

1                   **STEVEN MICHAEL GROOM - AFFIRMED**  
2                   **QUESTIONED BY MR CLARKE-PARKER**

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6       **CHAIR:** Good morning, Mr Clarke-Parker.7       **MR CLARKE-PARKER:** Good afternoon.8       **CHAIR:** Yes, you got me, thank you, good afternoon.9       **MR CLARKE-PARKER:** Mr Groom is the next witness for  
10 the Commission.11       **CHAIR:** Mr Groom, good afternoon to you, welcome to  
12 the Commission. (Witness affirmed).13       **MR CLARKE-PARKER:**

14 Q. Tēnā koe, Mr Groom, can you please introduce yourself?

15 A. Tēnā koutou katoa

16 Nō Ingārangi ōku tipuna

17 I tae mai ōku tipuna ki Aotearoa i te tau kotahi mano, e  
18 waru rau, e tekau mā iwa

19 I tipu ake au ki Tauranga Moana

20 E noho ana au ki Te Whanganui-ā-tara

21 Ko Steven Michael Groom

22 Ko tēnei taku mihi ki ngā tāngata whenua o te rohe nei

23 Ka mihi hoki au ki ngā tohu o te rohe nei

24 Nō reira, tēnā koutou katoa.

25       **CHAIR:** Tēnā koe.26       **MR CLARKE-PARKER:**27 Q. Thank you, Mr Groom. And you have prepared two briefs of  
28 evidence for this hearing; one the primary brief of evidence  
29 dated 27 January 2020 and the reply brief dated 6 March  
30 2020; that's right?

31 A. That's right.

32 Q. And you have those in front of you?

33 A. I do.

34 Q. Thank you. Can I have you begin reading from paragraph 1.1  
35 of your primary brief?

1 A. I am the General Manager of Public Ministerial and Executive  
2 Services at Oranga Tamariki. I have worked in the  
3 New Zealand Public Service since 2002 and have held my  
4 current role since October 2017.

5 Q. Thank you. And do you have some further background on your  
6 work history prior to that as well, I understand?

7 A. Yes. So, I first started as a Case Manager for Work and  
8 Income in the Bay of Plenty. I think this role was my first  
9 real insight into the vicariousness of wellbeing for some in  
10 our society and the impact of childhood impact on a person's  
11 life course and indeed on the generations that come after  
12 them. I remember my Chief Executive at the time talking  
13 about going beyond treating the symptoms to addressing the  
14 cause in terms of making meaningful change. And I heard  
15 that reflected in Dr Inkpen's evidence when she drew on the  
16 metaphor, I guess, that Dr William Bell uses around pēpi  
17 coming down the stream and that the natural instinct is to  
18 pull those babies out of the stream and that's absolutely  
19 the right thing to do.

20 So, yes, you absolutely have to pull the babies out of  
21 the stream but at some point you need to go up the stream to  
22 see where these pēpi are coming from.

23 And, yeah, I guess that's why, you know, a role that I  
24 started some 20 years ago, to be frank, because they  
25 employed the 22 year old version of myself, is the one  
26 that's led into the role I am in today and a commitment to  
27 the public service.

28 Following my case management role, I spent a number of  
29 years with the Ministry of Social Development working in a  
30 range of roles, including on a disability project,  
31 operational policy roles and operational management roles.  
32 I then spent two years at Ministry of Education in a general  
33 management role. And then in 2017 was drawn to Oranga  
34 Tamariki for the reasons that I've outlined earlier.

1 Q. Thank you. Can I have you continue reading from  
2 paragraph 1.2 of your primary brief, please?

3 A. The Public Ministerial and Executive Services Group includes  
4 the Feedback and Complaints team which has responsibility  
5 for overseeing the processing by Oranga Tamariki of claims  
6 relating to abuse in care. Among other things, the Public  
7 Ministerial and Executive Services group also has  
8 responsibility for providing information in response some  
9 9,000 to 10,000 requests annually for information under the  
10 Privacy Act 1993.

11 I just add, I also have responsibility for the  
12 Ministerial Services team which responds to requests under  
13 the Official Information Act, correspondence from members of  
14 the public and also various other public and Parliamentary  
15 accountability processes.

16 Q. Thank you. And the rest of section 1 will be taken as read  
17 but I understand you have some further contextual comments  
18 on your brief of evidence?

19 A. Yes. I thought it might be useful if I talked a little bit  
20 about the broader context of Oranga Tamariki, the  
21 organisational purpose; partly because I think it is within  
22 the remit of the Commission's wider work and partly because  
23 one of the driving aims of this work is to reduce the harm  
24 in care which in time, over time, should reduce the need for  
25 processes such as the ones we are discussing today.

26 So, Oranga Tamariki was established with a very strong  
27 focus on the future. And one of the overriding aims is to  
28 shift the weight of effort and intervention from the high  
29 intensity end of social work practice, so essentially the  
30 bringing of children into care, towards intervening with  
31 families and whānau much earlier in the process and  
32 supporting them to provide loving and safe homes for their  
33 children.

1       There's broadly been three areas of focus in this work  
2 during the first three years of Oranga Tamariki's existence.  
3 Those are partnerships, practice and safe loving homes.

4       On partnerships, I guess I would say we strongly  
5 recognise as an agency that we don't hold all of the  
6 answers. And further to that, you know, for a range of  
7 reasons, and some of them being the very reason that we are  
8 all here today, there can be, I guess there's a lack of  
9 trust in the relationship and there's some work to do to  
10 rebuild that trust.

11       So, in that context, partnerships are critically  
12 important if we want to intervene families and be a  
13 constructive and supportive presence. In some cases, it's  
14 not going to be our faces that people want to see.

15       So, partnerships are hugely important. We've made  
16 progress in this area. So, we have a range of strategic  
17 partnerships and relationships agreements with iwi and Maori  
18 organisations. And I think these agreements are a very good  
19 Statement of Intent and I'll probably talk later in my  
20 evidence about the real practical impact that they're  
21 having. But I think as an organisation, we recognise that  
22 it's a good Statement of Intent but the rebuilding of trust  
23 and relationships will occur in our day-to-day interactions  
24 with people.

25       So, from partnerships we move to practise. I think to  
26 enable an environment in which there is genuine partnership  
27 and general devolution of responsibility, the way we  
28 practice needs to shift and it needs to be a practice that  
29 is focused on open, reflective and collaborative engagement.  
30 And alongside that, I think there was a general acceptance  
31 that the quality of social work practice needed to be more  
32 formally defined and monitored and opportunities taken to  
33 improve.

34       And then from practice, we move to safe and loving  
35 places. So, I talked about one of the driving purposes of

1 Oranga Tamariki being to prevent the need to bring people  
2 into care. I think that it's always likely there will need  
3 to be some statutory intervention and children being brought  
4 into care. In that context, it's imperative that that care  
5 is safe and loving.

6 So, there's been some work around that. So, the Practice  
7 Standards is one area of that, where we kind of set out and  
8 define what people can expect from social work practice. We  
9 have established a Safety of Children in Care Unit, so this  
10 is a unit which is set up to monitor and report on any  
11 instances of harm occurring in care. This is the first time  
12 that there has been regular, consistent public reporting of  
13 harm that occurs in care in New Zealand's history.

14 We believe from talking to colleagues in other  
15 jurisdictions that it's possibly unique in the world.

16 And it's incredibly important; if you want to address a  
17 problem, you need to know what the problem is.

18 Finally on this, I want to acknowledge that 60% of  
19 kaitiaki in care are Māori. So, I mean, in effect all of  
20 what I talked about only works if it works for Māori.  
21 Section 7AA of the Oranga Tamariki Act sets out our  
22 responsibilities as an agency in terms of how we work with  
23 tamaiti Māori, how we have regard to Te Tiriti, how we work  
24 to reduce disparities. And I think, you know, that's  
25 something that I've seen genuine change on in this  
26 organisation that goes beyond words on a page. There are a  
27 couple of practical examples that spring to mind, are the  
28 Kairāranga-ā-whānau roles which are roles within the  
29 organisation whose purpose is to connect the tamaiti in our  
30 care with their whānau, iwi, hapū and their whakapapa.

31 There's also been an effort to increase the number of how  
32 social workers and over the last year the number of Māori  
33 social workers have increased by 7%.

1           And I talked earlier about our strategic  
2 partnerships with iwi and Māori organisations and we're  
3 seeing benefits from those partnerships.

4           So, for example, there's a programme in Waikato Tainui  
5 where the programme intervenes early, you know,  
6 pre-statutory intervention, and has prevented 253 tamaiti  
7 coming into Oranga Tamariki's care.

8           So, I mean I hope I haven't given the impression that we  
9 see there as job done. This is a good start and the hard  
10 mahi lays ahead of us in this area.

11           I just wanted to close this section by saying Oranga  
12 Tamariki fully supports the work of this Commission. We are  
13 an agency that's focused on change and focused on the future  
14 but at the most fundamental level, that change needs to be  
15 informed by the past. Kia whakatōmuri te haere whakamua - I  
16 walk backwards into the future with my eyes fixed on the  
17 past.

18 Q. Thank you, Mr Groom. I will now take you to paragraph 2.1  
19 of your primary brief, please.

20 A. Oranga Tamariki was established on 1 April 2017. Under the  
21 Oranga Tamariki Act 1989 it has responsibility for the care  
22 and protection of children and young persons and the  
23 provision of Youth Justice services for children and young  
24 persons.

25           In October 2018, the Minister for Social Development and  
26 the Minister for Children agreed that all claims relating to  
27 the abuse or neglect of children in care should be managed  
28 by MSD.

29           Just adding to that, prior to this, the default had been  
30 that Oranga Tamariki would take responsibility for events  
31 from 1 January 2008.

32 Q. Thank you, Mr Groom. Can I please remind you to speak  
33 slowly as you go through.

34 A. Yes.

1 Q. I'm now going to take you down to paragraph 2.5 where you  
2 discuss the current position, which is an amendment of the  
3 position reached in October 2018 following a further  
4 decision in August 2019 about the allocation of  
5 responsibility for claims between MSD and Oranga Tamariki.

6 A. The current position is that, other than discussed in  
7 paragraph 2.6 below, if a claim is received about abuse in  
8 care relates to events prior to 1 April 2017, responsibility  
9 for investigating/considering the claim, and for any  
10 outcomes will sit with MSD; and if a claim is received about  
11 abuse in care relates to events from 1 April 2017 onwards,  
12 responsibility for investigating/considering the claim, and  
13 for any outcomes will sit with Oranga Tamariki.

14 Q. And you noted that paragraph 2.6 was an exception to that,  
15 and 2.6 relates to 19 claims that Oranga Tamariki has  
16 addressed or has responsibility for addressing rather, even  
17 though they date to events before 1 April 2017. Can you  
18 please provide some further explanation of the approach  
19 taken for those claims?

20 A. Yes. So, as I noted in 2.6, there were 19 claims at the  
21 time where we had done a significant amount of work with the  
22 survivor and it seemed reasonable that they should continue  
23 in the current process that they were in. So, we agreed  
24 that we would retain responsibility for those.

25 I should just say for all but three of those, three of  
26 those are transferred back to MSD, so we offered the choice  
27 to the survivor whether they would like to continue in our  
28 process or transfer back to MSD.

29 **CHAIR:** Did you say all but three of them have been  
30 transferred back?

31 A. No, sorry. Three have been transferred back.

32 **CHAIR:** Three have been transferred, the rest remain?

33 A. 16 remain, that's right. So, I noted in my brief of  
34 evidence that at the time we had resolved five of those  
35 claims. We've now resolved a further six of those claims,

1 so we've resolved 11 claims in total, three transferred to  
2 MSD, leaving five claims that we're close to resolving.

3 And I would just like to note that we have received one  
4 complaint from an individual about other individuals which  
5 we are in the process of resolving as a claim.

6 **MR CLARKE-PARKER:**

7 Q. And I understand, given that, this is the only claim that  
8 the Ministry doesn't wish to discuss any of the details of  
9 that in the public setting?

10 A. That's right.

11 Q. For clarity's sake, I note that that claim you've just  
12 referred to relates to post 1 April 2017 events?

13 A. Yes, it does.

14 Q. Thank you. Can I please get you to continue your  
15 explanation now of how those other 19 claims have been  
16 progressed?

17 A. So, I think that approach that we've taken could be  
18 described as relationship based. The benefits of a  
19 relatively small number of claims is that we could operate  
20 essentially on a one-to-one basis, with one worker assigned  
21 to the claimant throughout the whole process.

22 The staff who worked with them are all qualified social  
23 workers who have experience of working in a trauma-informed  
24 setting and they've all received training on resolution  
25 through a tikanga Te Ao Māori lens.

26 I think they've prioritised the relationship with the  
27 survivor and I've seen through some of the conversations  
28 that I've had with survivors, that for at least some of the  
29 survivors that's been something they've valued about going  
30 through the process.

31 I wanted to note extremely useful advice that we got from  
32 Cooper Legal in the early stages, we met with them I think  
33 it was in mid-2018. The advice they provided to us has  
34 helped inform the process that we have at the moment and the



1 more enduring process that we're in the process of  
2 establishing.

3 They highlighted to us, amongst many other things, the  
4 importance of a respectful and personal process, the  
5 importance of establishing and re-establishing familial  
6 intergenerational links, the importance of access to  
7 education outcomes.

8 So, I think we've got a process that on the whole is  
9 working well but it is working well because of the people  
10 operating within it. I think it's important that we support  
11 that work by putting in place the systems and the clarity to  
12 support the work that's happening.

13 I have provided some information on how we're going about  
14 this in a document which I believe is in the bundle dated  
15 20 August 2020. I would note that since this document was  
16 produced, the work has progressed even further, into the  
17 build of our more enduring claims process. We expect to  
18 have that work completed in the first half of next year,  
19 2021.

20 I would reflect that I guess our agency has a relatively  
21 unique opportunity. The fact that we're responsible for  
22 events that occurred after 1 April 2017 means that we are  
23 likely to be dealing with people who are in closer proximity  
24 to the harm that's occurred and we're likely to be dealing  
25 with people who are earlier on in their life's journey and  
26 perhaps that provides us with an opportunity to make a  
27 meaningful change earlier in their life.

28 So, I think - and an important feature of the process  
29 that we're designing will be, I guess, the non-monetary  
30 supports that we can provide. I think they've been referred  
31 to previously as wraparound services, access to vocational  
32 training, to education, to therapeutic support, support with  
33 housing, support with job searching.

34 And I'd also note that alongside our responsibility for  
35 developing this claims process, we're also obviously

1 responsible for the care that our tamariki and our rangatahi  
2 currently in our care receive and there is an onus on us to  
3 use the information that we receive from the claims that we  
4 consider to improve those services.

5 Q. Thank you. So, we were at paragraph 2.5 of your brief.  
6 We'll skip forward now to section 3 where you just set out  
7 at a high level the steps taken so far in addressing the  
8 claims that have been resolved, so I'll get you to read from  
9 paragraph 3.1, please.

10 A. As noted above, Oranga Tamariki is responsible for  
11 considering a claim received about abuse in care if the  
12 claim relates to an event or events that occurred after  
13 1 April 2017.

14 At present, Oranga Tamariki receives claims about abuse  
15 in care through our complaints team using our complaints  
16 process. If a claim is received, the Oranga Tamariki  
17 complaints team would:

18 Request to meet with the claimant to talk to them. The  
19 focus of this step is on the understanding what occurred,  
20 ensuring that the claimant is heard, and understanding what  
21 resolution would look like for them.

22 Undertake a records check to see whether key details of  
23 the claim can be corroborated by the information available  
24 on our databases. This step would also be used to establish  
25 whether there are safety concerns that need to be addressed  
26 for children and young people in care.

27 Where appropriate, seek additional information from  
28 relevant Oranga Tamariki staff, caregivers, or employees of  
29 NGO service providers.

