

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

Quarterly Report (1 January 2021 – 31 March 2021)

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 2020/2021 year for the quarter ended 31 March 2021.

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.

Progressing core delivery – Operational highlights

Investigations

The investigations workstreams are continuing to make progress. Mitigations are in place to limit delivery risks. Refer to pages eight and nine for further commentary.

Survivor Accounts

Survivor contact (phone calls and emails) had a quiet start to this quarter with the impact of the holiday period in January. As in the previous quarter, an increase was evident during phase two of the Faith-based Redress hearings held in March.

Contact and Support Centre volumes increased two-fold during the Faith-based Redress hearing with a corresponding increase in registrations. A total of 32 registrations were received over the course of this two-week hearing in 2021 (see table below). However, this increase was only half that of the increase seen for phase one of the Redress hearings where survivors were actively participating as witnesses.

Table: Contacts to and from the Contact and Support Centre during the Faith-based Redress Hearings (December 2020 – Survivors, March 2021 – Institutions)

	1st Week Public Hearing (Week 30 Nov 2020)	2nd Week Public Hearing (Week 7 Dec 2020)	1st Week Public Hearing (Week 15 Mar 2021)	2nd Week Public Hearing (Week 22 Mar 2021)
Registrations Full	32	32	17	15
Phone Calls Out	73	76	94	140
Phone Calls In	157	121	128	131
Emails Out	378	313	315	386
Emails In	583	558	623	506
Private Session Bookings	0	1	2	9
Letters In	6	0	14	14
Letters Out	8	1	9	8
Text Sent	7	4	7	7

A total of 106 face-to-face Private Sessions with survivors were conducted over this quarter.

During this quarter the Inquiry wrote to 105 Australian based survivors offering attendance at a private session or to provide a witness statement via zoom. To date we have heard back from 13 of these survivors who have indicated they wish to participate in the Inquiry.

Wellbeing

Wellbeing support is integral to all engagements for survivors within the Inquiry. This includes private sessions (face to face and/or technology enabled), written submissions, public hearings, witness statements or other activities that may cause potential harm. It is important that a range of wellbeing services are available to meet survivor needs.

This quarter we now have access to the services of an Australian based wellbeing provider. The provider will offer wellbeing support to survivors based in Australia who want to register and engage with the Inquiry.

We are also engaging with providers to support:

- survivors with Learning Disabilities, Neurodiversity or Cognitive Impairment (LDNDCI). This contract will be supported by the inclusion of a Disability Support Co-ordination role within the internal Wellbeing team;
- survivors with psychosocial and other counselling needs. A recommendation for providers has been approved and contract negotiation will commence by the end of April.

Research and Policy

Redress and rehabilitation was a priority during the period, with papers developed to support the Redress hearings held, which were followed up with critical analysis of policy options, including access to records. The Redress Report will continue to be a priority through until October 2021.

The first tranche of literature reviews for the Psychiatric, Catholic, Māori and Residences investigations settings are being managed in house by the Research team. The reviews will consider the circumstances of going into care and the nature, extent, causes and impacts of abuse. All reviews due to be finalised by the end of April 2021. The timeline for the completion of the second tranche of literature reviews, which includes the settings of foster care, transitional and law enforcement, non-residential psychiatric hospitals and disability facilities, boarding schools and other educational settings are due by 30 June 2021.

Specific research into disabled people's experience in care (primary research commissioned by the Inquiry), is progressing through the Ethics Approval process. After discussions with the Disability Investigation Team, this work will need to be split into timed deliverables to meet the full research brief. The first research deliverables should be due to coincide with the Disability Public Hearing in November 2021.

We have examined the settings and regulations for the historical use of seclusion and restraint in New Zealand and overseas.

We have also examined the systematic and operational factors contributing to abuse of children and young people at Lake Alice Psychiatric Hospital. This supports the intended public hearing into abuse at the Adolescent Unit at Lake Alice.

An inquiry definition of neglect has been developed.

During the period work with the Minister for Pacific Peoples culminated in the designation of the Ministry for Pacific Peoples being designated as a core participant in the inquiry.

