

STATEMENT OF TANYA AND GEORGINA SAMMONS

DATED: 24 FEBRUARY 2020

Introduction

- [1] My name is Georgina Nola Liza Sammons. I am 43 and live in Whangarei, where I work in child care. This is the evidence of myself and my sister, Tanya June Sammons. Tanya is 44, and lives in Warkworth, where she works in merchandising and runs a screen printing business. Tanya has also signed this evidence and accepts its contents.
- [2] We were taken into state care as very young children, and raised by a foster family, where we all suffered physical, psychological and sexual abuse. This evidence is about our experiences in trying to make claims against MSD for their failure to protect us as kids.
- [3] Our evidence is also on behalf of our older sister, Alva, who was in care with us but has since died, leaving her two young kids behind. Alva is the main reason we wanted to make a claim in the first place at all. We want to get justice for Alva and for her kids, to make sure someone was held accountable for the abuse that we all suffered, and that eventually killed Alva and left her kids without a mother. We want to make sure her kids have something.
- [4] It has now been 19 years since Alva died and I started trying to get information and get some redress for the abuse we suffered while we were in care. It has been 13 years since I first lodged a claim with MSD, and 6 years since Tanya made her claim. I received a settlement of sorts for my claim after almost 8 years, but Tanya's claim is still going – she received an offer but for substantially less than my settlement, and so turned that down and is still waiting for the next step. We have not yet had any resolution for Alva and her kids.

Alva

[5]

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Alva left behind a 2-year-old son and 5-year-old daughter.

- [6] Before she died, Alva wrote letters that talked about the pain of her childhood as a state ward, which she felt she couldn't escape, and how she had had to spend her life running, and never wanted to let her children be taken into state care.¹
- [7] Alva had suffered as we all did in our abusive home. She told us later that she was regularly sexually abused at the hands of at our foster brothers. She was always protective of us younger girls even though she was just one year older than Tanya, and just 2 years older than me. She said to me once that she let herself be sexually abused, because she thought if she put up with it, then maybe we wouldn't have to.
- [8] As she was growing up, she got into trouble for stealing and lying, and was sent to boarding school. We still to this day don't know exactly where she went or what happened to her there.
- [9] As an adult, Alva continued to move a lot, and was in trouble for stealing and lying. She said in her letters that this was because it was what she needed to do to survive on the streets.
- [10] Alva resorted to substance abuse to cope with her pain. When she had her own kids she struggled, and eventually both were taken out of her care. Her daughter was taken to live with her father when she was about 18 months old. Her son was born not long before she got very sick herself, and he was taken into CYFS care at about a year old.

¹ Letters from Alva Sammons, circa 2001.

- [11] Not long before her death, Alva had spoken with us about the abuse, and we told her that me and Tanya had also been sexually abused in our foster home. We believe that when she found out that she hadn't saved us from that abuse, it broke her.
- [12] We both took her death pretty hard. I know it was really hard on me. I had been living with Alva before she died, and I know she struggled, but she had always looked out for me. After her death, Tanya tried to apply for custody of her son, but CYFS sent him to other relatives in Australia, without notifying her.
- [13] Alva now has 2 grandkids who she will never meet, and who will never get to meet her.

Background: Our experience in state care

- [14] I was just 2 when I was taken into care, Tanya was 3, and Alva was 4. We don't remember our home before care, but understand that we were not well looked after by our biological parents. After we were removed from that home, we were placed in a home for a short period, and then placed with a foster family.
- [15] Our foster family was a European immigrant family. The parents had 4 older children from previous marriages. They also had one other foster child, the same age as Tanya, who they later adopted. We weren't ever adopted. We stayed with that foster family until we were discharged from care. Our upbringing with that family was really difficult and abusive.
- [16] One of the big things for us was that we were always moving - we moved something like 8 times in the first 3 years; and somewhere around 15 times over the 13 years in care, between different cities and towns, living in Auckland, Whangarei, Kaikohe, Kaitaia, Herekino, Ruawai, Dargaville, Hikurangi and Whananaki, and having to change schools all the time.
- [17] We were always given second hand clothes and usually didn't have the correct school uniform or didn't have enough clothes in winter. We often didn't have lunch to take, and we weren't allowed to go on school camps or trips and didn't get school supplies. For example, Tanya remembers having a friend's mum pay for her to go to school camp,

and buy her fabric so she could do sewing at school. It was only when we were quite a bit older that we found out that CYFS was paying our foster parents board and clothing allowances and other costs that were supposed to be spent on us. It seems that these costs went towards trips and other expenses for our foster mother, or other debts that she had.