30 And finally, make claimants aware of their right to  
31 request information about themselves under the Privacy Act.

32 Q. Thank you. Now, rather than reading 3.3, which relates to  
33 the complaints process, I understand you have some further  
34 comments on Oranga Tamariki's complaints process?

1 A. Yes. I think in reviewing my brief in preparation for this  
2 hearing, it struck me that I possibly wasn't clear enough  
3 that we don't treat claims as complaints.

4 I think there are core elements of the process that are  
5 consistent across complaints and claims. So, for example,  
6 every claim we receive there will be an effort to understand  
7 from the complainant's perspective the nature of their  
8 complaint. There will be an assessment of, based on what we  
9 know, what is likely to have happened. This is for  
10 complaints.

11 There will be a discussion about resolution and what  
12 would resolve the complaint. And there will be the  
13 opportunity taken to see what can be learnt from the  
14 complaint and what can be applied to current settings. And  
15 I think that is true of a claim as well. So, those steps  
16 are consistent, the way we conduct those steps might differ.  
17 So, for example, a claim will always be handled, will always  
18 be triaged off at the front end and handled by my team which  
19 exists independently of, I guess, the social work  
20 decision-making arm of the organisation. Whereas,  
21 complaints in our organisation are often dealt with by that  
22 arm in the first instance, so they will always come  
23 through, I guess, an internally, structurally independent  
24 process.

25 The nature of the conversations we have with the claimant  
26 will be different. They're more likely to be face-to-face.  
27 They are more likely to be iterative, if that's the right  
28 thing to do go the claimant's perspective.

29 And the way in which we look into what has been raised by  
30 the claimant will likely differ as well.

31 Yeah, so, it's a process that has similar steps to a  
32 complaint but exists separately from a complaint, if that  
33 makes sense.

34 Q. Thank you. And while we're on this point -

1 **COMMISSIONER ERUETI:** Just following up on that. For  
2 complaints, they are operated by - no, claims go to a  
3 centralised complaints team; is that correct?

4 A. Yes.

5 **COMMISSIONER ERUETI:** I am trying to work out. At the  
6 start you make a decision about whether you're dealing  
7 with a complaint or a claim and then they go down  
8 different paths; right?

9 A. Yes. So, we have a team that triages complaints as they  
10 come in and they might identify, for example, that something  
11 that has come in as a complaint is actually more in the  
12 nature of a claim, so their job, amongst a myriad of other  
13 things, is to pick that up at the entry point.

14 The team, the complaints team that I talk about, deals  
15 with more complex or sensitive complaints or complaints  
16 where the local site has been unable to resolve the  
17 complaint or where a conflict of interest exists in the  
18 local site.

19 So, the team does a combination of managing those more  
20 serious complaints and managing claims.

21 **COMMISSIONER ERUETI:** What's the difference between a  
22 claim and a complaint?

23 A. It's a good question. I think, I mean, it's syntax really  
24 but I think a claim is really a subset of complaints. And I  
25 don't mean to diminish the seriousness of a claim by saying  
26 that and we get some very serious complaints that aren't  
27 claims as well. But I guess if you define a complaint as  
28 someone expressing dissatisfaction or hurt on an impact of a  
29 situation and asking for you to fix that, then I think you  
30 can argue that a claim is a subset of complaints, albeit at  
31 the very extreme serious end. Does that -

32 **COMMISSIONER ERUETI:** Basically, more serious issues  
33 have been raised by the child or vulnerable person in  
34 care?

1 A. Yes. So, if we receive, you know, people who write to us  
2 won't necessarily label it as a complaint or a claim because  
3 that's our terminology, not theirs. They'll write to us  
4 about the experience they had and the impact it's had on  
5 them and then it's up to my team to make sure that they're  
6 identifying through the information that's provided to us  
7 whether that basically is a claim, as distinct from a  
8 complaint.

9 **COMMISSIONER ALOFIVAE:** Mr Groom, can I ask, do you  
10 classify a claim as something that has a dollar value  
11 attached to it?

12 A. Not necessarily. I mean, every claim that we've dealt with  
13 has had a dollar value attached to it but I think, I mean,  
14 you've heard from multiple witnesses that for some people  
15 the primary motivation isn't a financial one. So, I could  
16 envisage that you might receive a claim where the person  
17 says, "My motivation in doing this is so that no-one else  
18 experiences what I did" or, "My motivation in doing this is,  
19 you know, for me because I want an acknowledgment of what I  
20 experienced. My motivation in doing this is not financial".

21 Having said that, that's not something we've, you know,  
22 every claim that we've dealt with has ended up with a  
23 monetary offer as part of the package.

24 I don't know if that makes sense. I think I'm trying to  
25 say that's probably largely driven by the claimant and their  
26 motivation in making the claim. Yeah, is that -

27 **COMMISSIONER ALOFIVAE:** I'm just trying to understand  
28 whether you're working almost to a continuum? So,  
29 someone can make a complaint. Your Claims Team will  
30 look at it, if they're able to deal with it, it's  
31 opened, you close it. If the claimant isn't  
32 satisfied, then progresses along the continuum until  
33 you can get to a satisfactory position?

34 A. No, I'm sorry if I've given that impression. I think we  
35 would be making the distinction at the front door that this

1 is a claim and they would go into that process. They  
2 definitely wouldn't need to go through a complaints process  
3 and then tell us that, actually, I want, you know - yeah,  
4 that would be picked up at the front door and would be put  
5 straight into a claims process.

6 **CHAIR:** Thank you Mr Clarke-Parker.

7 **MR CLARKE-PARKER:** Thank you.

8 **CHAIR:** We are up to you again.

9 **MR CLARKE-PARKER:**

10 Q. I was now going to turn, Mr Groom, to a matter raised during  
11 phase 1 of the hearing, which was during Ms Cooper and  
12 Ms Hill's evidence where there was a reference to 20% of  
13 tamariki in care having been abused, and I just note that's  
14 at page 469 of the transcript. What's your comment on that  
15 figure?

16 A. It wasn't obvious where that figure had come from, so it's  
17 hard, I guess it's hard to respond to the accuracy or  
18 otherwise of that figure but I would say, I talked earlier  
19 about the fact that we'd established a Safety of Children in  
20 Care Unit and that unit provides comprehensive and broader  
21 information on instances of harm in care.

22 It takes a very broad definition of harm. So, for  
23 instance, it will include if a child is walking home from  
24 school and is assaulted by a member of the public, that  
25 would be counted as an instance of harm to a child in care  
26 because our interests in that information is the harm, you  
27 know, that we're responsible for the children in our care  
28 and their wellbeing, and any harm that they experience is of  
29 deep concern to us, you know.

30 So, that information is publicly reported, it's available  
31 on our website and it doesn't support an assertion that 20%  
32 of children in care receive harm. It certainly does  
33 identify that some children in care are harmed and that any  
34 instance of a child being harmed in care is not acceptable

1 but part of the idea of reporting publicly on it is a step  
2 in reducing the instance of harm in care.

3 Q. Thank you. Can I now turn you back to 3.4 of your primary  
4 brief where you continue describing the Complaints Policy?

5 A. The Complaints Policy that is currently in place expressly  
6 acknowledges the importance of taking into account the  
7 cultural needs of complainants when addressing complaints.

8 The feedback system is based on a set of principles that  
9 have been designed with our obligations under Te Tiriti o  
10 Waitangi and section 7AA of the Oranga Tamariki Act 1989 in  
11 mind.

12 Oranga Tamariki has invested significant effort in  
13 talking to young people about what they expect from a  
14 complaints system, and in ensuring that young people in our  
15 care understand their right to complain and seek remedies.

16 Several outcomes may be available to a claimant as part  
17 of the claim resolution process, including an apology or  
18 acknowledgment, provision of counselling or other  
19 therapeutic support services and other options, including  
20 financial payments. Many of these outcomes may also be  
21 available following the resolution of a complaint, although  
22 the outcome of a complaint is likely to be focused on  
23 addressing an existing issue, rather than on addressing past  
24 harm.

25 Q. So, in paragraph 3.6, Mr Groom, you refer to meetings with  
26 claimants as one of the possible outcomes from the claims  
27 process, and I understand that you have attended several of  
28 those?

29 A. Yes.

30 Q. Can you describe how those meetings have gone and what your  
31 experience of them has been?

32 A. Yes. So, I've travelled to meet with claimants, I've met in  
33 their homes. I offer to meet with all claimants at the  
34 point that we approach resolution. It's fair to say not  
35 everyone takes me up on that offer, and that's completely

1 understandable and I respect that. And there are a few  
2 instances, particularly of people who are in prison and the  
3 impact of Covid meant that we weren't able to arrange the  
4 visits but we believed it was important to progress the  
5 resolution of the claim, so we did that and made an offer to  
6 meet at a time in the future that would work for them.

7 I guess, talking broadly about the experience of going to  
8 meet with claimants, so I intentionally do it at a place of  
9 their choosing and it's something that I've found deeply  
10 uncomfortable at times and I think that's the point. I  
11 think that, you know, there's non-tangibles of this process.  
12 There's tangibles like the financial payment, an apology.  
13 There's non-tangibles and one of those is in some small way,  
14 in whatever way you can, redressing the power balance that  
15 was taken advantage of at the point that the harm occurred.

16 So, yeah, I think it's important that these meetings  
17 occur in a way and in a place that prioritises the comfort  
18 of the survivor over the comfort of the apologiser.

19 If I can digress slightly, one meeting that happened in a  
20 claimant's home, it was in her lounge and myself and the  
21 adviser who had worked with her were seated on a very  
22 slouchy couch and the claimant was seated on a very upright  
23 dining chair. I don't know whether that was intentional on  
24 her part but I kind of hope it was because to me that would  
25 be, you know, a sign that they were taking some power back,  
26 I guess.

27 My reflections on meeting with survivors, and bearing in  
28 mind that I have met with a very small handful of survivors,  
29 so I certainly don't proclaim to have any great insights  
30 into every survivor, I think every survivor has slightly  
31 different motivations or things that they want the process  
32 to achieve. But, in my experience, there's some common  
33 themes, I think. There's a real courage in addressing these  
34 extremely painful experiences. There's a sense of ambition.  
35 And that ambition, it usually attaches to their sense of



1 wanting to improve themselves or improve their lot but it's  
2 almost always for the benefit of the people around them as  
3 well.

4 And finally, a lot of empathy. So, I think every  
5 survivor I've met with has talked about part of their  
6 motivation in going through this process being making sure  
7 that tamariki Rangitahi don't experience the experiences  
8 they had, yeah.

9 Q. Thank you. The process that you've outlined in section 3, I  
10 understand that the personnel who assess and process these  
11 claims are social workers?

12 A. Yes.

13 Q. And during phase 1 and indeed phase 2 of this hearing, we've  
14 heard discussion of whether there may be a conflict of  
15 interest in social workers addressing claims about social  
16 worker practice; what's your comment on that issue?

17 A. I think I can appreciate that point of view. I understand  
18 that point of view, that on the face of it, you know,  
19 there's potential for conflict there.

20 I guess I would say it's not my lived experience. I've  
21 therefore come across a group of people like social workers  
22 for independence of thought and independence of motivation.  
23 They are motivated by the wellbeing of children.

24 I think it's possibly instructive, although it's a very  
25 small sample size, that of the 19 claims that we've dealt  
26 with, every element of every one of those claims has been  
27 accepted as true. And that perhaps you might not get that  
28 in an environment where there was a conflict influencing the  
29 outcome.

30 Having said all that, I personally don't think it has to  
31 be a social worker who does this process. I think it has to  
32 be somebody who has experience in working with trauma, that  
33 skillset often comes with a social work skillset but there's  
34 other professions where you would also get that skillset.

1 I would also note that there's kind of some professional  
2 insider knowledge that comes with being a social worker.  
3 And by that, I mean they, for want of a better term, know  
4 where to go looking. They understand social work systems  
5 and practices and, therefore, possibly have a better  
6 instinct for getting to the bottom of things.

7 And I think, mean at the risk of just spending my time on  
8 the stand repeating the evidence of Dr Fiona Inkpen, she  
9 talked about the process, you know, the important thing in  
10 the process is good people, good people who have empathy,  
11 good people who are driven by motivation to do the right  
12 thing. And to me, you know, that's one of the most  
13 important things when thinking about staffing this work.

14 Q. Thank you. And you noted there, the extent to which  
15 allegations have been accepted for the claims that Oranga  
16 Tamariki has processed. Can you please outline the amount  
17 of information or evidence that's required for accepting  
18 allegations in this process?

19 A. So, our process is essentially to listen to the survivor, to  
20 allow them to share their story at a level of depth and at a  
21 pace which works for them. And then we'll take that  
22 information and corroborate it to the extent that we can.  
23 So, that is done through a systems and document check. So,  
24 that's looking to verify periods in care, that kind of  
25 thing.

26 I've heard other witnesses talk about the fact that it's  
27 unlikely that a clear record of abuse having occurred will  
28 be found on the file. I mean, that's true, that stands to  
29 reason.

30 I would note that in the claims that we have addressed,  
31 we've been able to find, you know, supporting corroborative  
32 evidence that goes beyond just were they in care for this  
33 period of time. So, one example relates to a situation from  
34 about a decade ago, and I'll try and talk about it without  
35 providing too much identifying information, but it related

1 to an allegation that abuse had occurred in care and at that  
2 point in time that allegation was not substantiated, so  
3 essentially that means social workers had considered the  
4 allegation and determined that they couldn't verify that  
5 allegation as being true.

6 And one of my team found on the file a filenote that was  
7 from a third party and the filenote talked about overhearing  
8 the young person on the phone to his mother in a distressed  
9 state talking about the experience of abuse and the team was  
10 able to use that, one, as corroborating evidence, I guess;  
11 and two, as the trigger to consider whether we should  
12 increase the payment to account for a practice failure, in  
13 that the social worker didn't, you know, didn't take all of  
14 the evidence into account in making their determination at  
15 that point in time.

16 **MR CLARKE-PARKER:** Thank you. I am mindful of time,  
17 of course. I suspect we only have about 10 or perhaps  
18 15 minutes to go and I am happy to continue or -

19 **CHAIR:** I think we should take the lunch adjournment.  
20 You take that time and 10-15 questions can sometimes  
21 be refined over luncheon adjournments, in my  
22 experience, but we don't want to rush you, so I think  
23 we'll take the lunch adjournment and resume at 2.15.

24 **MR CLARKE-PARKER:** Thank you.

25

26 **Hearing adjourned from 1.00 p.m. until 2.15 p.m.**

27

28 **CHAIR:** Mr Clarke-Parker, do you have some further  
29 questions?

30 **MR CLARKE-PARKER:** Thank you, yes.

31 Q. Mr Groom, before the lunch adjournment you gave evidence  
32 about the distinction between a claim and a complaint. Can  
33 you please expand on the range of issues that might be  
34 raised in a complaint?

1 A. Yes, I can. So, I think it might be useful if I kind of  
2 illustrate with a couple of examples.

3 So, our complaint service deals with things without  
4 wanting to diminish them, that you might describe as at the  
5 lower end of the complaint spectrum. Examples of that might  
6 be a person who has not had a reply to an email or reply to  
7 a phonecall from a social worker. It could be a failed  
8 access arrangement, so we arranged an access visit and it  
9 fell through for some reason. So those, you know, and then  
10 we get complaints of much, much more serious situations, for  
11 example the decision to bring a child into care without  
12 proper consultation with whanau or that. So, there's a  
13 broad spectrum of the types of complaints we deal with and I  
14 thought it might be helpful to illustrate that with a couple  
15 of examples.

16 Q. Just on the question about the distinction between a claim  
17 or complaint or the difference between them, is there any  
18 further clarity you can provide on that?

19 A. Yeah, I think the distinguishing feature, and perhaps the  
20 sole distinguishing feature, is that a claim relates to  
21 abuse that occurred while the child was in the care of  
22 Oranga Tamariki. To me, that's kind of the sole  
23 distinguishing feature that differentiates a claim from a  
24 complaint.

