

Under the Inquiries Act 2013
In the matter of the Royal Commission of Inquiry into Abuse in State Care and in
the Care of Faith-based Institutions

Brief of Evidence of Steven Michael Groom for Oranga Tamariki – Redress

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Solicitor:

Julia White
Secretariat, Crown Response to the Abuse in Care Inquiry
Aurora Centre, 56 The Terrace, Wellington 6011

T: **GRO-C**
Julia.White@ot.govt.nz

Counsel:

Wendy Aldred
Stout Street Chambers
Level 6 Huddart Parker Building, 1 Post Office Square
Wellington 6011

T: **GRO-C**
Wendy.Aldred@stoustreet.co.nz

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1 Witness statement

- 1.1 My name is Steven Michael Groom. I am the General Manager of Public Ministerial and Executive Services at Oranga Tamariki – Ministry for Children (**Oranga Tamariki**). I have worked in the New Zealand public service since 2002 and have held my current role since October 2017.
- 1.2 The Public Ministerial and Executive Services Group includes the Feedback and Complaints team, which has responsibility for overseeing the processing by Oranga Tamariki of claims relating to abuse in care. Among other things, the Public Ministerial and Executive Services group also has responsibility for providing information in response to requests for information under the Privacy Act 1993.
- 1.3 I acknowledge at the outset, that for many survivors of abuse in state care, redress is an incredibly important condition for addressing their experiences and the impact that they have had. In the settlement discussions I have been part of, I have seen the restorative power that an effective out-of-court process and a genuine commitment to address the underlying issues, can have. Oranga Tamariki is committed to supporting the Royal Commission in its work to consider this very important area.
- 1.4 This brief of evidence is organised as follows:
- (a) an explanation of the origin and establishment of Oranga Tamariki, and the decisions relating to responsibility for addressing claims of abuse in care;
 - (b) an explanation of the processes currently adopted by Oranga Tamariki for addressing claims of abuse in care; and
 - (c) an explanation of the process that is under development by Oranga Tamariki for addressing claims of abuse in care.

2 Establishment of Oranga Tamariki and responsibility for processing claims of abuse in care

- 2.1 Oranga Tamariki was established on 1 April 2017. Under the Oranga Tamariki Act 1989, it has responsibility for the care and protection of children and young persons and the provision of youth justice services for children and young persons.
- 2.2 In October 2018, the Minister for Social Development and the Minister for Children agreed that all claims relating to the abuse or neglect of children in state care should be managed by MSD.
- 2.3 In August 2019, the Ministers amended that decision as follows:

- (a) MSD would hold responsibility for resolving claims relating to acts or omissions in state care for the period up to 1 April 2017; and
 - (b) Oranga Tamariki would hold responsibility for resolving claims relating to events that took place in state care from 1 April 2017 onwards.
- 2.4 The current framework was ultimately decided on in light of the fact that Oranga Tamariki is required to have a complaints mechanism, and for complaints relating to events that take place after 1 July 2019, under the Oranga Tamariki Act 1989, claimants must exhaust that process before filing a claim with the Court. It was also considered to be simpler from a claimant perspective for Oranga Tamariki to manage claims about the care it has provided since its inception, rather than claimants being directed to a different agency. This system also aligns with the new oversight arrangements that are being put in place for the Oranga Tamariki system and Children's issues (discussed in paragraph 3.8 below).
- 2.5 As a result of this decision, the current position is that (other than as discussed in paragraph 2.6 below):
- (a) if a claim is received about abuse in care relates to events prior to 1 April 2017, responsibility for investigating/considering the claim, and for any outcomes will sit with MSD; and
 - (b) if a claim is received about abuse in care relates to events from 1 April 2017 onwards, responsibility for investigating/considering the claim, and for any outcomes will sit with Oranga Tamariki.
- 2.6 Oranga Tamariki has however resolved, or is currently working to resolve, 19 claims of historic abuse in care relating to events that occurred before 2017. As Oranga Tamariki had already started to engage with these claimants on the issues raised in their claims it made sense to leave those claims with Oranga Tamariki rather than to transfer them to MSD and require claimants to engage with another agency. This seemed the most appropriate approach taking into account the work already undertaken and the claimants' interests.
- 2.7 Five historic claims have been resolved by Oranga Tamariki and these are part of the group of claims described in paragraph 2.6 above.