- [18] Often one of us, especially Tanya, would be made to stay home from school to help with chores and help look after our foster sister's kids while our foster mother went away or looked after her shop.
- [19] Because of our absences from school and of moving so often, we weren't able to make friends or get settled at school, and we never had long term relationships with other people, including any social workers. Our education also really suffered. At the end of her 5th form year, Tanya was told she wasn't allowed to sit school certificate because her attendance had been too low. She really wanted to re-sit, but after re-enrolling and doing most of the first term, the family moved again and she was made to move with them and switch to a new school. She lasted three days in that school and then gave up and dropped out. I also dropped out of school before completing School Certificate.

Physical and psychological abuse

- [20] We were physically beaten by our foster father, sometimes quite badly. I remember a time when I was caught smoking being beaten so badly that I wet myself and had black eyes. A social worker visited a few days later, and I had to hide under the bed so the social worker wouldn't see my black eyes. I just remember hearing my foster mother telling the social worker I was away staying at a friends' house.
- [21] Our foster father could be violent in other ways too. Tanya had a cat for a while, that meant everything to her. When Tanya was around 13 or 14, the cat once made a mess in the garage after it had been locked in all day. Our foster father found the mess and was furious, so in front of Tanya, killed the cat by cracking its head on the concrete.
- [22] Beatings from our foster mother were less frequent but also occurred and were sometimes quite brutal. Tanya got a severe beating after telling our foster brother that

she was being sexually abused, which left her so bruised she couldn't easily get out of bed for 2 days afterwards. She was kept home from school while she recovered. Tanya shut down after that - she didn't complain about things and did what she was told.

- [23] Our foster mother would also often threaten us with violence or use our foster brother to hurt us when she thought we needed bringing into line. Our foster brother would rub his fist into our scalps until our scalps were rubbed raw and sometimes weeping. When I was in Form 1, around 11 years old, I came home and decided to kill and pluck the chickens and put them in the freezer. I wasn't trying to be naughty – I had been asked to prepare a chicken before, and thought that I was being helpful. My foster brother was allowed to punish me. I remember being thrown into the pantry, and falling down all the shelves, and then being thrown across the dining room table. We knew to expect that we would be hurt if we stepped out of line.
- [24] There was also a lot of psychological abuse and manipulation in our household, especially from our foster mother. She would do things like hide money in our bag and then do a 'bag check' before we left for school. When the money was found we would get in trouble and be made to stay home from school if we didn't confess to taking it. She often humiliated us in front of our school friends. Tanya had a medical bladder problem, which she had had an operation for but had not fully resolved. At a birthday party when she was around 10, our foster mother made her put on a nappy in front of all her friends, calling her filthy. In my case, I also had urinary reflux when I was a kid, which meant I often had a bed wetting issue. I remember my foster mother hanging my undies on the mailbox so that everyone on the school bus could see that I had wet the bed.
- [25] The physical abuse was usually hidden from others outside the household. As we already mentioned above, we remember sometimes being made to hide from social workers, or stay home from school if we had visible marks of the beatings. It's also not something we would have talked about with social workers. Because we moved so much, we had many social workers throughout our childhood, and we don't remember seeing any of them very often. Usually they would only speak to us in front of our foster mother. Sometimes they visited us at home or at school and spoke to us on our own, but

never for more than a few words. Neither of us remember ever having any long conversation with any of them.