25 Q. Thank you. Prior to the adjournment, we had just come to  
26 the end of paragraph 3.6 of your primary brief of evidence  
27 and you are there talking about the claim and complaint  
28 process.

29 Can you please explained how Oranga Tamariki's process  
30 for assessing claims has been underpinned by tikanga,  
31 considerations of Te Ao Māori and acknowledgment of the  
32 number of children in Oranga Tamariki care who are Māori?

33 A. Yes, so there's around 6,000 children in the custody of the  
34 Chief Executive. And, as I mentioned earlier in my  
35 evidence, about 60% of those are tamariki Māori.

1 I think it's important to return to the point that Oranga  
2 Tamariki is not just responsible for our redress process,  
3 it's responsible for the care that both tamariki and  
4 rangitahi experience. And Oranga Tamariki has put a  
5 significant amount of work into our Māori-centered practice.

6 I think when it comes to the claims process, so we're  
7 guided in our work by a document called the section 7AA  
8 quality standards, Quality Assurance Standards. And those  
9 set out, I talked about section 7AA of the Oranga Tamariki  
10 Act briefly before. Those quality standards give a  
11 practical direction to the organisation on how those parts  
12 of the Oranga Tamariki Act should be put into practice.

13 So, I guess, a couple of illustrative examples, the  
14 standards set out the right for tamariki and rangatahi to be  
15 connected to their whānau, hapū, iwi and their whakapapa.  
16 And that's something that we will give effect to through our  
17 claims process that we're developing at the moment through a  
18 means of them having access to a service that will help do  
19 that.

20 Another standard relates to having regard to mana  
21 tamaiti, which we plan to deliver in part through a  
22 continued practice of the relationship based model that I  
23 outlined earlier on and ensuring that survivors are able to  
24 be heard and that their views on what is important to them,  
25 in terms of outcome, are listened to and are part of our  
26 decision-making process.

27 I think there's more that we can do beyond this to make  
28 sure that our system is based on a Te Ao Māori lens.

29 I talked briefly about my team having been through a  
30 resolution through a Te Ao Māori lens. We're considering,  
31 you know, whether we can draw on some of that to help us in  
32 designing our service.

33 **COMMISSIONER ERUETI:** Mr Groom, may I ask, are you  
34 going to take these broadly stated standards and come

1 up with something that's targeted and specific to the  
2 redress scheme, complaints and claims process?

3 A. Yes, yeah. So, I think we need to hold ourselves  
4 accountable to - we've got a clear document that sets out  
5 how we give effect to section 7AA of the Oranga Tamariki Act  
6 and we need to hold ourselves accountable to be able to  
7 point to each of those quality standards and say, you know,  
8 how has this contributed to that? Are there any standards  
9 that we're a bite light on?

10 **COMMISSIONER ERUETI:** And you're still working through  
11 that process now?

12 A. Yes, yeah.

13 **COMMISSIONER ERUETI:** When do you hope to have that  
14 completed?

15 A. First half of 2021, hopefully early 2021.

16 **COMMISSIONER ERUETI:** Thank you.

17 A. I think I'd like to make a brief comment on the front end of  
18 our system. So, we've talked about how complaints and  
19 claims differ but I think we can learn quite a lot about how  
20 we manage claims through what we experience from our  
21 complaints system. Our complaints system is a much higher  
22 volume one. We get somewhere between 1500 and 2000  
23 complaints annually. And what we know from that, is I've  
24 set out that tamaiti Māori make up the majority of the  
25 people in our care but they are less likely to make  
26 complaints proportionately, so we know that our complaints  
27 system isn't meeting the needs of Māori.

28 So, we have a piece of work on our work programme around  
29 how can we make the system more accessible to Māori.

30 **COMMISSIONER ERUETI:** And are you able to elaborate on  
31 that? We hear about the Office of the Children's  
32 Commissioner reports on Child Protection, Youth and  
33 Youth Residences and it just gets stitches as you  
34 would have heard of before?

35 A. Yes.

1 **COMMISSIONER ERUETI:** This process you're talking  
2 about is to encourage young people and children to  
3 make complaints, is that right?

4 A. Yes. So, I think in the context of the complaints system,  
5 most of the complaints we get are from adults. So, it's  
6 both really but we have a distinct piece of work underway  
7 around encouraging complaints from young people. We  
8 don't - we get a very small number of complaints from young  
9 people. We possibly under-report it because we did some  
10 research, you know quite a focused bit of research, with  
11 tamariki rangitahi, and that very clearly showed us that  
12 young people are unlikely to complain directly to the agency  
13 responsible for what they're complaining about. They're  
14 much more likely to complain to a trusted adult. Quite  
15 often that trusted adult is in the education sector, so  
16 we've done some work with the Ministry of Education about  
17 providing information for them to give to people in the  
18 education sector so that they know how to get complaints  
19 through to us.

20 So, I haven't really answered your question, but the  
21 answer is really there is a bit of work around encouraging  
22 complaints from young people and there is a bit of work  
23 about encouraging complaints from Māori.

24 **COMMISSIONER ERUETI:** I'll pick this up later when we  
25 talk about advocacy support and so forth in these  
26 contexts but thank you for that.

27 **COMMISSIONER ALOFIVAE:** What is a young person, up to  
28 18 or up to 25?

29 A. I guess I use the term young person probably predominantly  
30 to mean could potentially be in our care, so that has  
31 shifted. It was previously up to 17, it's now up to 18.  
32 Having said that, I would note the youth transition service,  
33 so an important element of the work that we're doing is the  
34 recognition that you can't dump a young person out of care

1 and expect them to be successful. So, we have a youth  
2 transition service that supports people up to the age of 25.

3 **COMMISSIONER ALOFIVAE:** Thank you.

4 **MR CLARKE-PARKER:**

5 Q. Thank you, Mr Groom. I am now going to turn you to your  
6 reply brief which really focuses on one issue. Can I get  
7 you to read from paragraph 6 through to the end of that,  
8 please?

9 A. Yes. At paragraph 909, the Cooper Legal brief discusses  
10 issues relating to the disclosure of claimant information to  
11 third parties. In that paragraph, the Cooper Legal brief  
12 states:

13 "Although MSD and Oranga Tamariki ... will refute the  
14 interpretation of their conduct as "tactical", it is a fact  
15 that MSD (and more recently Oranga Tamariki) have adversely  
16 affected the willingness of our younger clients,  
17 particularly, to disclose what happened to them in care,  
18 because of the fact that such information will be disclosed  
19 to third parties ...".

20 Our primary purpose in all that we do is to ensure that,  
21 where a care and protection concern is raised, responding to  
22 the wellbeing and safety of the child or children in our  
23 care is our absolute priority. We do put tamariki at the  
24 heart of everything that we do.

25 Sometimes care and protection concerns arise when  
26 claimant information includes details about current staff  
27 and caregivers who are in contact with children. The  
28 principles Oranga Tamariki applies when managing these  
29 situations are:

30 The safety of children and young people is paramount.

31 Our good employer obligations to our employees and the  
32 need to follow a fair process and treat our people fairly  
33 and to ensure natural justice for employees and caregivers  
34 is maintained.



1           Sensitivity and safety of the person providing the  
2 information is respected.

3           Information will go to the right people at the right time  
4 to manage potential risk.

5           Timeliness is essential.

6           The process is robust and is able to be scrutinised and  
7 withstand scrutiny.

8 Q. Thank you. I'll now turn you back to your primary brief,  
9 please, and have you read through section 4.

10 A. Our process for resolving claims relating to abuse in care  
11 is evolving. Oranga Tamariki is currently developing a  
12 specific process for addressing claims which will be  
13 considered by Oranga Tamariki senior leadership in the  
14 coming months. My expectation is that the process that  
15 Oranga Tamariki adopts will be on an interim basis, pending  
16 the receipt of recommendations from this Royal Commission,  
17 and that further changes to our processes are likely to be  
18 based on those recommendations.

19           Oranga Tamariki has taken note of the outcomes of the  
20 consultation process undertaken by MSD on its Historic  
21 Claims Resolution Process in the first part of 2018 and we  
22 are working to ensure that the guidance developed through  
23 that process is reflected in our claims process. The  
24 interim claims process we implement in the first part of  
25 this year will be focused on ensuring (where appropriate)  
26 consistency of outcomes with MSD. We are also working on  
27 the preparation of an MoU [memorandum of understanding] with  
28 a view to seeking out how the two agencies will work  
29 together.

30           I would like to close by restating my acknowledgment of  
31 the importance of meaningful redress for those who have  
32 experienced harm in State care, and my commitment to  
33 supporting the work of this Royal Commission in the area of  
34 redress.

1     **MR CLARKE-PARKER:** Thank you, Mr Groom, that is the  
2     end of the Crown's evidence-in-chief. I will now turn  
3     you over to Mr Merrick.

4     **CHAIR:** Thank you. Tēnā koe, Mr Merrick.

5

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1                                   **STEVEN MICHAEL GROOM**  
2                                   **QUESTIONED BY MR MERRICK**

3  
4  
5   **MR MERRICK:** Tēnā koutou katoa. Tēnā koe, Mr Groom.

6                   Can I start by asking you some questions about  
7 the nature of the children and young people that might  
8 fall within the remit of Oranga Tamariki's redress  
9 initial scheme and the longer term one.

10           I think in your evidence you've said what we know about  
11 them is they will be young, they may either still be subject  
12 to Care and Protection or Youth Justice orders; is that  
13 right?

14 A. Yes, that's one of, I guess, questions we will need to work  
15 through, through our long-term, more enduring process,  
16 sorry. I am not sure that we've completely settled on that.

17 Q. I suppose the point that perhaps we can flesh out over the  
18 next little bit under this heading, is that many of them  
19 will have existing vulnerabilities, won't they?

20 A. Yes, absolutely.

21 Q. Because we know a lot more now about the characteristics of  
22 children and young people in care?

23 A. (Nods).

24 Q. Are you familiar with the Gluckman and Lambie report, It's  
25 Never Too Early, It's Never Too Late?

26 A. I'm not, sorry.

27 Q. It's a 2018 report which talks about some of the  
28 characteristics of young people in the Youth Justice system,  
29 in particular.

30 A. Yep.

31 Q. Admittedly, of the numbers of total children in care, we've  
32 got those in the Care and Protection system and those in the  
33 Youth Justice system; and some of them crossover, right?

34 A. That's right.

1 Q. In that report, which is a report of the Chief Science  
2 Adviser, it's talking about those in Youth Justice. There's  
3 quite a number of stats around those with mental illness,  
4 brain injury and learning problems, psychiatric disorders?

5 A. (Nods).

6 Q. And the existence of trauma. You would accept, wouldn't  
7 you, that these are some of the complexities and challenges  
8 in engaging children and young people in our Care and  
9 Protection system?

10 A. Absolutely, I would accept that. I think I've seen, I  
11 haven't seen that report myself, but I've certainly seen  
12 data that is on a similar theme with similar findings.

13 Q. Foetal Alcohol Spectrum Disorder, ADHD [attention deficit  
14 hyperactivity disorder], PTSD [post-traumatic stress  
15 disorder], are all matters which will need to be considered  
16 carefully when shaping a programme, redress, or providing  
17 some other service for that matter, for these children and  
18 young people?

19 A. Yeah, that's right and I think, as you are beginning to  
20 identify there, that applies to all of the children and  
21 young people we work with, you know, in care as well as in  
22 the redress programme.

23 Q. So, we have those vulnerabilities, if I can for the case of  
24 clarity put those under the heading of vulnerabilities. We  
25 also have that dynamic, don't we, where for many of these  
26 children and young people they will be subject to existing  
27 orders that tie them back to Oranga Tamariki? I'm talking  
28 section 101 orders?

29 A. (Nods).

30 Q. Section 110 orders?

31 A. (Nods).

32 Q. Orders in Youth Justice such as supervision with activity,  
33 residents and the like?

34 A. (Nods).

1 Q. We have that extra dynamic which also needs to be taken into  
2 account, doesn't it?

3 A. Absolutely, that is a dynamic that our organisation deals  
4 with every day.

5 Q. And so, once those orders are wound up or discharged, there  
6 is provision, you've touched on this earlier, for Oranga  
7 Tamariki and actually Oranga Tamariki are statutorily  
8 required, aren't they, to have some involvement up until the  
9 age of 25, depending on -

10 A. Yes. I'm straying outside an area of my expertise but I  
11 believe that the legislation enables, for want of a better  
12 term, the youth transition provisions.

13 Q. Yes. So, we've got section 386(a), which is moving to  
14 independence, and then I think the other section is section  
15 386(c) which is about maintaining contact.

16 And really, the point that I'm wanting to make, is that  
17 it's really important, isn't it, because if the cohort of  
18 potential claimants that Oranga Tamariki are dealing with  
19 might be anywhere between say 14 and 25, to identify what  
20 the power dynamics are between a group of vulnerable young  
21 people and the State through Oranga Tamariki; right?

22 A. Yes. I might be wrong here and I am commenting outside my  
23 area. The power dynamic in the youth transition service  
24 might be slightly different, in that I don't believe it's a  
25 compulsory service. It's a service that's offered but I  
26 don't believe there's an element of compulsion to it. I  
27 could stand to be corrected on that.

28 Q. We'll move on slightly. If we can talk about Māori in State  
29 care. I think earlier in your evidence you refer to the  
30 fact that there were some 60% of Māori in State care?

31 A. Yes.

32 Q. In preparing for this hearing, I read the - and I have a  
33 copy here if you need to be referred to it - Quarterly  
34 Report to 30 June 2020?

35 A. I am not familiar with that document, sorry.

1 Q. I am just wanting to ask you some questions about the  
2 definitions, so far as ethnicity is concerned. When you say  
3 60% Māori in State care, there's somewhat of an issue in  
4 that, isn't there, in the sense that at least, in this  
5 quarterly report we have ethnicity groupings by Māori, Māori  
6 and Pacific, Pacific and then New Zealand European and  
7 other?

8 A. Yep.

9 Q. You'd accept those are the ethnicity groupings which you use  
10 for the statistics?

11 A. Generally speaking. I believe they're based on Statistics  
12 New Zealand's standards around identifying ethnicity.

13 Q. And so, when you say it's 60% Māori in State care, are you  
14 referring to the group under the Māori only?

15 A. I believe so, yes.

16 Q. Because from this quarterly report to 30 June 2020, if we go  
17 through those headings of those in Care and Protection  
18 custody, just because I want to be clear on when we're  
19 talking about statistics exactly what that means.

20 A. I appreciate that.

21 Q. Those in Care and Protection custody of the Chief Executive,  
22 those under the Māori ethnicity is 58%?

23 A. Yes.

24 Q. And then those under the Māori and Pacific heading are 10%?

25 A. Yes.

26 Q. So, I know that Oranga Tamariki values whakapapa, it's one  
27 of the values that we often see in the offices and on  
28 documents associated with Oranga Tamariki; right? It's in  
29 the banner?

30 A. Yes, absolutely.

31 Q. So, would you accept that categorising the number of Māori  
32 in State care at 60% discounts those who have Māori and  
33 Pacific whakapapa?

34 A. No. I think we identify those that whakapapa Māori and  
35 those that whakapapa Pacific Island Māori, and the fact that

1 you're able to source that information from a publicly  
2 available document I think indicates that we're quite open  
3 about that. I certainly through my evidence haven't wanted  
4 to diminish the proportion of Māori in our system. It's  
5 just purely that these people identify their ethnicity that  
6 they whakapapa Māori and yeah.

7 Q. And so, if we were working off whakapapa, those with  
8 whakapapa Māori would equate to 68%, if we took into account  
9 the two groupings?

10 A. I suspect we're splitting hairs. I would say those who  
11 whakapapa Māori represent 60% and those who whakapapa Māori  
12 Pacific Island represent 10%.

13 Q. I mean you might think we're splitting hairs but you'd  
14 accept whakapapa Māori is distinct from Tongan whakapapa or  
15 Samoan whakapapa?

