

INSTITUTIONAL RESPONSE HEARINGS

SCOPE OF THE HEARINGS INTO INSTITUTIONAL RESPONSES TO ABUSE IN CARE

1. The Inquiry's Institutional Response hearings will examine the institutional responses of selected State and Faith-based organisations ("the organisations") to matters set out in the Inquiry's Terms of Reference.
2. At the hearings the Inquiry will hear evidence, ask questions and put propositions to these organisations in respect of failures to provide adequate care and to prevent and respond to abuse in care between 1950 to 1999 and, where appropriate, from 1999 until present day. This includes but is not limited to structural, systemic, or practical factors that caused or contributed to the abuse of individuals in State care and in the care of faith-based institutions.
3. The key themes to be examined at the hearings are:
 - a. The extent of abuse and neglect in care;
 - b. The extent to which the care system, including legislative and policy settings and State and faith-based organisations, ensures that te Tiriti o Waitangi is upheld including the guarantee of tino rangatiratanga;
 - c. To what extent the care system has met or failed to meet the needs of Māori, Pacific and Disabled people and people with mental health conditions;
 - d. How racism, ableism and bias impacts delivery of care services, and whether organisations have properly implemented appropriate strategies, policies, processes and practices to detect and address these;
 - e. How the care system has been monitored to ensure it is fit for purpose, and that those in care were protected from abuse and neglect. This includes an examination of monitoring and oversight processes that existed during the relevant period and an assessment of their effectiveness at protecting those in care;
 - f. When and how children and young persons should be removed or uplifted from their family and placed into care;

- g. How organisations have developed, monitored and updated their own care standards and ensured compliance with those standards, and how third party care providers were established and monitored to ensure they were and are fit for purpose;
 - h. The delegation of care by the State to faith-based institutions and the extent of State oversight and responsibility, including te Tiriti and human rights obligations, to those in care;
 - i. Vetting of caregivers and staff, how effective those measures have been, and how approaches to vetting has changed over time;
 - j. How staff and caregivers were/are adequately educated, trained, resourced and supported;
 - k. The extent to which care settings have been supervised and inspected (including premises, staff and caregivers);
 - l. Whether staff and decision makers within organisations have been and are sufficiently diverse to adequately engage with Māori, Pacific and the disabled communities, and to make decisions with and on behalf of those communities;
 - m. The provision of adequate and appropriate education to those in care, ensuring all people in care attended school and were not denied access to effective education due to understaffing, education exemptions, or multiple placements in care;
 - n. The provision of adequate and appropriate health care to those in care including mental health care and specific health support to meet the needs of disabled people;
 - o. Robust, safe and effective complaints processes;
 - p. The referral of complaints of abuse to the Police and professional bodies, and the circumstances in which referrals have or have not been made and for what reasons;
 - q. How the State has investigated and prosecuted complaints of abuse and neglect in care;
 - r. Whether the care system has been sufficiently funded over time; and
 - s. The extent to which recommendations from previous inquiries have been implemented.
4. The organisations will also be asked to identify the lessons they have learned and what changes they have made from 1950 until present day to prevent and respond to abuse in care, to ensure that the factors that allowed abuse to occur in the past do not persist in the current practices of the organisations.

5. The responses of the organisations to these key themes prior to, during, and (where necessary) after the hearing will assist the Inquiry in its ongoing investigations and report findings and recommendations.