Community Engagement

The Community Engagement team now have the ability to register survivors directly. This has meant the team has collectively registered 46 survivors for the quarter. Of the 46:

- 19 have identified as Māori, 22 as European, 1 Fijian; 1 Tongan; 1 Niuean; 1 Samoan; 3 Cook Island (note: ethnicity is a multiple response variable. Therefore, the number of total responses will be greater than the number of respondents)
- The youngest registered is 21 years old, while the oldest is 76 years old
- 22 identified as female; 22 as male; 1 preferred not to say and 1 “other”
- 23 disclosed a disability, mental health and/or physical health issues

Having now completed four engagement sessions specifically tailored for the learning disability, neurodiverse and cognitive impaired (LDNDCI) community in Palmerston North and Christchurch, the next round of these sessions will begin again in mid-May 2021. From these four sessions:

- one survivor and three witnesses were registered on 15 April
- four more survivors to be followed up for registration; and
- a further 13 registrations from the Christchurch community hui – 10 of which who have high and complex needs are from a group care home environment.

The pathway for learning disability survivors and witnesses to participate in the Inquiry is very much now in action and ‘business as usual’.

The other usual activities for this quarter include:

- a formal engagement with the Australia and New Zealand Mental Health Association has begun. This engagement enables the Inquiry to reach out to 500 New Zealand based practitioners in the mental health and addictions sector. The first action is to provide content about the Inquiry through their electronic direct mail (eDM). The eDM was to be sent out from the week beginning 19 April 2021;
- raising awareness of the Inquiry in various external festivals and expos such as Newtown Festival, Levin Pasifika Festival, Retirement & Lifestyle Expo in Auckland, Enliven Forum in Christchurch and the Age on the Go Expo in Levin;
- expanding the connections of Pacific communities by reaching out ex and current members of Mangukaha (Black Power) to register and participate in the Inquiry. Two registrations have resulted and a few more in progress.

A key focus for community engagement in the next quarter will be the continuation of engagement sessions for the learning disability community; the start of engagement sessions at Family Planning centres around Aotearoa (about 30) to enable registration of survivors and witnesses through these engagement sessions and the start of the homeless engagement sessions with City Missions around Aotearoa.

Treaty Engagement

This quarter the Treaty Engagement Directorate has participated in wide ranging engagement activities with Māori providers, Iwi and the survivor community. These engagements have further strengthened external relationships and provided the Inquiry with valuable insights and kaupapa Māori expertise. They include the following activities:

- Contract for services – seven kaupapa Māori non-government providers based in Christchurch, Nelson/Blenheim, Wellington, Hamilton and Auckland. The one-year contract commenced January 2021 and will provide a kaupapa Māori approach to promote and profile the work of the Commission. In addition to promotional activities providers will deliver support services including wellbeing to survivors that are socially isolated with a focus on Māori.
- Office of the Kiingitanga – attendance at four Poukai to strengthen the connection between the Office and the Commission. We have received and accepted an invitation to partner with the Office and host an event that will bring together tikanga and Treaty expertise to inform the Redress Report. This event is scheduled for June 2021.
- Te Taumata Advisory Committee – held a two-day strategic planning hui, which included meeting with Māori Investigations, Counsel Assist and Commissioners to advise and inform the Commission’s strategic direction with a Treaty lens.
- National State Survivors Hui – participation in a survivor-led three-day hui in Wellington. To strengthen engagement between the survivor community and the Commission particularly from a Māori perspective.
- Kaupapa Roopu hui – we designed a hui to bring together wahine Māori survivors and the residential investigation team. We drew on their experiences of abuse as children in residential care to provide a Māori perspective for the residential investigation.
- Te Rūnanga o Ngā Wairiki Ngāti Apa – ongoing engagement relating to the Lake Alice Child Adolescent Unit investigation, acknowledging the impact of the institution in their rohe.
- Muaupoko Tribal Authority – ongoing engagement relating to Kohitere Boy’s Training Centre, Hokino Beach Training School and Kimberley Hospital, which were all located in their rohe.