16 A. Yes.

17 Q. To the extent that we can apply the term whakapapa to the  
18 Tongan framework or the Samoan framework, they of course  
19 have their own way of expressing that in Tongan and Samoan  
20 languages, right?

21 A. Yes.

22 Q. It's incorrect then to combine the whakapapa and say you  
23 have whakapapa Māori and whakapapa Pasifika, therefore we  
24 separate you off from those who only whakapapa Māori; is  
25 that -

26 A. I think I'd disagree. I think we're representing them in  
27 the way they have chosen to identify themselves. So, they  
28 identify themselves to an ethnicity and what we are  
29 representing is the way that they have identified  
30 themselves.

31 Q. We can just agree to disagree for the moment on that point  
32 and move on.

33 **CHAIR:** Can I just ask a clarification question then?

34 Your 60% Māori in State care, does that include those,

1 60% does that include those who identify as Māori  
2 Pacific?

3 A. No, so it's 60% identify solely Māori and then an additional  
4 10%.

5 **CHAIR:** I think that's the point we've reached at this  
6 stage.

7 **MR MERRICK:** Yes, thank you, Madam Chair.

8 Q. You've talked a little bit more about the compliments,  
9 complaints and suggestions service for which claims fall  
10 underneath at this stage; is that right? Am I right there?

11 A. Administered by the team that also administers that process.

12 Q. Am I correct that those terms compliments, complaints and  
13 suggestions are what are on the publicly available  
14 information to people who might want to find information on?

15 A. I have not looked at that section of our website in a while.  
16 I think it possibly is. It will either be that or feedback  
17 and complaints is another term that we use for the same  
18 concept.

19 Q. So, just so I'm clear on what each of those things are,  
20 compliments, positive feedback?

21 A. Yep.

22 Q. Complains you've talked to us a little bit about?

23 A. Yes.

24 Q. The range of those, so it can be from the minor end through  
25 to something quite serious around the way your practice has  
26 been applied, social work practice?

27 A. Yeah and I possibly should have talked about that point, if  
28 I can expand very slightly, that you know some of those  
29 complaints from adults about their experience of, you know,  
30 a social work practice that hasn't been done right, in their  
31 own right cause trauma as well, yeah. So, I guess I just  
32 want to make the point that there can be trauma in some of  
33 those complaints as well.



1 Q. You spoke to us in your evidence in chief about research  
2 that has been done by Oranga Tamariki around the complaints  
3 process?

4 A. Yes.

5 Q. And I think you said that the research found, this is your  
6 research, that children and young people are less likely to  
7 complain directly to the agency; is that correct?

8 A. That's correct.

9 Q. So, I mean, you'd accept that if we take the tamaiti as the  
10 focal point, that their perception of how a process works is  
11 critical, isn't it, in terms of engagement?

12 A. Yes.

13 Q. And do you think that the lack of engagement by children and  
14 young people which was found in your research direct with  
15 the agency comes about because of the perceived lack of  
16 transparency or independence?

17 A. I don't think it would be those factors for children. To  
18 me, those would be factors that would attach more to adults  
19 making complaints. I suspect, and I have absolutely no  
20 evidence to back this up, but I suspect that it's driven by  
21 the power imbalance, you know, between a child and any  
22 adults but in particular adults in a government service  
23 setting.

24 Q. Do complaints have attached to them, some of them, some form  
25 of financial redress?

26 A. Some complaints do, yes.

27 Q. Claims are quite separate, aren't they? I think you said  
28 earlier that complaints can be a number of things, but  
29 claims are making a claim for abuse in care?

30 A. Yeah, and I think I clarified just after the lunch  
31 adjournment, that I guess the distinction is there was abuse  
32 in care.

33 Q. What avenues do children, young people and their whānau have  
34 to find out information about how to make a claim?

1 A. There is admittedly just recently information on our website  
2 about how to make a claim. That information should have  
3 been up a lot sooner, so we've put it up quite recently on  
4 our website. And also, we've got a how to make a complaint  
5 and we have had online, I think for probably approaching a  
6 year, a section written for children about how to make a  
7 complaint, so there's a dedicated section on our website  
8 that's written with children as the audience about how to  
9 make a complaint.

10 Q. Just so we can recap those avenues. We've got the website?

11 A. Yes.

12 Q. Then I think is there a brochure or a form?

13 A. There's a brochure and form about how to make a complaint.

14 Q. I think I've seen them in reception offices, I think?

15 A. Yes, yeah.

16 Q. A blue form?

17 A. Yeah.

18 Q. And then you've said there's a child friendly, my words,  
19 version of it on your website somewhere?

20 A. Yes.

21 Q. How might a young person go about making a complaint, a  
22 child or young person?

23 A. A child or young person in particular?

24 Q. Yes.

25 A. Like I said, that research which was more qualitative than  
26 quantitative but that indicated that a child or young person  
27 will more likely make a complaint through a trusted adult.  
28 Quite often an educator but, you know, there's other trusted  
29 adults in the child's life who they might make a complaint  
30 through. We do have a phone line but I do not think that's  
31 an avenue that children would use to make contact with us  
32 about a complaint.

33 Q. So, if we go down the trusted adult route just briefly.

34 A. Yeah.

- 1 Q. You said the research has found more likely than not to be  
2 an educator or someone like an educator, is that right?
- 3 A. Yeah, I don't know that it's a plurality. I don't know that  
4 it's more likely than not but it's the largest grouping from  
5 memory, educators, I don't know if that's over 50%.
- 6 Q. What about those who aren't in any schooling?
- 7 A. So a child aged under 5?
- 8 Q. No, for those in the age bracket, say 5-18, who aren't  
9 regularly attending formal schooling? Let's take as an  
10 example those who may be in a community residence under a  
11 section 238(1)(d) order. So, those who aren't in the  
12 community, let's just take a community residence where they  
13 are under the care of Oranga Tamariki?
- 14 A. I'm not entirely sure of the process for that. If there's  
15 not an existing process, and I'm not entirely sure whether  
16 there is or not, I'm sorry, if there's not, then that will  
17 be something that we will need to include in our -
- 18 Q. What about Youth Justice residences, somewhere like Korowai  
19 Manaaki?
- 20 A. Youth Justice residences have a separate process called  
21 Residential Grievance Panels, which are panels of people  
22 assigned who are independent of the organisation and it's  
23 quite a well-established process. It operates outside of  
24 the complaints system that I am responsible for, so if I get  
25 into too much detail then I run the risk of misleading you.
- 26 Q. Is that Whāia Te Māramatanga is the name of that grievance  
27 service, do you know or not?
- 28 A. I don't know, sorry.
- 29 Q. So, Youth Justice residences have a separate process again,  
30 whether it be some form of complaint or whether there's some  
31 claim of abuse in care; is that right?
- 32 A. Yeah, I think a claim of abuse would come to us, I think  
33 that process is for resolving complaints and a claim of  
34 abuse would come to my team.

1 Q. Okay. But the entry point for that would be the Youth  
2 Justice Residence Grievance Process, you called it that?

3 A. Yes.

4 Q. And those who aren't in a residence, whether it be a secure  
5 residence or community residence, those who are in the  
6 community, do they just have the avenues of information that  
7 we talked about earlier, the website, the brochures and the  
8 like?

9 A. Yes, yes, and they might have trusted adults who aren't  
10 educators, of course, whether that's somebody in the medical  
11 profession, whether it's an aunty or an uncle or caregiver.

12 Q. But for that reliance, if we can call it that, to work on a  
13 trusted adult, the trusted adults have got to understand  
14 themselves what the process is and what rights the young  
15 person has or child or young person has; right?

16 A. Yes.

17 Q. Would you accept that the conversation that we've had today  
18 around terms like compliments, complaints and suggestions,  
19 claims, is quite confusing?

20 A. I'd imagine it would be, yeah.

21 Q. Certainly, it's taken a bit of discussion amongst us all  
22 this morning and this afternoon to try and isolate what the  
23 issues and the terms are and what they mean, right?

24 A. Yeah.

25 Q. And that's amongst a group of lawyers, Commissioners and  
26 witnesses; right?

27 A. Yep.

28 Q. You'd accept in terms of accessibility for the general  
29 public, that that might be an issue?

30 A. I would. I guess the counterfactual is you have - you try  
31 and make one size fit all and in the process of doing that,  
32 you diminish the support that is given to the people who  
33 need it. I guess, it's a trade-off, you could call it one  
34 thing and make it simple to understand but, in a sense, that  
35 would be an artifice because calling it one thing doesn't

1 change the fact that it is different things. I take your  
2 point, I do take your point, I just am not sure what the  
3 answer is.

4 Q. Well, I suppose it's about messaging and information, isn't  
5 it, that people - the people who are going to need to take  
6 action to make a claim, whether that be on their own behalf  
7 as a child or young person or as a whanau member, a trusted  
8 adult or some other trusted adult, need to have access to  
9 that information, so they know exactly what the process is  
10 and how they go about it, right? That's what this point is  
11 about, isn't it?

12 A. Yes.

13 Q. I do, with the use of technology, just want to go to Oranga  
14 Tamariki's website, just so that we can, for the purpose of  
15 this hearing -

16 A. A live demonstration.

17 Q. - just look at the accessibility through the website. And  
18 hopefully Emma will be able to - here we go. So, could you  
19 confirm, Mr Groom, that this is the Oranga Tamariki website?

20 A. It is.

21 Q. Thank you. I will ask you some questions about accessing  
22 information around compliments, complaints, suggestions and  
23 claims.

24 A. Yes.

25 Q. Those four terms. You said you hadn't looked at this for a  
26 while so forgive me, but would you be able to navigate us  
27 where that information would be?

28 A. Scroll to the bottom of the page. It's quite a long page.  
29 And in the middle column, second one down, "Compliments,  
30 complaints and suggestions" and below that, "Feedback form  
31 for children".

32 Q. If we go to "Compliments, complaints and suggestions" first,  
33 the page that we land on is entitled "Feedback", isn't it?

34 A. Yes.

- 1 Q. If we can bring that up so it's readable for Mr Groom, can  
2 we just scroll down. I'm not going to ask you to read the  
3 content but what is this directed at, this aspect of the -
- 4 A. This is directed to a person who wants to give us feedback  
5 about the service they've received from us.
- 6 Q. So, to take those examples, a complaint about no reply to an  
7 email or a complaint about social work practice at quite a  
8 high level?
- 9 A. Yes.
- 10 Q. Could be within that -
- 11 A. Yes.
- 12 Q. - broad range? This isn't the content which directs you  
13 about claims, is it?
- 14 A. The claims, if you look on the left-hand side of the page,  
15 right at the bottom of where you are now directs you to  
16 claims.
- 17 Q. So, if we click through to "claims", this is the claims page  
18 which reads, "If you feel you have been mistreated while in  
19 the care of Oranga Tamariki, you can make a claim"?
- 20 A. Yes.
- 21 Q. And then there's some information there about how to do  
22 that, if we scroll down. It says, "You can start the claim  
23 process by emailing us at claims@ot or calling us".
- 24 Earlier, you referenced some child friendly or young  
25 person friendly material to explain the process on the  
26 website?
- 27 A. Yes.
- 28 Q. Do you know where that is?
- 29 A. Yes, I pointed it out when you first came to the website.  
30 So, it's below the access to the page we were on just prior.
- 31 Q. Okay.
- 32 A. Yes, a "Feedback form for children" or words to that effect.
- 33 Q. Okay. "Feedback form for children", thank you. So, this is  
34 the version that you've told us about?
- 35 A. Yes.

- 1 Q. And the child and young person friendly version?
- 2 A. It was written for an audience of children and young people.
- 3 Q. And so, they're required to fill out an online form?
- 4 A. Not necessarily required to, they can choose to.
- 5 Q. They can?
- 6 A. They can choose to, that's one option they can use, yes.
- 7 Q. What are the other options they have?
- 8 A. So, they can ask an adult to fill out the form on their
- 9 behalf. And I'm not sure whether this page outlines that
- 10 that's an option. We've got our Contact Centre, we've got
- 11 our complaint form and I accept it's unlikely children are
- 12 going to call an 0800 number to make a complaint or fill out
- 13 a handwritten form.
- 14 Q. You'd accept there would be some real difficulties for a
- 15 child or young person with literacy problems, a learning
- 16 disability, in accessing this form of complaint; right?
- 17 A. Yes, there could be.
- 18 Q. Is it available in New Zealand Sign Language, this
- 19 information?
- 20 A. I don't believe so.
- 21 Q. So, you would accept then that there's a lot of work to be
- 22 done around the accessibility of the online information?
- 23 A. I mean, I've talked quite openly about the fact that I
- 24 believe we have more to do in terms of accessibility of the
- 25 system. And, yeah, anything that's pointed out to us re the
- 26 accessibility could be improved, I'm up for it.
- 27 Q. One place to start might be to pull the claims heading out
- 28 of the second or third layer of the website and put it right
- 29 up the front on the home page alongside the other banners,
- 30 right?
- 31 A. Yeah, fair point, yep.
- 32 Q. Do you think also explaining the difference between
- 33 complaints and claims on the website might be a good idea?
- 34 A. I mean, I think that we've tried to explain quite clearly
- 35 that the feedback is about telling us about anything good or

1 bad that you've experienced and the claims quite clearly  
2 says if you've experienced mistreatment. Yeah, if there's a  
3 way we can improve the clarity of that, then absolutely.  
4 Also mindful of your earlier point around the more content,  
5 I guess the more content you have, the larger risk you run  
6 that it will be fragmented and a confusing picture for  
7 people. So, I guess there's a trade-off between simplicity  
8 and fulsomeness.

9 Q. Do you know when this page was published?

10 A. Not off the top of my head, sorry, no.

11 Q. But you said it was only very recently?

12 A. No, the feedback page was published quite some time ago, so  
13 we're talking months, possibly like 12 months. The claims  
14 material was very, very recent, so in the past couple of  
15 weeks.

16 Q. Past couple of weeks?

17 A. Yep.

18 Q. Can we turn now to the claims process? You've told us that  
19 you've had, there's 19 claims where effectively you had some  
20 involvement with MSD?

21 A. (Nods).

22 Q. I think 11 of those have been resolved?

23 A. (Nods).

24 Q. And you've got one active claim on foot which is technically  
25 within your remit?

26 A. Yes.

27 Q. Post 1 April 2017?

28 A. Yes.

29 Q. Can you explain to us, step-by-step, if a claim was made  
30 what would happen? What the process is? I know at a very  
31 high level you've described it in your brief of evidence.

32 A. Yeah.

33 Q. You know, those three or four bullet points that are there.

34 A. Yeah.



1 Q. But could you talk to us step-by-step about what that claims  
2 process involves?

3 A. Yeah. So, the first step is application, I guess. And in  
4 that step, I would include information that informs somebody  
5 how they can go about making a claim. It will include the  
6 initial approach from the individual, so whether that's  
7 through our phone line, through any of the other mechanisms  
8 that we've just been talking about. It would include an  
9 initial meeting with the claimant to discuss, as much as  
10 they're willing to share with us, what they've experienced  
11 and what their claim relates to.

12 So, that would be the first part. I would say, where I  
13 think our gap is at the moment, is that that process isn't  
14 formally described to somebody at the start. So, it is  
15 explained to them verbally by the adviser who works on it.  
16 What we need is something that basically, I guess, is a  
17 consistent piece of information that everyone has access to  
18 that says here's what you can expect from the process.

19 Q. I'm talking about the initial process that is currently  
20 live, if I can put it that way.

21 A. Yeah, sure.

22 Q. Is there a written piece of policy to do with that, that  
23 you're working from, that OT [Oranga Tamariki] are working  
24 from?

25 A. Yes, yes, again only recently created.

26 Q. How recent?

27 A. Oh, um, I think it's been in draft for a while and kind of  
28 nearly finalisation now. So, yeah, it's recent, yeah.