3 The complaints/claims process currently adopted by Oranga Tamariki

- 3.1 As noted above, Oranga Tamariki is responsible for considering a claim received about abuse in care if the claim relates to an event or events that occurred after 1 April 2017 (other than the small group of claims referred to at paragraph 2.6 above).
- 3.2 At present, Oranga Tamariki receives claims about abuse in care through our complaints team using our complaints process. If a claim is received, the Oranga Tamariki complaints team would:
- (a) Request to meet with the claimant to talk to them. The focus of this step is on understanding what occurred, ensuring that the claimant is heard, and understanding what resolution would look like for them.

- (b) Undertake a records check to see whether key details of the claim can be corroborated by the information available on our databases. This step would also be used to establish whether there are safety concerns that need to be addressed for children and young people currently in care.
 - (c) Where appropriate, seek additional information from relevant Oranga Tamariki staff, caregivers, or employees of NGO service providers.
 - (d) Make claimants aware of their right to request information about themselves under the Privacy Act.
- 3.3 Complaints are generally handled using the same process, but for the most part by the local Oranga Tamariki office in the first instance. It is worth noting that in all cases where there are safety concerns or inappropriate use of coercive powers is alleged, these are considered by the centralised complaint team, which is structurally independent of the Oranga Tamariki service line.
- 3.4 The Complaints Policy that is currently in place expressly acknowledges the importance of taking into account the cultural needs of complainants when addressing complaints. The Feedback system is based on a set of principles that have been designed with our obligations under Te Tiriti o Waitangi and section 7AA of the Oranga Tamariki Act 1989 in mind.
- 3.5 Oranga Tamariki has invested significant effort in talking to young people about what they expect from a complaints system, and in ensuring that young people in our care understand their right to complain and seek remedies.
- 3.6 Several outcomes may be available to a claimant as part of the claim resolution process including an apology or acknowledgement, provision of counselling or other therapeutic support services, and other options, including financial payments. Many of these outcomes may also be available following the resolution of a complaint, although the outcome of a complaint is likely to be focused on addressing an existing issue, rather than on addressing past harm.
- 3.7 If a claim was to be received from an individual about care that occurred both before and after 1 April 2017, the agency which has responsibility for addressing the majority of the harm would likely work with the claimant to resolve the claim in its entirety. The key concern would be to ensure that the claimant does not have to go through a process with both agencies. The Memorandum of Understanding between Oranga Tamariki and MSD (which I discuss further below) would include this process.
- 3.8 Both MSD (via the Independent Children’s Monitor), and the Ombudsman have been given roles in monitoring the Oranga Tamariki complaints system. We are working with both MSD and the Office of the Ombudsman to ensure that we are set up to support them in these roles as they develop their thinking on how they intend to operationalise these responsibilities. We also anticipate consulting with the Office of the Children’s Commissioner on their role within our monitoring environment this year.

4 Work being undertaken by Oranga Tamariki to develop its process for handling claims relating to abuse in care

- 4.1 Our process for resolving claims relating to abuse in care is evolving. Oranga Tamariki is currently developing a specific process for addressing claims which will be considered by Oranga Tamariki senior leadership in the coming months. My expectation is that the process that Oranga Tamariki adopts will be on an interim basis, pending the receipt of recommendations from this Royal Commission, and that further changes to our processes are likely based on those recommendations.
- 4.2 Oranga Tamariki has taken note of the outcomes of the consultation process undertaken by MSD on its Historic Claims Resolution Process in the first part of 2018, and we are working to ensure that the guidance developed through that process is reflected in our claims process. The interim claims process we implement in the first part of this year will be focused on ensuring (where appropriate) consistency of outcomes with MSD. We are also working on the preparation of an MOU with a view to setting out how the two agencies will work together.
- 4.3 I would like to close by restating my acknowledgement of the importance of meaningful redress for those who have experienced harm in state care, and my commitment to supporting the work of this Royal Commission in the area of redress.

GRO-C

Steven Michael Groom