Sexual abuse

- [26] All three of us were also sexually abused in our foster home. We didn't talk about it with each other and so didn't know the extent to which we all had similar experiences until much later. In fact, we still haven't completely compared experiences, but Alva did confess some to us much later when we were adults.
- [27] I was first sexually abused by one of our older foster brothers when I was 6 years old. He forced me to give him a blow job. Because I was so young, I still can't recall which brother it was - all I remember was his blonde hair.
- [28] I was also regularly raped by our adopted brother from when I was in form 1 or 2 until I was 14. I told our foster mother about it once, but she didn't believe me. Our adopted brother told her I was having an epileptic fit and he was just helping me, and she believed him and thought I was dreaming. Later, I reported it to our social workers and to the police.
- [29] At that time, our brother had been ordered to stay at another care residence because he had been getting into trouble stealing and doing other things. However, he came home on weekends, and would assault or rape me. One Friday night, when I knew he was coming home for the weekend, I ran away to my friend's house. Tanya told my foster mother why I had run away. My foster mother found me and took me to the care worker at the home that my brother was at. The next day I was taken to the police where I made a statement and had a video interview. I told police what had been happening, and also talked about some specific occasions when friends had been around and had seen some of the abuse.
- [30] After I made my report, it seemed like nothing happened. My foster brother was still allowed to come home on weekends. I have seen on my file that it says there was a meeting with me, but I don't remember seeing the police officer ever again after making the statement, or getting any follow up form police.

- [31] A couple of months after I made that statement, when still nothing had happened, I ran away from home and lived on the street. I was 14. I broke into caravans in sales yards and slept there and under church steps and sometimes at friend's places, and I had to steal to eat. I got pregnant with my then boyfriend at 15, while I was still living on the streets.
- [32] Years later, after requesting my files, I saw the police report of my complaint.² It made me furious. The report said there were inconsistencies in my disclosures, that there was little that could be independently corroborated. But they didn't even question any of my friends who witnessed the incidents I had described. The worst part for me was that report said that the officer was "loath to take on matters of juvenile sexual offending at the risk of other adult/child investigations being delayed." I still can't believe that. Would he be 'loath to investigate' if it was his own daughter? It pretty much says to me that the police officer just decided I wasn't important enough. The records on my CYFS file suggest that they thought that in some way I had consented, even though I was only 14 at the time.³ I am so angry that I was made out to be a liar, when now I see the file, they didn't even investigate properly, and assumed I had consented.
- [33] Tanya was also sexually abused by our oldest foster brother when she was around 6. She confided in the second brother about what had happened, but he told our foster mother, who then told Tanya she was lying and beat Tanya for talking about it. After that the second brother also began sexually abusing Tanya, and later the adopted brother who raped me also abused her. Tanya didn't tell anyone else after that first time: she had learnt what the consequence was for talking about it.
- [34] As already mentioned Alva also told us that she had been abused by our two older foster brothers, and that she had put up with it in the hope that it would save us younger girls from being abused.
- [35] Later when we made a complaint to the Ombudsman, I found out that Alva reported this abuse to CYFS in 1992, when she was no longer living at home, but I was back

² NZ Police Report, File [GRO-C] [GRO-C] 1991.

³ See extract of Child Youth and Family, Record / Case note relating to Georgina Sammons, dated 22 July 1991.

living at home, and both Tanya and I were still in state care. She told them she had been sexually abused, and that she was worried about us also being abused. My social welfare record states: “[Alva] indicated that as she was allegedly abused sexually by... [our foster brothers], that she felt both Georgina and Tanya...may have been also. Georgina’s behaviour upon reflection may indicate some past abuse...[the abuse of me by our adopted brother] was never resolved, as the police appeared to think that Georgina had been a willing participant. Alva appears to think otherwise.”⁴

[36] We had no idea that Alva had made that report, until I saw that file. No-one asked us about it.

[37] An interesting thing for me is that I developed epilepsy when I was around 10 or 11 and often had fits. However those fits stopped after I ran away from home. I believe the stress of that situation, the abuse that I was suffering, and the stress of not being believed, triggered those epileptic fits.

Effect on our lives

[38] We have both worked really hard to overcome our upbringing. We have jobs, and families, and I think we have both channelled our experiences into being motivated to help others. But the abuse we suffered has affected every part of our lives.

[39] During our whole childhood, we were not able to build any long term friendships or connections. When we left care, at 17, we were had no connection to our biological family and culture, and no support in how to become an adult. We have had to find everything and do everything ourselves.