29 Q. And so, finalisation as an interim process, is that right?

30 A. That's right.

31 Q. Which is different from the process you've talked about,  
32 which is to be finalised in the first six months of next  
33 year; is that right?

34 A. Yes.

35 Q. Have I got that right?

1 A. You've got that right.

2 Q. It strikes me, it's a good idea to finalise something before  
3 working on it; you'd agree with that?

4 A. Yes, I think there was a process that we followed and  
5 ideally that process would have been underpinned by a formal  
6 document that set out that process.

7 We didn't have that. I think the priority for us was  
8 addressing claims that had already, you know, been waiting  
9 for a little while, so we wanted to actually address the  
10 claims as a priority.

11 Q. So, your staff that are working through the claims process,  
12 what do they work off in terms of directing them through the  
13 process?

14 A. It's a really small team. That's where we are in, I guess,  
15 for want of a better term, a fortunate position. That  
16 essentially at the peak we had three people working on this  
17 and at that scale you can all get together, we can get  
18 together with the Safety of Children in Care Unit, we can  
19 get together with whoever we need to, to work through those  
20 claims.

21 So, I guess maybe not having a formally documented  
22 process, although I concede that we should have, in that  
23 context that's indifferent to running something at scale  
24 where a documented formal process would exist with  
25 consistency. We can organically manage the consistency  
26 because it's a small team constantly talking to each other  
27 and who have access to advise.

28 Q. Have I got this right, it's three people in the team or tell  
29 me how many?

30 A. So, basically, so when we were in the process of resolving  
31 the 19, we ringfenced three staff to work on both claims at  
32 their peak. Now we're at a point where we have fewer claims  
33 than that and it doesn't require three staff to manage.

34 Q. How many Māori within that group of three staff?

35 A. One, and one Pasifika.

1 Q. Have I also got it correct that the Oranga Tamariki position  
2 is that no additional resource is required to manage that  
3 process at this stage, in terms of people?

4 A. Yes.

5 Q. So, the next step really is if there's no formally  
6 documented available policy to the staff member whose  
7 facilitating the redress claim process, then there wouldn't  
8 be formally, you know, Official Information around what that  
9 person can expect from the process? They're relying solely  
10 on the delivery orally of that staff member?

11 A. That's true.

12 Q. You would accept, wouldn't you, that in the context of the  
13 conversation we had about the cohort of people that you  
14 might expect to hear from, that that's pretty problematic,  
15 isn't it?

16 A. To a point. I mean, I've conceded the point that, you know,  
17 ideally we would have had a written documented policy in  
18 place as we worked through those claims. I've explained  
19 that we prioritised resolving the claims and I've explained  
20 that the context for this team is that they are a very small  
21 unit who are in constant contact with each other and with  
22 expertise across the organisation who can support in  
23 resolving the claims but I concede the point that, ideally,  
24 there would have been a written documentation or policy  
25 supporting that process and that's - sorry I'm talking very  
26 fast - that's something we are seeking to address through  
27 the enduring process that I outlined.

28 Q. Because it's quite high risk, isn't it? You're relying  
29 solely on the delivery of the individual in a process which  
30 can, with I've heard, be retraumatising and bring a whole  
31 number of other issues with it if done badly?

32 A. I don't know if I'd categorise it at high risk, as high  
33 risk. I think that the aspects you've described, that the  
34 risk attaches to around the risk of retraumatisation and the  
35 care and welfare of those individuals. That risk in my

1 experience has been largely mitigated through the people  
2 managing the system and the care they take with those  
3 individuals.

4 Q. But if you take those people out of it, those particular  
5 individuals out of it, systemically there lies a problem;  
6 right?

7 A. Absolutely and I said that in my opening evidence. I made  
8 that very point, that what we are operating at the moment  
9 relies on the people operating it and that the onus is on us  
10 to underpin the mahi of those people with processes and  
11 clarity.

12 Q. Is there room within the current process for advocacy for  
13 these individuals who are making claims?

14 A. So, I guess a couple of points on that. If the individual  
15 is a young person, then they will have access to Oranga  
16 Tamariki's contracted advocacy services through VOYCE  
17 Whakarongo Mai.

18 The second point is that though it doesn't directly  
19 address the advocacy point for each of the claimants we've  
20 worked with, we've offered support for them to get support  
21 that they need, whether that be legal or on the therapeutic  
22 side, which I know doesn't directly address your advocacy  
23 point.

24 Q. So, there is provision for legal assistance in some form?

25 A. It's offered.

26 Q. It's offered?

27 A. Yep.

28 Q. What about communication assistance for those who have  
29 difficulty with processing oral language or reading; do you  
30 offer that service?

31 A. To be honest, it's not something that I have considered but  
32 I think it is something that we should consider as we design  
33 our process going forward. I would say, although I would  
34 never pretend that our current process is perfect or even  
35 best practice at this stage, one of its strengths, as far as

1 I can tell from talking to survivors, is that it is  
2 relationship based and that there is ongoing communication  
3 between the people working in my team and the survivors,  
4 which I say just to I guess make the point that I don't feel  
5 that communication has been a difficulty in this space for  
6 us, at this point.

7 Q. That issue can be a silent one at times though, can't it?  
8 Issues to do with what people understand and what they don't  
9 understand?

10 A. Yes.

11 Q. We know that, for example, people with Foetal Alcohol  
12 Spectrum Disorder may agree to things, not quite  
13 understanding what's going on; right?

14 A. Yes, I mean, that's not an area of expertise for me but I  
15 certainly can accept the point on that.

16 Q. Is there anything in addition to what you've told us about  
17 the interim claims process that you wanted to add to your  
18 evidence before we move on?

19 A. It's a very open question. Nothing that springs immediately  
20 to mind but it might be a situation that as we walk through  
21 the rest of the evidence, other relevant thoughts might  
22 arise.

23 Q. Very well.

24 **COMMISSIONER ERUETI:** Mr Merrick, can I ask her, these  
25 questions about advocacy, are we just talking about  
26 the claims process, independent of the complaints  
27 process?

28 **MR MERRICK:** Yes, complaints is a separate optic.

29 **COMMISSIONER ERUETI:** Ka pai, thank you.

30 **MR MERRICK:** We thought we would separate them for the  
31 purpose of that.

32 **COMMISSIONER ERUETI:** Thank you.

33 **MR MERRICK:**

34 Q. Earlier in the evidence of Linda Hrstich-Meyer, a document  
35 was referred to which alluded to some issues of 2016, a

1 memorandum about the inconsistency of approach between  
2 complaints and claims, and the reference is MSR04137.

3 A. I have it.

4 Q. Isn't there an issue here, in that the claims process, if we  
5 adopt the terminology you used earlier, was a subset of the  
6 complaints process formally? If we take the syntax out of  
7 it, just in terms of the OT process?

8 A. Can I just correct that? I didn't say the claims process is  
9 a subset of the complaints process. I was effectively  
10 saying the nature of a claim can be a subset of a - or is a  
11 subset of a complaint.

12 Q. So, conceptually, a claim falls under initiating a complaint  
13 about something?

14 A. Yeah, I guess by definition a claim is a complaint. You  
15 know, if you define a complaint as an expression of  
16 dissatisfaction or hurt, then a claim is a complaint.

17 Q. If I can direct you to this memo, and we're really looking  
18 at the four points that are highlighted there, and maybe  
19 those could be zoomed in on. I understand this predates  
20 your -

21 A. Yes.

22 Q. - time in your role?

23 A. Yeah.

24 Q. So, I appreciate that. It's 1 July 2016.

25 A. It doesn't just pre-date my time in the role, it pre-dates  
26 the existence of Oranga Tamariki.

27 Q. You were here earlier for the evidence but those four points  
28 raise an issue around the treatment of claimants via the  
29 complaints process, compared to the claims process; is that  
30 right? Have I got that right?

31 A. You're asking me if this memo is basically highlighting a  
32 risk of the treatment of claims within a complaints process?

33 Q. No, those who go down the complaints route can end up with a  
34 different outcome than those who go through the claims  
35 route; is that what this memo is saying?

1 A. Can I take a moment to read it? It's not a document I'm  
2 particularly familiar with. (Short pause).

3 **MR CLARKE-PARKER:** I just thought I'd confirm with  
4 Mr Groom that he does have the full document in front  
5 of him as well as the -

6 A. I do, yes.

7 **MR MERRICK:** By all means, if you need time to read  
8 the full document, then do.

9 A. I am just cautious about agreeing to a premise in a document  
10 that I don't understand or had no part in producing.

11 **CHAIR:** We are coming up to the afternoon adjournment,  
12 so maybe you could look at it through that time and  
13 come back to that, Mr Merrick, would that suit you?

14 **MR MERRICK:** More than happy with that, thank you.  
15 We'll come back to that.

16 A. Excellent.

17 Q. Earlier you talked about safety of children in care  
18 reporting?

19 A. Yes.

20 Q. In the biannual report of Safety of Children in Care Unit  
21 for the 6 months July to December 2019, that report recorded  
22 207 children suffered 357 findings of harm. And obviously  
23 bear in mind the interpretation of harm.

24 A. Yeah.

25 Q. And you talked about that earlier. Are there any processes  
26 in place, redress processes in place, which Oranga Tamariki  
27 to take a proactive response to redress, for example for  
28 those group of children and young people?

29 A. Not at this stage. That is a question that we're working  
30 through as part of that more enduring claims process. I  
31 would - no, I'll leave that thought there, thank you.

32 Q. The short point is that, in order to trigger a claims  
33 process, those children and young people or their whanau  
34 would have to enter into the process we've just talked

1 about? They'd have to go through and make that claim?

2 They'd have to take the step, is that right?

3 A. Yes.

4 Q. Has Oranga Tamariki considered that in the context of their  
5 obligations in the Oranga Tamariki Act, the statutory  
6 obligations, bearing in mind that some of these children and  
7 young people are currently subject to orders?

8 A. We're certainly considering the point. I talked about the  
9 work programme that we have to develop our more enduring  
10 process and that's one of the questions that's called out as  
11 part of that work programme, and I'm sure in doing that, we  
12 will be looking at statutory obligations as part of that.

13 Q. Because it would be an issue, wouldn't it, for you in terms  
14 of resourcing if quite a number of young people who are  
15 under that group made claims shortly?

16 A. I don't think it's the issue of resourcing. I mean, it's  
17 about doing the right thing. So, those young children  
18 all - the process around harm in care is that they will be  
19 getting, they will be assessed for the impact of that harm  
20 and they will be receiving therapeutic support that's  
21 appropriate to the harm that they've experienced. I think  
22 there is an absolute onus on Oranga Tamariki when a child is  
23 harmed in care to act immediately to reduce the lifelong  
24 impact of that harm. Returning to your point about, I  
25 guess, a financial liability arising from that, I just think  
26 that's - it's just about doing the right thing and, you  
27 know, the financial liability is a secondary concern. The  
28 first, the primary concern is making sure that the impact of  
29 that harm is minimised to the greatest extent possible. The  
30 secondary concern is when the time is right and appropriate,  
31 is it right to have a conversation with them about beyond  
32 the therapeutic support, what else should happen to put it  
33 right. Yeah, to me that's just the right thing to do.

34 Q. So, in essence, restoring the mana of those involved?

35 A. Yeah.



1 Q. In terms of that reporting, the safety of children in care  
2 reporting, in terms of Māori, I just read those statistics,  
3 58% Māori, 12% Māori Pacific?

4 A. (Nods).

5 Q. Not to reopen the whakapapa argument earlier.

6 A. Kia ora.

7 Q. And for Pacific people, similarly 12% Māori Pacific and 8%  
8 Pacific. Given the limitations that we've identified with  
9 access to complaints and claims in the course of your  
10 evidence today for this current process, there's a  
11 disproportionately unfair impact, isn't there, on Māori and  
12 Pacific young people?

13 A. Are the numbers you read to me, I have to admit I'm not too  
14 familiar with them, seem at first blush to be consistent  
15 with the proportion of children in care by ethnicity.

16 Q. Yeah, I suppose, what I'm asking you is just that, in terms  
17 of an ability to access a claims process, that if you're  
18 disproportionately in care in the first place and then those  
19 figures are broadly represented in the harm figures, you are  
20 in that group of people who are entitled to enter into a  
21 claims process, it's an uphill exercise, isn't it, for a  
22 young vulnerable Māori Pacific person?

23 A. I'm not sure I entirely agree with the assertion around the  
24 difficulty of access. I have kind of conceded a couple of  
25 points around particularly those in residential settings  
26 without access, you know not in the traditional school  
27 setting.

28 Yeah, I mean, I guess we've - I talked a bit in my  
29 introductory evidence around we don't receive complaints  
30 from Māori at the rate that the proportion of Māori in care  
31 suggests that we should. So, it's certainly something we  
32 are alive to, yeah. I am not sure that's addressed your  
33 question exactly.

1 Q. I will put it another way. It could do much better,  
2 couldn't it, the claims system for Māori and Pacific people,  
3 based on what we've talked about today?

4 A. It could do much better for everyone and 60% of those  
5 everyone are Māori and 10% of those everyone are Māori and  
6 Pacific.

7 **MR MERRICK:** I wonder if that's a good time?

8 **CHAIR:** It is a suitable time. We will take the  
9 afternoon adjournment.

10

11

12 **Hearing adjourned from 3.30 p.m. until 3.50 p.m.**

13

14

15 **CHAIR:** Tēnā koe, Mr Merrick.

16 **MR MERRICK:** Kia ora, Madam Chair.

17 Q. Mr Groom, in your evidence in chief you talked about the  
18 front end process of receiving a complaint and then  
19 effectively, if I've got it right, someone might receive  
20 that complaint and then try and triage whether it's a  
21 complaint or a claim?

22 A. Yes.

23 Q. Can you explain to us a little bit more about what that  
24 process involves?

25 A. So, I've got a small team, although we've recently increased  
26 the resource to it, and their role is to, so all complaints  
27 are received by the organisation and all claims received by  
28 the organisation come to this team. They man the phone  
29 line, they man the email. And we increased the team so it  
30 could take a larger upfront triage function,  
31 recognising - so, that is both to triage claims but also  
32 within the claims, you know I talked about the broad  
33 spectrum of complaints, and there's some complaints that,  
34 you know, our default is that the complaint is dealt with as

1 close to the source of what gave rise to the complaint as  
2 possible.

3 So, most complaints will go to the site to respond to  
4 initially. There's some complaints, particularly around  
5 social work decisions to bring a child into care,  
6 appropriateness of care placements, which we have determined  
7 as an organisation, they're the use of relatively imposing  
8 statutory powers and they should be subjected to an  
9 additional level of scrutiny. So, those are triaged off.

10 And claims are similar, so that team will triage off  
11 claims.

12 Q. So, is it possible then that someone might have been  
13 thinking they need to make a complaint or been unsure what  
14 the process is and then get told by the team what direction  
15 they need to go in?

16 A. Yes, that's the purpose of the team. You know, you  
17 highlighted earlier on in your questioning that there are a  
18 range of terms at play here and we can't expect someone who  
19 is not intimately familiar with the system to know which is  
20 the correct term to use. So, we have committed resource to  
21 ensuring that the right decisions are made at the point that  
22 we receive the complaint or the claim.

23 Q. And is there a policy document that that team works off in  
24 order to have some transparent guidelines around which  
25 direction to send people if they're unsure?

26 A. There's a range of directions the team has received. In  
27 particular, I talked about the complaints that we triage off  
28 and deal with centrally, so there's a document that sets  
29 that out.

30 In terms of claims, I think there might have been a  
31 direction to the team, although I don't want to - I'm not  
32 100% sure. But the team knows that if the complaint is from  
33 somebody who are saying that they experienced abuse while in  
34 care, the team very clearly knows that that becomes a claim.

1 Q. And when you say a direction, is that some form of internal  
2 communication to those people who are working in that area?