Communications/Media

The Commission was mentioned 305 times in the media between 1 January and 31 March 2021. Through targeted outreach, this includes a 60% increase in Māori media coverage. These mentions reached a cumulative potential audience of 10.6 million (and if paid for in advertising would have cost \$2.3 million). The majority of coverage was in relation to the second phase of the Faith-based Redress hearing (218 mentions in the media).

The first of four regional hui around the country this year will be held in April 2021 – Kōrero ki te Tāngata (Talk with the People). The hui which will be conducted in an informal drop-in style, provide the opportunity for local communities, especially survivors, to find out more about the Inquiry, our mahi as well information on how people can get involved.

Specific initiatives proposed in the April to June 2021 quarter include:

- supporting and planning for the Redress Investigation’s public consultation;

- significant internal and external support for activity resulting from the budget announcement;
- planning for the launch of a refreshed website;
- updating and refreshing our collateral suite;
- developing and finalising strategies for each investigation;
- production and publication of a series of videos covering key aspects of the Inquiry's work.

Organisational Development

Work on two key initiatives, embedding tikangi and Te Ao Māori into our mahi (work) as well as a review of the Inquiry's practices and processes through a disability lens continued to progress during this quarter. The development of an internal wellbeing framework and programme for the secretariat is nearing completion and it is anticipated will be finalised in the next quarter.

Risks

The Inquiry has developed an Enterprise Risk Register to record and manage the key risks facing it. The Enterprise Risk Register is reported to Commissioners monthly and assists them to maintain an overview of key risks and to monitor existing controls and their relative effectiveness in managing risk over time.

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	Status
Substantive Interim Report	Completed
Comments: The substantive interim report, Tāwharautia: Pūrongo o te Wā, was presented to the Governor-General on 4 December 2020, meeting the requirements of clause 35 (1) of the terms of reference. The report was publicly released on 16 December 2020.	

How we will monitor our performance	Status
Administrative Report	Completed
Comments: The Administrative Report was provided to the Minister of Internal Affairs on 3 December 2020.	

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) have been completed. Public hearings into abuse in State children's residential care, Psychiatric care (Lake Alice Child and Adolescent Unit), and Pacific People's experience of care are scheduled for May, June and July 2021 respectively.

NOTE: The recent decision by the Government to amend the Commission's Terms of Reference and confirm the final reporting date of no later than 30 June 2023, will necessitate a reset of the current investigations work programme. This will include strengthened monitoring and reporting arrangements.

How we will monitor our performance
Investigations and Public Hearings overall
<p>Comment: The investigations workstreams are continuing to make progress, hampered by further resourcing being delayed until the second half of the year due to budgetary restrictions and overall budget uncertainty. Mitigations are in place to limit delivery risks.</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 are currently expanding their witness lists, which can be time consuming given the volume of people they need to interview, and how hard those people are to locate for some investigations.</p> <p>The Investigations team are working in partnership with the Community Engagement team in developing different methods of finding hard to engage (reach) witnesses to ensure relevant witnesses are identified and approached. We anticipate a surge in Māori and Pacific witnesses, and witnesses with disabilities coming forward as the year progresses.</p> <p>The investigations are starting to focus on forward looking planning which will include the drafting of investigation reports and associated recommendations. This also includes a comprehensive consultation process and natural justice process.</p>

How we will monitor our performance
Redress investigation (State and faith-based)
<p>Comment: Redress public hearings have concluded, and the team has changed focus onto its forward-looking work and report writing.</p>

How we will monitor our performance
Māori experience of care
<p>Comment: The Māori investigation is now preparing for its first public hearing currently anticipated to take place in September 2021. This hearing is likely to include survivor voices and expert evidence, both of which are currently being obtained and briefed.</p>

How we will monitor our performance

Pacific People's experience of care

Comment: The Pacific People's investigation public hearing will be held from 19 July for two weeks. The hearing is planned to be held at Fale o Samoa which is the heart of the Pacific community in Auckland. The hearing will include survivor voices and expert evidence.

How we will monitor our performance

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

Comment: Working closely with Community Engagement, the disability investigation has started its roadshow engagement plan. This will involve visiting significant centres around New Zealand and will hold meetings with service providers, NGOs, caregivers and families of survivors, and survivors themselves. A public hearing is currently being planned for November 2021.