[40] Because of missing school, we have had to do courses as an adult to try and catch up on our education so that we can get jobs and make a living. Even now my spelling is still bad to the point I get laughed at by colleagues. We both struggle with reading. It has affected the jobs we can do, for example, I wanted to join the police, and passed almost everything, but I couldn’t pass the maths test so wasn’t able to. This is ongoing,

⁴ See extract of Child Youth and Family, Record / Case note relating to Georgina Sammons, dated 16 June 1992.

and we still have to face it every time we need to do another course to stay trained, or to try and get more senior jobs.

[41] We have had to try and build connection with our family, and with our culture from scratch. I didn't meet my brothers on our mum's side until I was 18 years old. There are siblings on our dad's side who we only met 2 years ago, when we were in our 40s. I am doing night classes to try and learn Te Reo and about my culture, and try and build those family relationships. Tanya on the other hand really struggles with making connection, and stays more withdrawn and quite removed from the rest of our family.

[42] The abuse itself has also had an ongoing impact on how we view ourselves and what we expect from family relationships. Both Tanya and I have been in abusive relationships as adults, that have also affected our kids. When I was a really young mum, I used to hit my kids too. When I got a bit older, I realised that one day I might really hurt them, and had to stop. I don't hit my kids any more, but I still struggle to control anger and the desire to be violent, because that was how I was shown things should be dealt with. I also wasn't there for my kids in some ways – I didn't go to sports games and things for my kids, because I didn't know that was what a parent was supposed to do. My daughter used to walk herself to netball games. Tanya was a bit older when she had her kids, and she has been overly protective, because of what we experienced.

[43] It has had health impacts on us too. Alva's way of coping with the abuse was to develop alcohol and substance abuse. Then she got really sick with the implications from her undetected rheumatic fever, and couldn't look after her kids. GRO-C

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Seeking redress

Georgina's claim

Retrieving records

- [45] I first decided to look into making a claim after I read Alva's letters to me after her death. I was 24. One of Alva's letters said "I can't believe nobody has investigated Whangarei Social Work itself".⁵ My reaction at that time was "investigated for what?" At that time, and as the youngest, I didn't know what they were meant to have done wrong. We'd known we were foster kids since we were young, but never really thought about how that meant the Government was responsible to make sure we were safe. To find out what Alva meant, I went into the Social Welfare office and requested mine and Alva's files. It was easy to make the request, but it took quite a while to receive the files. When I did receive them, there were lots of blacked out parts, including birthdates of my sisters, names and addresses of others. Sometimes large passages of files or letters were blanked out, so it was quite difficult to go through them.
- [46] What I did see in my records was that throughout our childhood, there were notes on our files from social workers, and some from other church members and teachers, showing concern about our wellbeing. This included concerns about us moving too much and having no stability, and about our shabby appearance and our foster parents' financial management. There are notes recording that our foster mother wanted to get paid our clothing allowance to pay off some of her debt. There were also records of both me and Alva reporting sexual abuse, and concern that we displayed behaviour consistent with abuse. One social worker acknowledged himself that the department hadn't done a good job of looking after me.
- [47] There were other notes of social workers saying we seemed fine and happy when they visited. That didn't surprise me. I remember that social workers usually talked with us in front of our foster mother, and we knew not to complain.
- [48] I was really surprised to see notes of social workers saying they had seen me when I was living on the street, including when I was pregnant. In one file note the social

⁵ Letters from Alva Sammons, circa 2001.

worker recorded seeing me loitering on a street, and described me as looking “tired, pale and thin.”⁶ I still can’t fathom that our social worker who saw me on the street as a 14 year old, knew I had run away from home and still didn’t stop and talk to me, ask me how I was, or make sure I had somewhere safe to stay. Instead they just made a file note.

[49] Overall the files showed me that the Department did have a some idea of what was going on, and could have and should have done a better job of looking after us, given what they did know.

[50] My partner at the time also read the files. After reading them, he told me that it wasn’t right, and that I should go to a lawyer. I took the files to a local law firm, Thomson Wilson for advice.

Complaint to Police Complaint Authority

[51] The first thing my lawyers helped me do was make a complaint to the Police Complaint Authority, in relation to the police investigation of my complaint about the sexual abuse I suffered from our adopted brother. I met with a detective on 28 June and 5 July 2005 to discuss my complaint.⁷ I asked him why no one had even interviewed my friends who had been witnesses.