3 A. Yes.

4 Q. When you say direction? And who would that come from?

5 A. It would come from me or from the team manager.

6 **CHAIR:** I don't want to deflect but can you tell us  
7 how many claims, in the sense that you're using it,  
8 have actually come through OT since 2017?

9 A. I can't, I would be happy to get that for you. There is  
10 obviously the one that I mentioned in -

11 **CHAIR:** There are the 19 that you had already?

12 A. Yes.

13 **CHAIR:** Apart from those because they preceded 2017,  
14 didn't they?

15 A. Yes.

16 **CHAIR:** So, since then, are you able to say roughly,  
17 have there been 3 or 30 or 400? Do you have any sense  
18 at all of how many claims?

19 A. One.

20 **CHAIR:** One?

21 A. Yes.

22 **COMMISSIONER ERUETI:** Can we also clarify the numbers  
23 of complaints you've received annually, is it 150-200  
24 or 1500?

25 A. No, no, it's between 1500 and 2000, I think it might have  
26 been about 1800 last year, and that I guess emphasising that  
27 is the full gambit that I talked about and a lot of those  
28 complaints might relate to communication issues or things  
29 like that.

30 **MR MERRICK:**

31 Q. Can we return to MSC0347. Now you have had an opportunity  
32 to review it?

33 A. I have.

1 Q. In those four bullet points there, what is being said is  
2 there's an issue around the treatment of complaints versus  
3 claims?

4 A. Yes.

5 Q. And so, my question for you, for someone who's involved in  
6 the initial, and is now OT initial process and the longer  
7 term process, what's being done by Oranga Tamariki to  
8 mitigate the risk talked about in that memorandum?

9 A. Well, what happens in this memorandum does not happen  
10 anymore, so from my perspective that is fully mitigated.

11 Q. Can you explain to us why it doesn't happen anymore, the  
12 practicality of that?

13 A. Yeah, there's a couple of points. This basically indicates  
14 that claims were being treated as complaints. That doesn't  
15 happen anymore. And this indicates that claimants are often  
16 paid compensation for abuse when assessed by historic  
17 contemporary claims and not when assessed by the complaints  
18 process. I mean, that's a moot point now because nothing  
19 constituting a claim goes through a complaints process.

20 Q. Apart from the entry point, right?

21 A. Yeah, yeah.

22 Q. So, your introduction to the system, if you like, if you're  
23 making a claim, is to the complaints process? I think we've  
24 established that, right?

25 A. It's to an intake team that basically intakes both claims  
26 and complaints.

27 Q. Do you think it would be cleaner to sever the claims off and  
28 have a direct route into claims, given the claims are about,  
29 quite clearly about abuse in care, as opposed to complaints  
30 of the range we've talked about?

31 A. No, I can't off the top of my head think of any reason that  
32 that would be any cleaner than the process that we have at  
33 the moment.

34 Q. We've finished with that document now, thank you. You've  
35 spoken about Te Tiriti o Waitangi in your evidence in chief?

1 A. Yes.

2 Q. And you'd accept that prior to the advent of section 7AA,  
3 that those obligations under Te Tiriti o Waitangi have  
4 always been there; right?

5 A. Yes.

6 Q. And that one of the critical issues under Te Tiriti o  
7 Waitangi is under Article Two, tino rangatiratanga and you'd  
8 accept, wouldn't you, that children, tamariki, it's in the  
9 word itself really, are a taonga?

10 A. Yes.

11 Q. And so it's against really the essence of that, that Oranga  
12 Tamariki need to respond to instances of abuse in care in a  
13 global redress sense? If we talk about, if we take it not  
14 just in the financial sense?

15 A. I may have lost track of you there for a second.

16 Q. That holistic view of redress, informed by Te Tiriti o  
17 Waitangi, if we take that point of tamariki being taonga  
18 requires a really wide view of what's required for redress?

19 A. Yes.

20 Q. Added to that fundamental Te Tiriti underpinning Article  
21 Two, we've got now legislation sections in the Oranga  
22 Tamariki Act which specifically referred to Te Tiriti o  
23 Waitangi; right?

24 A. Yep.

25 Q. And so, the redress processes that we're talking about, both  
26 the initial process and the longer term one, need to be  
27 informed by Oranga Tamariki's obligations in the Oranga  
28 Tamariki Act?

29 A. Yes.

30 Q. I'll save everyone the pain of quoting the sections and  
31 what's in them but if we start with section 4, which is the  
32 purposes of the Act, Oranga Tamariki are required under  
33 those purposes to promote and coordinate services to mana  
34 tamaiti and to ensure that those processes are centered on  
35 the young person's rights; correct?

1 A. Yeah.

2 Q. They're also required to assist families, whānau, hapū and  
3 iwi groups under those purposes?

4 A. (Nods).

5 Q. Under section 4, there's quite a few obligations on Oranga  
6 Tamariki to ensure that whanau, hapu and iwi fulfil the  
7 needs of their tamariki and rangitahi. The question is,  
8 what steps have Oranga Tamariki taken in setting up this  
9 initial redress process that we've talked about, in terms of  
10 working with Māori to set that up?

11 A. We are definitely taking steps in terms of the enduring  
12 process that we are developing now. I couldn't point you  
13 directly to any steps in relation to the 19 or 16 claims  
14 that we've responded to date.

15 Q. So, you haven't engaged with Māori in this initial process  
16 which has been established?

17 A. We have internally. We could have done more externally.  
18 So, we've sought advice internally from, for example, the  
19 team with responsibility for the 7AA quality assurance  
20 standards.

21 Q. But nothing externally?

22 A. No, not to the best of my recollection. Although I did, I  
23 mean I did talk about the training that all of the staff  
24 have been through with regards to resolution through Te Ao  
25 Māori lens.

26 Q. You've talked about partnerships under section 7AA?

27 A. Yes.

28 Q. Have any of your conversations around strategic partnerships  
29 included a partnership about your initial redress process?

30 A. I'm operating probably quite outside the field of my  
31 expertise on this. I haven't been involved in the  
32 establishment of those partnerships.

33 Q. Is it fair to say though that if there were redress  
34 conversations to be had, you would have been included in  
35 those being the person responsible for the claims process?

1 A. Yes, I would expect so.

2 Q. So, in terms of this - well, let's move to the future  
3 process.

4 A. Yep.

5 Q. What's happening in that space, vis-a-vis Oranga Tamariki's  
6 obligations under sections 4 and 7AA?

7 A. So, I think a key part of the development of our process  
8 will be an engagement plan which is specifically called out  
9 in the work programme that we've developed, and that  
10 engagement plan will obviously have a focus on accessing  
11 feedback and advice from various Māori stakeholders.

12 I think another phase of our work programme is focusing  
13 on resolution, so what does meaningful resolution look like?  
14 You know, how can we offer a package of resolution that  
15 supports people to achieve their aims? And we will most  
16 likely incorporate some advice into that. I think there's a  
17 richening for us to tap in terms of resolution from a Te Ao  
18 Māori perspective. And I talked in my evidence-in-chief  
19 about the work that we're doing around making the access to  
20 the complaints process but, you know, any benefits from that  
21 will accrue to the claims process, improving access for  
22 Māori to that process.

23 Q. Have Māori been involved in designing the process which you  
24 said will be finalised in the first half of next year?

25 A. They will be.

26 Q. How long has the design process been in train?

27 A. Oh, it's relatively early, so it's basically at a planning  
28 and work programme design phase. The second phase of that  
29 programme is engagement. So, the engagement will happen, so  
30 out of six phases, the engagement will happen at a second  
31 phase.

32 Q. Could one possible step to bridge the gap for Māori  
33 complaint rates be to establish an independent Māori body  
34 which can help bridge that gap?



1 A. Yes, absolutely. And I think on the complaints side, that's  
2 a conversation that I think we've had a very early  
3 conversation with an iwi about whether they could act  
4 as - agent isn't the right phrase but as a kind of  
5 facilitator to support people who want to make complaints to  
6 us but don't want to come directly to us. And I talked in  
7 my evidence-in-chief about the fact that in a lot of cases  
8 we're not the agency to work directly with whānau, you know,  
9 for various reasons the trust has gone in the relationship  
10 and I think it's important for us to look at ways that we  
11 can support people to engage with us in a way that is not  
12 engaging with us or to them doesn't feel like they're  
13 engaging with us, if that makes sense.

14 Having said that, I think, so there's something about  
15 getting into the system. There's something about us being  
16 accountable. So, I would like to think that we would always  
17 be involved at the end of the system where accountability  
18 becomes important, fronting up and saying sorry, fronting up  
19 and explaining how you'll fix things. I would hate to  
20 accidentally design a system that meant that our  
21 accountability was contracted out where that accountability  
22 should accrue to us.

23 Q. When you said you were in discussions with iwi to be an  
24 agent for that, is that with people from that iwi?

25 A. I don't know that we'd got to the point of defining that.

26 Q. Would those conversations also include conversations with  
27 funding and budget, if it were to head in that direction?

28 A. Yeah, I'm sure they would.

29 Q. One of the components of section 7AA is about reducing  
30 disparities?

31 A. Yes.

32 Q. What does that look like, in terms of an Oranga Tamariki  
33 redress process?

34 A. Well, it would look like receiving claims in the proportion  
35 that you would expect to receive them. So, you know, if

1 there's a disparity where it looks as if Māori are not  
2 coming forward to talk about their experiences and to seek  
3 redress for them, then that would be a disparity that we  
4 would want to address.

5 The outcome of the process, so taking into account, you  
6 know, personal and cultural preferences, setting those  
7 aside, are the outcomes that are received of a similar  
8 nature?

9 And then the findings. So, you know, we haven't declined  
10 or rejected a claim yet but if we get to the point where we  
11 do, then I would expect that that rate of declined claims or  
12 rejected claims would not show a bias based on ethnicity.

13 Q. What about the factors that you take into account in  
14 assessing the harm and the underlying causes of the harm  
15 done?

16 A. Yeah.

17 Q. And what I'm talking about here is the ongoing impacts of  
18 colonisation, for example, does that factor into a process?

19 A. I would think, and we haven't had a claim to mind where this  
20 has been a factor, but if the claim made it obvious that  
21 there had been the act of harm or the act of practice in the  
22 instance had meant that there was disconnection from whānau,  
23 hapū, iwi, whakapapa, that whatever we offer to seek to  
24 resolve that claim would include something to put that  
25 right.

26 Q. Can we turn to talk now about the complaints system for the  
27 moment? So, you've mentioned that effectively there's one  
28 gate to go through in terms of complaints and claims, and if  
29 you were going to go down the complaints route can you tell  
30 us a little bit about that process, please?

31 A. Yeah. I mean, there's a lot more variety in that process  
32 because the spectrum, I guess the spectrum of complaints is  
33 a lot wider from what could be a relatively simple  
34 administrative issue that has a relatively simple fix, to

1 much more complex questions of, you know, social work  
2 practice.

3 So, I'll speak generally about it but kind of making the  
4 point that there is variety within the system because  
5 there's variety within the complaints.

6 So, speaking generally, most complaints, I think it's  
7 around 80%, will be received by my team but referred to the  
8 local site to deal with. And the reason that we do that is,  
9 I guess there's a school of thought that a response to a  
10 complaint is best made as close to where the complaint arose  
11 from as possible. There are very obvious exceptions to that  
12 where there's, you know, deterioration of trust in the  
13 relationship, where there's a conflict of interest, but for  
14 most complaints, the most meaningful resolution will come  
15 from it can be resolved close to the source of the  
16 complaint.

17 So, most of our complaints will go to a site to respond  
18 to. We have a system that tracks all of those complaints.  
19 We've recently at the start of this year implemented an  
20 improved system and the main thing about that system is it  
21 captures and holds people to account for remedial action.

22 So, it doesn't close off the complaint at the point that  
23 we respond to the complainant. It closes off the complaint  
24 at the point that we have actioned all of the  
25 recommendations that arose from the complaint.

26 So, yeah, and the site will look into it and, I guess,  
27 make an assessment and take action as appropriate, whether  
28 that's meeting with the individual to apologise, explaining  
29 how they're going to fix a training issue within the site,  
30 those kind of things.

31 It's not uncommon for the complaint to complete that  
32 process and for there to be dissatisfaction with the outcome  
33 of the complaint and at that point they would come to my  
34 team to respond to and then my team would basically take a

1 look at the complaint and make a determination based on what  
2 they can see.

3 And then, the more serious end of the complaints, I think  
4 I've probably described in a fair amount of detail earlier  
5 on about that we triage those off and they get dealt with  
6 centrally by my team.

7 Q. And it's the complaint system that's independently monitored  
8 by the MSD and Children's Monitor?

9 A. No, no, the complaints system is independently monitored by  
10 the Office of the Ombudsman.

11 Q. Ombudsman?

12 A. Yeah.

13 Q. So, if they're unhappy with the complaint review, it can go  
14 up as high as the Ombudsman?

15 A. Yes.

16 **COMMISSIONER ERUETI:** Excuse me, if I may. Paragraph  
17 3.8 you say "MSD (via the Children's Monitor), and the  
18 Ombudsman have been given roles in monitoring the  
19 Oranga Tamariki complaints system"?

20 A. Sorry, is that?

21 **COMMISSIONER ERUETI:** 3.8 of your brief of evidence.

22 A. Yes, the Ombudsman has essentially a dual role in relation  
23 to our complaints system. One is basically managing what I  
24 guess you could describe as escalated complaints where  
25 there's dissatisfaction with the outcome. The other is  
26 system monitoring, so looking for thematic issues that the  
27 complaints arise, making sure that our complaints system is  
28 fit for purpose.

29 MSD, I am slightly outside my area of expertise when  
30 talking about the interim Children's Monitor but theirs is a  
31 more systemic responsibility for the complaints system.  
32 They don't have responsibility for responding to escalated  
33 complaints, but they've got systemic responsibility for  
34 monitoring all of Oranga Tamariki, including the complaints  
35 process.

1       **COMMISSIONER ERUETI:** Thank you.

2       **MR MERRICK:**

3       Q. Earlier you said proportion of children making complaints as  
4       adults is quite low?

5       A. Yes.

6       Q. Is that right?

7       A. Yes.

8       Q. One of the - last year, the Commission heard from the  
9       Children's Commissioner at the Contextual Hearing and one of  
10      the issues pointed out was that perhaps children and young  
11      people don't have confidence because of the power dynamic  
12      you talked about earlier?

13      A. Yeah.

14      Q. In engaging that process?

15      A. Yeah.

16      Q. You touched on this earlier but what do Oranga Tamariki do  
17      to resolve that issue?

18      A. I mean, our approach to date has been to support the adults  
19      in their life. So, I talked about the information that  
20      we've provided through the Ministry of Education so  
21      educators know how to support tamariki and rangitahi to make  
22      a complaint.

23             And similarly, caregivers have received information about  
24      how they can support the tamaiti in their care in making the  
25      complaint.

26             Yeah, I think, I mean, it was a very small piece of  
27      research but it did demonstrate that that was probably the  
28      area to go if we wanted to increase the complaints that we  
29      received from children.

30      Q. Would having an independent body to receive complaints  
31      address that issue?

32      A. Well, I think, I mean, there is an independent advocacy  
33      service for children in VOYCE Whakarongo Mai, so I think  
34      that exists. So, I think, clearly, there's a benefit in  
35      having that service existing, so yeah.

1 Q. That is an independent advocacy service for the existing  
2 internal complaints procedure, right?

3 A. Yeah, it's an advocacy service for children and part of  
4 their role might be to support children to make a complaint.

5 Q. And I suppose my question is, having a separate complaints  
6 body independent of the place in which the complaint arises,  
7 might address the power dynamic, mightn't it?

8 A. It might but it already exists. The so, you know, the  
9 Office of the Ombudsman fulfils that role. So, maybe that  
10 suggests the answer isn't a structural one but a presental  
11 one perhaps, I don't know.

