressed and delivered. We continued to engage with the Department of Internal Affairs (DIA) who provided advice throughout the period.

The Inquiry's Crisis Management Team was re-established with a focus on identifying the immediate business impacts, with a key focus of our response being to ensure the completion of all necessary work to have a well-functioning public hearing space at our Auckland premises for the opening of the redress hearing on 21 September. This hearing was originally scheduled to take place in March 2020 but was deferred due to Covid-19.

The hearing space was formally opened on 11 September by representatives of Ngāti Whātua Ōrākei in a small ceremony attended by the Chair, the two Auckland based Commissioners, and a small number of Auckland based staff.

Inevitably, travel restrictions, the inability to engage with survivors on a face-to-face basis and the restrictions on group sizes did have an impact on the Inquiry's work programme in this quarter. However, the comprehensive planning and development of alternative processes undertaken earlier in the year - in response to Covid-19 restrictions - ensured work continued as well as it could during this period.

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	Target 20/21: On track	
Substantive Interim Report		
Comments: In final stages of completion. On track to deliver in December 2020.		

How we will monitor our performance	Target 20/21: On track	
Administrative Report		
Comments: On 10 October a working draft of the full Administrative Report was provided to the Department. We continue to engage the Department on our progress.		

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) and abuse in Psychiatric care (Lake Alice Child and Adolescent Unit), and State children’s residential care are scheduled for 2020/21. Reporting against each investigation will occur progressively as they are established.

How we will monitor our performance
Overall Comment on Investigations and Hearings
<p>The forward hearing schedule is currently being finalised and the investigations programme as a whole is still not properly resourced, although it is noted that the recruitment of an additional 32 roles are in the final stages of completion. In addition, research and policy plans for each investigation are still to be finalised.</p> <p>The nine launched investigations are in the process of obtaining their documentary or witness evidence which will be a continuing piece of work as the Inquiry develops. The Investigations team are working in partnership with the Community Engagement and Treaty Engagement teams in developing different methods of finding hard to reach witnesses to ensure relevant witnesses are identified and approached.</p>

How we will monitor our performance
Redress investigation (State and faith-based)
<p>Comments: State Redress is halfway through the hearings schedule which has so far gone to plan.</p> <p>Faith-based redress hearings commence on 30 November, and the Investigations team is currently finalising its evidential gathering and disclosure exercise. At the conclusion of these hearings, the team will then start to focus on roundtables and reporting.</p>

How we will monitor our performance
Māori experience of care
<p>Comment: The Maori investigation now has its overall investigation scope published. The team is currently planning some public-facing work in February. The in-house team has been recruited and will be in place by the start of November. A public hearing will likely occur in late 2021.</p>

How we will monitor our performance
Pacific People’s experience of care
<p>Comment: The Pacific People’s investigation scope is in its final stages of draft; the team is currently working with the Community Engagement team to establish relationships with the survivor networks. The in-house team will be properly resourced in November.</p>

How we will monitor our performance

Disability investigations (disability care settings and experiences of disabled people in care)

Comment: The two Disability investigations scope documents are close to being published. The investigations are still in its preparatory stage but are working with the Community Engagement team to establish relationships with survivor networks. The in-house team will be properly resourced in November.

How we will monitor our performance

Psychiatric care investigation

Comment: The Psychiatric investigation has published its investigation scope, and a case study scope on Lake Alice Child and Adolescent Unit. Preparation and evidence gathering is well advanced and the Lake Alice public hearing will proceed in June 2021.

How we will monitor our performance

State children’s residential Care investigation

Comment: The Children’s Residential Care investigation is about to publish its investigation scope. The investigation is about to receive a large tranche of evidence from the Crown and the team are preparing for a hearing in April 2021 including taking witness statements.

How we will monitor our performance

Catholic Church investigation

Comment: The Catholic Church investigation has received a substantial amount of evidence that is currently under review. The team is focused on preparing for the faith-based redress hearings which are being heard in December 2020 and March 2021. The team is also gathering evidence on the Marylands case study which is being heard in Aug 2021.

How we will monitor our performance

Anglican Church investigation

Comment: The Anglican Investigation team has received a substantial amount of evidence that is currently under review. The team is focused on preparing for the faith-based redress hearings which are being held in December 2020 and March 2021.

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

Comments: The Research and Policy Steering Committee has met twice in the last quarter. The Steering Committee will oversee a comprehensive work programme for the Research and Policy initiatives. The work programme has been approved by the Steering Committee and research briefs are now underway to support investigations and core work programmes. Some initiatives are still being resourced. Budget to complete all work this financial year will be very tight and work prioritisation will be necessary.

Survivor Accounts

We anticipate that 2000 survivors will be registered with the Inquiry in the 2020/21 financial year. We anticipate increased interest and awareness will develop resulting from Public Hearings, community, treaty engagements and hui, promotional communication strategies and word of mouth.

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 for investigations.