How we will monitor our performance

Psychiatric care investigation

Comment: The Psychiatric investigation is in its final stages of planning for preparation for the hearing that will commence 14 June 2021. The hearing will include survivors' voices, institutional responses and expert evidence, and is our first institution-based case study.

How we will monitor our performance

State children's residential care investigation

Comment: The Children's Residential Care investigation public hearing will commence on 3 May. This will include hearing from survivors in respect of a cross-section of institutions across the relevant time period of the Terms of Reference. Disclosure of evidence has now been made to participants and natural justice processes are almost complete.

How we will monitor our performance

Catholic Church investigation

Comment: The Catholic Church investigation team has been engaging in significant planning effort to allocate resource to writing the redress report, the Marylands case study public hearing which will take place in October 2021, and consideration of future case study and investigation work.

How we will monitor our performance

Anglican Church investigation

Comment: The Anglican investigation team is contributing to the redress report and planning for the next case study, which is yet to be confirmed.

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

Comment: The Research and Policy (R&P) work programme to the end of June 2021 was signed off last quarter. Overall, work against the plan is progressing well, with a number of key deliverables being completed and published, with timeframes being tightly managed.

Attention now turns to planning for the work programme for the remainder of 2021 and into 2022, including agreeing R&P workplans in collaboration with each investigation, as well as determining any future pan-inquiry deliverables. A big focus of the work plan between now and the end of October 2021 will be supporting the redress report.

Survivor Accounts

We had forecast that approximately 2,000 survivors would be registered with the Inquiry in the 2020/21 financial year. This will not now be met. We anticipated increased interest and awareness would develop resulting from Public Hearings, particularly those hearings where survivors are active participants, together with community outreach, treaty engagements and hui, promotional communication strategies and word of mouth. This has been true with between a three to four-fold increase in survivor related activities and enquiries. However, it is now forecast that between 900 to 1,000 survivors will register during the 2020/21 financial year.

How we will monitor our performance	Target 20/21	YTD 20/21	Jan-Mar 2021	Oct-Dec 2020	July-Sept 2020
Total Survivor registrations	2000	648	185	263	200
Private sessions conducted, including Written Accounts and Zoom sessions	320	328	107	94	127
Witness Statements	-	218			
Wellbeing sessions provided (2,592 Wellbeing and 240 Kaupapa Māori NGO ^(A))	2732	1399	483 (Wellbeing)	454 (Wellbeing)	462 (Wellbeing)
Results of a Survivor Evaluation Survey (from April 2021)	June 2021	See comments below		N/A	N/A

^(A) Contracts commenced January 2021. Kaupapa Māori wellbeing sessions were not counted this quarter but will be for the next.

Comments:

Survivor Registrations:

Survivor registrations were lighter this quarter, with January having low contact due to the closedown and holiday period. Phase two of the Faith-based Redress hearings saw a smaller increase in registrations compared to earlier public hearings.

Private Sessions

Survivor private sessions held with a Commissioner achieved the target number of 320 sessions during this quarter.

Wellbeing Sessions

The number of wellbeing sessions, are increasing as survivor/witness participation increases with the Inquiry, in particular as multiple investigations progress and the associated need to engage with witnesses picks up momentum. However, given survivor registrations will be lower than forecast this will have a flow on effect to wellbeing sessions.

Results of Survivor Evaluation Survey

An evaluation survey for survivors to provide feedback on their experience and engagement with private sessions was undertaken in January and February 2021. The survey evaluated the survivor journey from registrations through to a private session and wellbeing support for 50 survivors.

Overall feedback confirmed most survivors perceived their experience to be 'very good' or 'good', validating the current operating model.

- Three quarters of survivors rated the registration process 'very good' (60%) or 'good' (15%). Just over a fifth of people rated the registration process as 'ok'.
- Most survivors rated all aspects of the private sessions as 'very good' or 'good'. Survivors stated that the Commissioners were very professional and listened well to their experiences.
- The amount of time that people had to share their experiences was more likely to be rated as 'ok' or 'poor' than other aspects of the private sessions. This was due to people wanting more time to share their experiences, with some (7) survivors noting that they did not have enough time to share all their experiences of abuse.
- Most survivors rated the wellbeing support as "very helpful" (47%) or "helpful" (22%).