12 Q. Am I correct though that the Ombudsman's Office exists  
13 effectively at the top of the complaints chain? You have to  
14 enter the process -

15 A. No, the Ombudsman will accept complaints and investigate  
16 them directly from people.

17 **COMMISSIONER ERUETI:** Excuse me if I may. The  
18 difference there is the function that the Ombudsman  
19 serves is different from a complaints or claims  
20 process which has a range of different aspects,  
21 including the apology, financial compensation,  
22 wellbeing payments?

23 A. Yeah, that's correct. I guess the Ombudsman's role, as I  
24 experience it, is to make findings and make the agency  
25 accountable for putting it right. I don't think that's  
26 inherently wrong. I think the agency should be accountable  
27 for putting it right.

28 **MR MERRICK:**

29 Q. In terms of the investigation and assessment process that  
30 you talked about earlier, is there a risk that children and  
31 young people might see that social workers investigating a  
32 claims process as akin to the system investigating itself?

33 A. Yes. I think, yeah, so when - I mean, I guess we're talking  
34 about independence and the level of independence that's  
35 appropriate in the system. And my thoughts on that, and to

1 kind of steal a concept from I think the legal world, that a  
2 process needs to be fair and it needs to be seen to be fair.  
3 I would argue quite strongly that our process is fair. So,  
4 I talked about the fact that we haven't declined or rejected  
5 a claim. In fact, we've accepted every element of every  
6 claim that's been brought to us. There's escalation and  
7 external avenues. The people who review these issues are  
8 structurally independent from - admittedly still internal to  
9 Oranga Tamariki but structurally independent from the people  
10 making the initial social work decisions. So, that's kind  
11 of the first condition. I would argue that the process as  
12 I'm experiencing it, is there.

13 On the second condition, seen to be fair, that's just not  
14 something as a person who's responsible for administering  
15 the process really deserves to have a view on. I think that  
16 the process needs to be seen to be fair by the people who  
17 are using that process. There's no point in me viewing it  
18 as fair and, in fact, if my view of fairness carries too  
19 much weight in the process of deciding what fairness looks  
20 like, it almost becomes unfair by the fact that, yeah -

21 Q. And if one of the issues in entering into this initial  
22 process post 1 April 2017 is accessibility, being able to  
23 get into it and at this stage you only have one active claim  
24 for that time period, then there's a fairness issue there,  
25 isn't there, at the outset, if that's causing - if that is a  
26 cause of a lack of claims?

27 A. Yeah, yeah, on the basis of that condition that you've  
28 established, that that is the cause of a lower number of  
29 claims, then obviously that is impacting on the perception  
30 of fairness and the willingness to engage with the process.

31 Q. And the potential cohort of potential claimants are  
32 disproportionately Māori, aren't they?

33 A. Yes, 60%.

34 Q. For claims after 1 July 2019, can you explain to us the  
35 specific process for those particular claims because the

1 Oranga Tamariki Act in section 445 provides some limits on  
2 proceedings before Court?

3 A. Yes.

4 Q. 445(b) and you've touched on it, I think, in your brief of  
5 evidence but can you explain that particular category of  
6 claim?

7 A. Can you just put the question to me again? I am conscious I  
8 might be sailing close to information that may be subject to  
9 legal privilege.

10 Q. Okay. For claims post 1 July 2019, section 445(e)(1) says,  
11 "No proceedings may be brought in any Court" basically  
12 unless you go through the Oranga Tamariki complaints  
13 process; is that your understanding of it? Have I got that  
14 right?

15 A. That's certainly what section 445(e) says.

16 Q. The interim process that we've talked about today, how does  
17 that work with that provision?

18 A. The interim process that we have discussed today hasn't  
19 applied to any of the claims that we've dealt with.

20 Q. Were you to get one, a claim for an event post 1 July 2019,  
21 how would that work?

22 A. It would work the same way that any other claim would or the  
23 claims that we've dealt with would.

24 Q. And how is that accounted for or have you considered in  
25 terms of the planning for the longer-term process that I've  
26 talked about today?

27 A. The impact of section 445(e), I think that's something that  
28 we have noted that we need to bring some clarity to in  
29 respect of designing that process.

30 Q. Have you any idea of how long the claims process under the  
31 interim process may take from start to finish?

32 A. I mean, obviously we'll be aiming for as quickly as  
33 possible. I guess, as an indication from the point that  
34 our - from the point that there was clarity about the claims  
35 that we're responsible for, our average time to resolution



1 was five months. I'd like to think that we can do better  
2 than that. I guess, it's evident that there's various  
3 factors that influence that, the complexity or legal  
4 questions surrounding a claim, the volume of claims that you  
5 receive, all of those kind of things. But I would certainly  
6 be aiming for less than what it's taken us through the  
7 claims that we've dealt with to date.

8 Q. The Limitation Act, what's the current position of Oranga  
9 Tamariki in respect of Limitation Act defences?

10 A. Talking to Cooper Legal.

11 Q. As I understand it, Oranga Tamariki currently aren't  
12 included in the draft policy which has been recently  
13 circulated to Cooper Legal; is that right?

14 A. Yes. I would make the point that the Limitation Act I  
15 believe applies to six years after turning 20 and that is  
16 not something that applies to any claimants that we  
17 anticipate dealing with in at least the next few years.

18 Having said that, we are - you're right in what you say  
19 but we are in contact with Cooper Legal, through Crown Law,  
20 about the limitation, about the Limitation Act.

21 Q. Because it is an issue when you consider the delay sometimes  
22 in reporting or making a claim of abuse?

23 A. Yeah, yeah. Like I say, I mean, it's not going to be  
24 something that applies to any claims that we receive in the  
25 next at least three years/four years and we'll be working  
26 with Cooper Legal so we can arrive at an agreed position  
27 with them.

28 Q. Wouldn't it be a good statement of intention, if it's not  
29 going to apply in the immediate future, according to you, to  
30 adopt a position which means you don't take those defences?

31 A. Yeah. I mean, my experience in working at Oranga Tamariki  
32 is the focus is on doing what is right, rather than relying  
33 on technical defences to avoid doing that.

34 Q. Your office also deals with requests for information  
35 records?

1 A. We do under the Privacy and Official Information Acts.

2 Q. As part of the process as you've described it, the claims  
3 process, I think in your evidence you've said that  
4 facilitation, access to records, is part of that process; is  
5 that right?

6 A. Yes.

7 Q. There have been a number of examples in the phase 1 evidence  
8 and on the material provided in the section 20 response by  
9 Oranga Tamariki of heavy redactions to information sought  
10 under the Privacy Act?

11 A. (Nods).

12 Q. For quite a younger group of people we've talked about today  
13 with vulnerabilities, what is Oranga Tamariki going to do to  
14 ensure that doesn't become an issue for that group of  
15 people?

16 A. Yeah, it's very difficult. It's something that I've put a  
17 lot of focus on in my time in the role and I think  
18 Ms Hrstich-Meyer during her evidence talked about a process  
19 that they're initiating to strip down Privacy Act request  
20 processes and build them back up. My team went through that  
21 process in 2017 and completed I think so in late 2018, maybe  
22 early 2019, which resulted in a much more customer-focused  
23 approach, which focuses on having a conversation with  
24 somebody at the start about what information it is they're  
25 seeking and understanding what's driving their request and  
26 seeing if we can provide them with information that's  
27 specific to that.

28 It is really difficult, it's a really difficult area.  
29 So, you know, you make a Privacy Act request to your doctor  
30 and the information is likely to be pretty recent because  
31 you know it's probably relating to a procedure that happened  
32 quite recently and the information is likely to contain  
33 information about you and maybe the professionals involved  
34 in your care. The challenge for us in this space, I guess,  
35 is that the information is quite often quite historic, it's

1 quite often a mix of archived paper files and electronic  
2 files, and it invariably includes a tangled web of  
3 relationships. And the challenge for the staff working on  
4 it is, you know, understanding what those relationships  
5 mean.

6 So, you know, is this sibling group a sibling group who  
7 will know that this happened to their sibling in their  
8 childhood or has the relationship broken down and they've  
9 got no idea about that and you're just going to throw an  
10 absolute can of gasoline into the situation by releasing  
11 information that talks about what happened to that person.  
12 And then overlaid on that is the volume. So, the files are,  
13 you know, about 1,000, I think we average about 500 pages  
14 each. So we're releasing 5 million pages of information  
15 every year. You know, it's basically like a novel being  
16 released every hour from this place. And that novel has to  
17 have been carefully curated to ensure that it releases only  
18 information that person has access to. It's very  
19 challenging and I'm sure there are ways we can do it better.  
20 And, you know, I heard in earlier evidence, I heard talk  
21 about the crashing of the timeline, which is fantastic,  
22 given a summary I think that's a really good idea. But for  
23 some people, providing them with a timeline will rob them of  
24 detail that they feel they should be entitled to because the  
25 timeline probably isn't going to provide the same amount of  
26 detail.

27 And I think, you know, there's a letter in the document  
28 pack, I think there's about three complaints or so in total  
29 in the document pack, and one of the letters from the  
30 Privacy Commissioner is actually really useful because he  
31 talks about section, I always get confused, 29BA or 27, the  
32 unwarranted disclosure of other people's affairs. And in  
33 his ruling, he makes the point that the passage of time  
34 potentially reduces the application of redacting under  
35 unwarranted disclosure of other people's affairs and the

1 interests pertaining to the person requesting also impact.  
2 And I think through that process we were able to give  
3 revised, you know, go through that process and change our  
4 application of that section of the Act. So, it was actually  
5 a really useful process for us.

6 Sorry, I went on a very long time then.

7 Q. Out of the total number of Privacy Act requests received by  
8 Oranga Tamariki, a significant portion were made on behalf  
9 of the applicant by their lawyer; is that correct?

10 A. So a significant portion, I think over 50% by lawyers for  
11 child, this is lawyers acting on behalf of the children  
12 making requests for information.

13 Q. But in terms of claimants, a significant proportion of  
14 claimants who made Privacy Act requests have those requests  
15 made by lawyers on their behalf; is that the evidence?

16 A. No, I mean, the claims we've dealt with, none have been  
17 represented. So, for us zero, as far as I'm aware zero  
18 Privacy Act requests have been made by a lawyer on behalf of  
19 the claimant.

20 Q. If there becomes more occasion for people to be  
21 unrepresented by lawyers or have some form of advocacy  
22 available to them, how might they go about the process of  
23 obtaining and understanding what you've said is quite a  
24 complex area of accessing records?

25 A. Yeah. So, our plan for that is it would be based on the  
26 adviser who's working alongside them on their claim. So,  
27 part of the role of the adviser would be to sit down with  
28 them when they receive - would be to facilitate their  
29 request and then sit down with them when they receive that  
30 information to talk through it.

31 You know, it's something the team, I'm talking about the  
32 team that does Privacy Act requests here, has to deal with  
33 from time to time. You know, they work on a request and  
34 it's evident that it will be very upsetting for the person  
35 to read that information. So, one of the things they

1 currently do is where that's obvious, you know, whether a  
2 local social worker or somebody else can be arranged to  
3 support them as they read the information.

4 Q. Isn't it another case where an independent set of eyes would  
5 assist the person making that application?

6 A. Again, I don't - there's no kind of benefits that spring  
7 immediately, there's nothing immediately that springs to  
8 mind that would advantage that person through having  
9 somebody independent do it. Yeah, just my first thoughts on  
10 it.

11 Q. Well, you've just discussed some of the internal  
12 difficulties in processing those applications. Wouldn't  
13 having an independent and the fact that the Privacy  
14 Commissioner from time to time intervenes in that process,  
15 wouldn't having an independent advocate or someone to work  
16 through that process for the request be of benefit; do you  
17 think?

18 A. I guess I would say an independent advocate already exists  
19 in the Office of the Privacy Commissioner.

20 Q. Following a complaint about information received, right?

21 A. Yes, that's true.

22 Q. What supports get put in place once the information has been  
23 discussed with the claimant as part of the process you've  
24 talked about today?

25 A. I think part of the process we're designing will have, you  
26 know, the intent is to provide a very clear outline of what  
27 supports are available to that person, you know, in terms of  
28 therapeutic and other supports, and that would be part of  
29 that.

30 Q. In your reply brief, you've addressed the issue of  
31 disclosure to third parties?

32 A. Mm.

33 Q. Again, a complex area, isn't it?

34 A. It is.

1 Q. In your view, is it possible that disclosure to third  
2 parties is a potential barrier for people wanting to make a  
3 claim or complaint?

4 A. I can see that it could be, if you've been through a deeply  
5 traumatic experience and you believe that the information  
6 you've been provided would be shared with a person who  
7 perpetrated that traumatic experience, I can absolutely see  
8 that that would make you think twice about going through a  
9 process. But, of course, that's based on the condition  
10 that, you know, that's not me saying that we would go around  
11 sharing information without consent. That's just observing  
12 that for someone who's been through a traumatic experience,  
13 yeah, I can see how that would make it very daunting.

14 Q. Are there improvements that can be made in the way that  
15 that's addressed, in your view?

16 A. I don't know. Like, I don't think a process is an answer to  
17 this one. It's so case-dependent and it's weighing up two  
18 competing and very valid rights, I guess. The right of  
19 children who are currently in a care placement, that it  
20 becomes evident may be placing them at risk of harm, and the  
21 right of a person to have their experiences redressed  
22 without fear that that will result in repercussions to them.  
23 They're two very important rights to weigh up and I think we  
24 make case by case decisions based on a set of, I guess,  
25 principles, for want of a better term but, yeah, it's really  
26 difficult.

27 Q. We've had reference to Stand Tu Maia's evidence -

28 A. Yes.

29 Q. - from Dr Fiona Inkpen. What's really helpful about that  
30 evidence is the process in which it was outlined, have you  
31 had a chance to review that?

32 A. The?

33 Q. The redress process that Stand Tu Maia adopting, which is  
34 outlined in the brief of evidence?

1 A. Oh, I think I read it while I was watching Dr Inkpen's  
2 evidence but I'd need to be refreshed on it to comment in  
3 detail.

4 Q. Would Oranga Tamariki make available to the Commission, at  
5 least as a start, the policy that you've referred to for the  
6 initial process?

7 A. Yes.

8 Q. Is that a possibility?

9 A. Yep.

10 Q. That hasn't been made available yet?

11 A. No.

12 Q. We've heard from Cooper Legal earlier in the hearing about  
13 redress processes lacking references to Te Tiriti o Waitangi  
14 about 2014 and there's reference also to 2018 where  
15 practical Te Tiriti based considerations have been put in  
16 place and I'm asking for your information on a system which  
17 operates like that. Is that an example for Māori who are  
18 over-represented in that system -

19 A. Operates like what, sorry, the Stand Tu Maia?

20 Q. No, sorry.

21 A. That's all right.

22 Q. We heard from Cooper Legal about a lack of Te Tiriti based  
23 considerations in redress basis earlier on in the hearing.

24 A. Yep.

25 Q. And I think it was their evidence that it's not until about  
26 2018 that we see a little bit more substance in that area.  
27 My question for you, as Oranga Tamariki as you're entering a  
28 design phase for a new process?

29 A. Yes.

30 Q. Is a system which doesn't reference Te Tiriti considerations  
31 and deals disproportionately with Māori, in the context of  
32 Aotearoa New Zealand, is that an example of institutional  
33 racism against Māori in that process?

34 A. Um, I think, I mean, the process that we will design will  
35 have reference to Te Tiriti through section 7AA of the

1 Oranga Tamariki Act. I guess, I don't have, I've been  
2 working in this space for about 3 years, I just don't have  
3 the detailed view of the history that I would need to agree  
4 with the assertion that you've put.

5 Q. The reason I ask is in your evidence you reference kia  
6 whakatōmuri te haere whakamua?

7 A. Yes.

8 Q. In a way what I'm asking is what has Oranga Tamariki, as you  
9 enter a planning and design phase of something new, what  
10 have Oranga Tamariki learnt from what has gone before?