How we will monitor our performance	Target 20/21	Quarter end 30/09/2020	Previous quarter
Total Survivor registrations	2000	200	N/A
Private sessions conducted, including Written Accounts and Zoom sessions	320	127	N/A
Wellbeing sessions provided (2592 Wellbeing and 240 Kaupapa Māori NGO)	2732	462 (Wellbeing)	N/A
Results of a Survivor Evaluation Survey (from April 2021)	June 2021	N/A	N/A
Comments: We anticipate that survivor registrations will continue to increase, as public hearings progress over the course of the year and awareness of the Royal Commission increases. During the Redress hearing in September registrations increased to four or five per day up from one to two during non-public hearing periods. Procurement of NGO' s to provide Kaupapa Māori wellbeing was completed in the quarter and contracts will be finalised in November.			

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 LGBTIQ+ to increase awareness of the work of the Royal Commission, increase engagement and registrations of survivors to come forward to share their experiences.

How we will monitor our performance	Target 20/21	Quarter ended 30/09/2020	Previous quarter
Community engagements	120 per month	292	NA
Treaty engagements	5 iwi and 10 survivors per month	53	NA
Comments: The number of Community engagements were down in August and September due to the impact of COVID-19. In respect of Treaty engagements, there 7 with iwi/Māori entities and 11 with survivors in September; and 6 with iwi and 7 with survivors in August. This breakdown is not available for July.			

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 30/09/20	Previous quarter
2020/21 Resource Plan	244*	141.3	N/A
Comments: We are on track to achieve the overall resource plan target by June 2021, 25 people started in this quarter and we have recently completed recruitment rounds for a further 36 people who will start in October and November. Recruitment in the latter half of the year will be subject to budget decisions.			

* Expected number of FTE's in place by 30 June 2021

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: The Commission completed the Archives New Zealand Survey of Public Sector Information Management 2019/20.		

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. There may be instances where the Royal Commission departs from public service and departmental policies after due consideration and advice from the Department. These instances and the associated risk will be recorded.

How we will monitor our performance	Target 20/21	Quarter ended 30/09/2020	Previous quarter
Number of instances of departure from public service and departmental policies	Not applicable	1	N/A
Comments: This direct source engagement of a consultant was a departure from procurement policies. In addition, the contract for was finalised retrospectively which is also contrary to procurement policies. Consideration was given to approaching the All of Government Panel, but the consultant was identified as having specialised knowledge and relevant experience of the Inquiry that would not be able to be sourced through a secondary selection process through a panel.			

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%	N/A
Comments: Flexible Working has been in place since May 2020. Surveys to track staff satisfaction will be done every 6 months with the first 'check in' survey in November 2020.		

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 September 2020

Q1 Financials to YTD September 2020 (\$k)

Appropriation	Actual	Budget	Variance
Departmental MYA	8,389	9,256	867
Capital	902	957	55
Commissioner fees	320	365	45
Legal Assistance	146	690	544
Counselling Assistance	277	370	92
Total	10,034	11,638	1,603

Commentary

- The Commission underspent to budget across all appropriations by a combined \$1.6m
- An operational underspend of \$867k (Departmental MYA) was materially driven by underspends in Travel, driven by the impacts of COVID
- A Legal Assistance underspend of \$544k is expected to be a timing issue, as planned public hearings ramp up during the financial year

Budget 2020/21

The table below summarises the Royal Commission's 2020/21 Budget by appropriation.

Appropriation	Q1	Q2	Q3	Q4	Total
Departmental MYA	\$M				
Current 20/21 Baseline	7.713	0.000	0.000	0.000	7.713
Planned adjustments at OBU - Carried Forwards from 19/20	1.543	4.142			5.686
Planned adjustments at OBU - Transfers from NDOC		5.985	10.479	4.437	20.900
Contingency	-	-	-	7.397	7.397
# Total Departmental	9.256	10.127	10.479	11.834	41.696
# Capital*	0.957	0.065	0.065	0.065	1.154
Non-Departmental MYAs	\$M				
Current combined non-departmental baselines	2.221	2.221	2.221	2.221	8.882
Add OBU 19/20 transfers		8.416			8.416
Add OBU 21/22 and outyear transfers	(0.797)	12.153	(0.426)	(0.249)	10.681
Less OBU transfers to departmental		(20.900)			(20.900)
Remaining combined non-departmental baselines	1.424	1.889	1.795	1.972	7.078
Non-departmental baselines split by Appropriation					
# Total Commissioner fees	0.365	0.365	0.365	0.365	1.459
# Total Legal Assistance	0.690	1.176	1.037	1.176	4.079
# Total Counselling Assistance	0.370	0.393	0.393	0.386	1.541
Combined non-departmental baselines	1.424	1.934	1.795	1.927	7.078

Table Notes:

- * Required adjustments at OBU to roll over 19/20 Capex underspend
- # Represents figures to be reported in quarterly reporting.
- Total 20/21 funding required \$49.928 (Sum of Departmental/Non-Departmental/Capital)
- 2020/21 Budget reflects approved appropriations as per Cabinet papers [CAB-18-MIN-0572. 01] and [SWC-19-MIN-0136], includes planned OBU adjustments, and an anticipated request to draw down tagged contingency [CAB-20-MIN-0155.19].