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 our work and to promote engagement and the registration of survivors.

How we will monitor our performance	Target 20/21	YTD 20/21	Jan-Mar 2021	Oct-Dec 2020	July-Sept 2020
Community engagements	120 per month	2000	1374	466	292
Treaty engagements	5 iwi and 10 survivors per month	274	135	86	53
Comments: The breakdown of Treaty engagements in the third quarter is as follows: January - 5 with iwi/Māori and 5 with survivors; February - 7 with iwi and 22 with survivors; March - 25 with iwi and 71 with survivors.					

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 31 March 2021	FTE's (actual) as at 31 Dec 2020	FTE's (actual) as at 30 Sept 2020
2020/21 Resource Plan	244*	186.5	177.3	141.3
Comments: We are currently not on track to achieve the overall resource plan target by June 2021, due to some recruitment being paused. We had 16.5 FTE start in this quarter, with 7 FTE leaving. Recruitment will continue to be subject to budget decisions.				

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: There were no requests for records audit processes in the third quarter.		

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.

How we will monitor our performance	Target 20/21	Jan-Mar 2021	Oct-Dec 2020	July-Sept 2020
Number of instances of departure from public service and departmental policies	Not applicable	2	1	1
<p>Comments: There were two activities in the third quarter that were a departure from procurement policies. The first was the re-engagement of a contract resource to fill a vacancy at short notice in a key role. This was a direct source engagement due to the timeframe and sensitivity of the role and the individual was determined to be the right fit.</p> <p>The second was an extension to a vendor contract that hadn't been through a competitive tender process and had exceeded permissible thresholds for a direct source arrangement. This vendor provides key wellbeing support to survivors that the Commission engages, and not having this support would require the Commission to halt all private sessions and engagement with survivors. While this was a departure from Department policies, the Commission was undertaking a full market engagement exercise for a vendor for these services for the remaining duration of the Commission and the Department was supportive of extending the existing arrangements on that basis.</p>				

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
<p>Comments: No activity this quarter. The second flexible working survey of staff will be conducted in the next quarter.</p>		

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 March 2021

Q3 YTD Financials as at 31 March 2021 (\$k)

Appropriation	YTD Actual	YTD Budget (A)	YTD Variance (B)	Remaining 2021 Funding (B)	Remaining MYA Funding Out Years
Departmental MYA	27,689	28,724	1,035	2,620	0
Commissioner fees	948	1,061	113	1,159	2,189
Legal Assistance	460	2,497	2,038	8,209	0
Counselling Assistance	881	522	(359)	(359)	8,610
Capital (C)	1,286	1,154	(132)	0	0
Total	31,264	33,959	2,695	11,629	10,799

(A) Budgets reflect the most recent changes to appropriations in the March Baseline Update

(B) YTD variance and variable levels of remaining funding reflects decisions still to be announced by Ministers in regard to funding for the final quarter of the 20/21 financial year. Appropriation breaches are not expected, either because of remaining funding within the MYA (e.g. Counselling Assistance) or because of Ministerial decisions to be announced. Due to budget uncertainty the Commission has restricted planned expenditure through internal savings plans and targets.

(C) Capital for the Royal Commission is managed within the Department's broader annual capital appropriation. Small variances are, therefore, not material.

Commentary

- The Commission underspent to budget across all appropriations by a combined \$2.695m. The Commission has established an internal savings target of \$4.000m for the 2020/21 financial year to reflect uncertainty in advance of budget decisions due to be announced in May.
- An operational underspend of \$1.035m (Departmental MYA) was driven by the impacts of COVID (although limited) and restrictions put on expenditure to achieve savings noted above.
- A Legal Assistance underspend of \$2.038m is expected to reverse, as planned public hearings ramp up during the second half of the financial year and in out years.
- Totals may not sum due to rounding.