11 A. Yeah, absolutely, I can -

12 Q. And I suppose everyone is keen not to replicate a system  
13 which could be seen to be institutionally racist and that's  
14 why I ask that question of you; what has been learnt in  
15 particular in respect of that?

16 A. Yeah, so I mean, obviously I've read the consultation that  
17 the Ministry of Social Development did the Māori claimants  
18 and that provides a lot of quite useful information. I  
19 guess the things that struck me were the importance of the  
20 opportunity to connect with whakapapa and whānau and hapū  
21 and iwi. The importance of a process that respects the  
22 person, that builds the mana of the person, yeah, were  
23 probably my key reflections from that. And I talked about  
24 as we design our process going forward, it will be designed  
25 with, you know, specific engagement with Māori. Partly that  
26 will be through our Māori design group which Oranga Tamariki  
27 has had in place I think since its inception, partly it  
28 might be through returning to the training that we had which  
29 I talked about a couple of times throughout my evidence.

30 Q. Is there a risk that in respect of this initial process,  
31 which there has been no external consultation with Māori,  
32 what has stood up has replicated formal processes in the  
33 absence of Māori involvement?

34 A. There's a risk. I don't think it was an actuality. I think  
35 the relationship based model that ran, the fact that at



1 least some claimants were engaging with a Māori staff  
2 member, you know, I think, yeah, I agree that was a risk. I  
3 don't think it's a risk that eventuated.

4 Q. But it's far from the obligations under the 7AA and section  
5 4?

6 A. Yep.

7 **MR MERRICK:** I think I've come to the end of the  
8 questions that I have. If I could just confer?

9 **CHAIR:** Certainly.

10 **MR MERRICK:** To the extent that some of your evidence  
11 canvasses some of the wider issues to be considered by  
12 the Inquiry, I'll leave those for the moment, probably  
13 a kōrero for another day. So, those are my questions,  
14 thank you.

15 A. Yes.

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**STEVEN MICHAEL GROOM**  
**QUESTIONED BY COMMISSIONERS**

**COMMISSIONER ALOFIVAE:** Mr Groom, thank you for your evidence this afternoon. Just reconfirming, Oranga Tamariki was established in 1 April 2017?

A. That's correct.

**COMMISSIONER ALOFIVAE:** And your Claims Unit or your claims process was really only established since August 2019?

A. Um, no, I wouldn't say that. I'd say we had staff who had responsibility for claims, although there was a long period of time where it didn't appear that we were going to need to develop a claims process because there was a period of about a year, I think, where MSD was going to manage all claims.

**COMMISSIONER ALOFIVAE:** But now it's clear you need a claims process?

A. Now it's clear, it's very clear.

**COMMISSIONER ALOFIVAE:** So, August 2019 and you've got one case on the books so far?

A. Yes.

**COMMISSIONER ALOFIVAE:** So, in some respects, that's going to be the test case for your processes?

A. Yes.

**COMMISSIONER ALOFIVAE:** Right, okay. So, I want to talk, I'd like to ask some questions around your internal processes and I'm really just wanting to get clarity around your business as usual processes.

A. Yep.

**COMMISSIONER ALOFIVAE:** Okay. So, you referred to your Official Information Act requests?

A. Yes.

1 **COMMISSIONER ALOFIVAE:** Over 50% are made by lawyer  
2 for child?

3 A. Sorry, that's Privacy Act requests.

4 **COMMISSIONER ALOFIVAE:** But that's obviously of the  
5 entire file that's on your system?

6 A. Yes. Sorry, I described that we've done some work on that  
7 process to see if we can be more helpful to the requester by  
8 providing a more limited set of information, if they're only  
9 interested in a particular thing. But in a lot of cases,  
10 that is a request for the entire file.

11 **COMMISSIONER ALOFIVAE:** That is a business as usual  
12 process? That's typical of what happens?

13 A. Yes, it's business as usual.

14 **COMMISSIONER ALOFIVAE:** And the 19 claims prior, they  
15 were all unrepresented, no lawyer requests?

16 A. That's right, all unrepresented.

17 **COMMISSIONER ALOFIVAE:** So, in your brief of evidence,  
18 you've set out very helpfully for us what happens at  
19 para 3.2, you give us (a)-(d)?

20 A. Yes.

21 **COMMISSIONER ALOFIVAE:** This is your first affidavit?

22 A. Yes.

23 **COMMISSIONER ALOFIVAE:** So, I want to take you to  
24 3.2(b), you talk about you undertake a records check?

25 A. Yes.

26 **COMMISSIONER ALOFIVAE:** So, you would have heard  
27 evidence or the Commission has certainly heard  
28 evidence that you may be familiar with over the past  
29 week about records not being complete?

30 A. Yes.

31 **COMMISSIONER ALOFIVAE:** Misfiled in some instances and  
32 sometimes actually just not there?

33 A. Yes.

34 **COMMISSIONER ALOFIVAE:** So, what -

1 A. I would - sorry, if I can, I would note that I talked about  
2 practice standards at the outset of the evidence and one of  
3 those practice standards is specifically around  
4 record-keeping.

5 **COMMISSIONER ALOFIVAE:** Yes. So, is that applicable  
6 now today?

7 A. Yes, since the practice standards came into effect, which I  
8 think was 2018, I might be wrong.

9 **COMMISSIONER ALOFIVAE:** So, what has physically  
10 changed in your systems? It's one thing to have a set  
11 of standards which is very good. What has physically  
12 changed in terms of the record-keeping?

13 A. The system record-keeping? This is well outside my area of  
14 expertise, sorry, I'm not sure if anything has or not.

15 **COMMISSIONER ALOFIVAE:** Do you know if in your system,  
16 so one of the complaints is often there's information  
17 on your files, on Oranga Tamariki files, that can  
18 substantiate or can corroborate claims that have  
19 previously been made that were unsubstantiated.

20 A. Claims that have previously been made that were  
21 unsubstantiated, yes.

22 **COMMISSIONER ALOFIVAE:** And then someone finds  
23 something and says, "Oh my gosh, that really did  
24 happen to this person or it's very likely to have  
25 happened"?

26 A. Yes, that would be part of the process we would be looking  
27 for, you know.

28 **COMMISSIONER ALOFIVAE:** Is your current system, is it  
29 simple enough or is there a place or repository within  
30 the system where all individual complaints go? So,  
31 every - so, all of your 6,000 clients on your books  
32 will all have individual files, irrespective of  
33 whether they're siblings; would that be a fair  
34 assumption?

1 A. I believe the files are structured around families, although  
2 I might be wrong on that. Again, it's not an area I'm  
3 intimately familiar with.

4 **COMMISSIONER ALOFIVAE:** In your current system, do you  
5 have a system where if external stakeholders are  
6 making complaints, or even the young person has made a  
7 complaint, are they all held in one place?

8 A. All complaints are held in one place, yes, in one system.

9 **COMMISSIONER ALOFIVAE:** In one system?

10 A. Yeah.

11 **COMMISSIONER ALOFIVAE:** But in the system, is it  
12 simplified to the point where if you wanted to just  
13 push a tab, that would then bring up the litany of  
14 complaints? There might be no complaints, there might  
15 be a whole heap of good things, but if there were a  
16 number of complaints that had been made, you would be  
17 able to track them without having to trawl through the  
18 entire file?

19 A. Yeah, are you talking about complaints that one individual  
20 has made and being able to view all of the complaints of  
21 that individual? Yes, yes, there is a system where the  
22 complaints are ordered around the individual and you can go  
23 in and see all of the complaints that they've made. It is a  
24 new system. It's the one I talked about us introducing in  
25 February.

26 **COMMISSIONER ALOFIVAE:** February of this year that was  
27 introduced?

28 A. Yes.

29 **COMMISSIONER ALOFIVAE:** That's one of the learnings  
30 from the past Historical Claims Unit?

31 A. Yeah, yes, I don't think we introduced that system because  
32 of that. It was introduced because our previous complaint  
33 management system had neared the end of its life and because  
34 we were looking for a system that supported resolution. Our

1 previous system didn't support resolution. It supported  
2 closing complaints but not resolution.

3 **COMMISSIONER ALOFIVAE:** And how do you - there are  
4 multiple entry points for people or external  
5 stakeholders to make complaints, would that be fair?  
6 Teachers, social worker, other legislative provisions,  
7 mandatory sections?

8 A. Yes, the legislative provisions would probably relate more  
9 to reports of concern which we deal with very distinctly  
10 from complaints.

11 **COMMISSIONER ALOFIVAE:** So, in your system, I'm  
12 just - Mr Merrick asked you earlier on this afternoon,  
13 was there any merit in actually dividing out or  
14 separating actual claims, like the one case that  
15 you've got on your books, from the whole host of  
16 complaints that kind of fall along a continuum of  
17 severity?

18 A. Yeah, and I believe my response to that, hopefully my  
19 response to that was they are separated out. So, I think  
20 Mr Merrick identified that the entry point can be the same  
21 but at that entry point they're triaged and separated out.

22 **COMMISSIONER ALOFIVAE:** And people making complaints  
23 or reports of concern, as you've referred to that, is  
24 there a closing off loop?

25 A. Can I clarify? Reports of concern are quite different from  
26 complaints. You may know this, a Report of Concern.

27 **COMMISSIONER ALOFIVAE:** A Report of Concern is made,  
28 often an investigation will follow?

29 A. Yes, a Report of Concern is made and we get somewhere  
30 between 80,000 and 90,000 of those a year. An assessment is  
31 made at the point of receipt about whether a further  
32 investigation is needed and that gets to about 40,000 to  
33 45,000 that are called FARs, further assessment needed, and  
34 those are then referred to a social worker to assess and  
35 determine. It might result in a hui whānau or Family Group

1 Conference being setup. It might result in invoking  
2 statutory powers, it depends on the situation.

3 **COMMISSIONER ALOFIVAE:** So, there's lots of points of  
4 subjectivity along the way?

5 A. I mean, social work is the art of trying to predict future  
6 human behaviour. It is a system that is inherently  
7 subjective, I guess. Yeah, you're trying to predict human  
8 behaviours, yeah.

9 **COMMISSIONER ALOFIVAE:** So, coming back to your  
10 complaints system. You just told us that they're all  
11 found or located in a particular folder within a young  
12 person's notes?

13 A. So, we have a complaint system where there's a record about  
14 the individual and every complaint that they've made is  
15 attached to that record, is with that record, yeah.

16 **COMMISSIONER ALOFIVAE:** And so, in terms of being able  
17 to improve your processes, which I think you spoke  
18 about earlier on, is there an analysis that takes  
19 place so that you're able to get to see any emerging  
20 patterns or themes?

21 A. Yes. Yes, so we produce regular reporting which includes  
22 who we are receiving complaints from, the areas of the  
23 country, the types of complaints they're making. And from  
24 time to time we will do a deep dive. We've done a deep dive  
25 on complaints from children and young people and looking for  
26 thematic things from that. And Oranga Tamariki has  
27 established what we've called a System Enhancement Board, so  
28 it's a body within Oranga Tamariki that is charged with  
29 taking, I mean we're information rich, we have a lot of  
30 information about how we're going. So, they're charged with  
31 taking that information, synthesising it and turning it into  
32 action and improvement.

33 So, yes, that's a very long answer to quite a simple  
34 question, sorry, but yeah.

1 **COMMISSIONER ALOFIVAE:** And is it your end point that  
2 actually, there wouldn't be any further Court cases  
3 unnecessarily if your complaints process worked well?

4 A. Yeah, I mean, we'd always want to resolve an issue as soon  
5 and as close to the source of the issue as possible, and I  
6 guess that means that there would be less Court cases. And  
7 beyond that, I mean, I think I talked quite a bit in my  
8 evidence-in-chief, you know, part of our agency's  
9 responsibility is reducing future claims. Yeah, that's what  
10 we've got to be aiming for.

11 **COMMISSIONER ALOFIVAE:** Thank you.

12 **COMMISSIONER ERUETI:** Tena koe, Mr Groom. I have a  
13 few questions, not many, just to clarify some things  
14 for me.

15 So, you note there's a Grievance Panel, is that right,  
16 for the Youth Justice residences?

17 A. Yes, for residences, yeah, that's right.

18 **COMMISSIONER ERUETI:** And for the Care and Protection  
19 residences, is there a similar type of Grievance  
20 Panel?

21 A. I think so but I am operating outside, I'd be willing to  
22 find that out and give that information to the Commission.

23 **COMMISSIONER ERUETI:** I'm just wondering, I think that  
24 is the case, that there is such a Panel, how is that  
25 all co-ordinated and how do we ensure consistency?  
26 And also, who is looking at this, who has oversight of  
27 these different processes because that means we've got  
28 Youth Justice, Care and Protection and then your  
29 internal complaint process and claims process, so four  
30 complaint models effectively?

31 A. Yes, that's right. I mean, yes, ultimately the  
32 co-ordination point is at the leadership team of the  
33 organisation, yeah.

34 **COMMISSIONER ERUETI:** And earlier you were talking  
35 about, when Mr Merrick asked about an independent



1 Māori body, an iwi facilitator. This came up in the  
2 evidence of Ms Hrstich-Meyer as well, about it  
3 seemed - I just wanted to clarify, this is like an  
4 advocate, an independent advocate to act for a child  
5 and young person?

6 A. Is this in the context of us talking about working within  
7 iwi around whether they could be part of supporting  
8 complainants and, you know, a sense of increasing people's  
9 willingness to engage with the complaints process; have I  
10 got that right?

11 **COMMISSIONER ERUETI:** That's right, and the broader  
12 context of the question of independence of the redress  
13 scheme.

14 A. Sorry, in clarifying that, I've totally forgotten what your  
15 question is.

16 **COMMISSIONER ERUETI:** It seems this iwi facilitator  
17 role is to act as an advocate for the child or young  
18 person; is that correct?

19 A. Yes. I more had in mind just to act, yeah, I guess advocate  
20 is a way of looking at it. Someone who's trusted to work  
21 with us to resolve the issue, yeah.

22 **COMMISSIONER ERUETI:** Ka pai. The last question is  
23 about, and you can't comment on the current claim but  
24 the prior claims, I think 19 about wellbeing, was  
25 there somebody, when you have your interview with  
26 these claimants, is it book-ended by a wellbeing  
27 counselling service? To what extent is someone  
28 provided with -

29 A. I mean, in all cases we made the offer of support but I  
30 think, you know, this is something that we need to improve  
31 through our enduring process. It's one thing to make the  
32 offer without a kind of clear path of how that offer would  
33 be fulfilled and what it might look like. So, I think we  
34 made the offer, what we need to do better is, I guess,

1 having the substance behind that, having something ready to  
2 go and we can explain to people what that might look like.

3 **COMMISSIONER ERUETI:** Okay. And you did mention also  
4 about legal assistance that you advised them they can  
5 get legal advice?

6 A. Yeah.

7 **COMMISSIONER ERUETI:** Is that independent advice?

8 A. Yes.

9 **COMMISSIONER ERUETI:** That's provided for through  
10 Oranga Tamariki?

11 A. Yeah, so, it's basically an offer that we would pay for them  
12 to source independent legal advice, both throughout the  
13 process and to consider the offer that we propose at the  
14 end.

15 **COMMISSIONER ERUETI:** Thank you.

16 A. It's a pleasure.

17 **CHAIR:** And I have no questions, you will be pleased  
18 to know, Mr Groom. I just want to know, is there  
19 anything that you would like to follow-up on?

20 **MR CLARKE-PARKER:** No, thank you.

21 **CHAIR:** Nothing arising, Mr Merrick?

22 **MR MERRICK:** No.

23 **CHAIR:** In that case, we thank you very much for come  
24 along and subjecting yourself to this difficult  
25 process and we much appreciate it, so thank you very  
26 much for your evidence.

27 A. I was very glad to be here, thank you for having me.

28 **CHAIR:** We will now conclude for the day with a  
29 karakia.

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(Closing waiata and karakia)

**Hearing adjourned at 5.10 p.m.**