[52] On 15 September 2005, I had a phone call from the detective. He told me that he had interviewed my friend, but that [the evidence wasn’t strong enough to go any further]. After that, my friend looked me up and got in touch. She told me that the police had interviewed her, but had asked her questions like if she could remember what colour shoes she was wearing, and she couldn’t because it was about 15 years ago. But to me, remembering shoe colour and remembering seeing your best friend be abused are very different things.

⁶ See extract of Child Youth and Family, Record / Case note relating to Georgina Sammons, dated 16 October 1991.

⁷ See Letter from New Zealand Police (Detective Inspector GRO-C) to Gina Sammons regarding PCA complaint, 29 September 2005.

- [53] The detective also explained to me that they weren't going to do anything against the investigating officer, because "he had moved on with his life" and he now had a senior job down in the South Island.
- [54] This was confirmed in a letter from New Zealand Police on 29 September 2005.⁸ It divided my complaint in two parts. It said that my complaint that police showed an uncaring/bad attitude regarding my disclosures and did not take them seriously, was "Not Upheld". I still can't understand that. To me, it is there in black and white on the police report where it says that he was 'loath to investigate juvenile sex offending'. He clearly didn't take it seriously.
- [55] The second part of my complaint was that there were deficiencies in the investigation by failing to interview the potential witnesses and failing to do a medical examination. This was "Upheld", but it was "recommended that no further action be taken" because it was 15 years ago and there was a "lack of any meaningful action that would have any relevance now for the Police officer involved."
- [56] This still makes me so angry. It seems so unfair that there were no consequence because the investigating officer had moved on with his life. I don't have the luxury of just moving on with my life. The consequences for me were and continue to be huge. Again, I can't help but wonder if the attitude would be the same if it was his daughter that this had happened to.

Claim against MSD

- [57] My local lawyer also referred me to Sonja Cooper in Wellington, who they said worked on claims like ours. My file was referred to Sonja Cooper at the end of 2005.⁹ In December 2006, Sonja Cooper filed a claim against the Ministry of Social Development on my behalf.¹⁰

⁸ See Letter from New Zealand Police (Detective Inspector GRO-C) to Gina Sammons regarding PCA complaint, 29 September 2005.

⁹ Letter from Thomson Wilson to Sonja Cooper regarding Georgina Sammons, 30 December 2005.

¹⁰ *Georgina Sammons v Attorney General*, Statement of Claim, 14 December 2006.

- [58] After that, it seemed that nothing happened for years. I got lots of letters from my lawyers about legal aid and other things, but it was all just process, and nothing substantial. I couldn't really understand what was going on. It just seemed like there was lots of money and time being spent on processes and I was getting nowhere, except for racking up a growing legal aid debt, which I was worried would affect the rest of my life.
- [59] In early 2012, more than 5 years after my claim was filed, I was asked and agreed to do a meeting with MSD to try and settle the claim. I have seen from my file that I met with the "Care Claims and Resolution Team" on 2 May 2012.¹¹
- [60] I can't remember too much about that meeting. I think it was just with one social worker. I do remember talking about Alva – I always talk about her, because it is her that was my whole motivation for making this claim in the first place. I believe my lawyer gave them a copy of Alva's letters.
- [61] After that meeting, I was sent some photos of us as children.¹² I appreciated that - those are the only photos I have of Alva other than one or two when we were adults. Other than that, I don't recall hearing anything from MSD for a long time.
- [62] In July 2012, my lawyers wrote to MSD on my behalf, with an offer to settle my claim.¹³ The letter outlined the abuse that I had suffered, the concerns that had been raised throughout my childhood by social workers and teachers and others, the police complaint I made and the response to it, and the effect that the abuse and neglect had on my life. It also pointed out that I made this claim because my sister GRO-C and my nephew and niece no longer have a mother.
- [63] In July 2013, a year after my lawyers had sent my offer, I received a response from Crown Law.¹⁴ The letter said they had reviewed my file and Alva's file and the files of

¹¹ See Letter from Cooper Legal (Sam Benton) to Crown Law (Joanna Holden) regarding settlement offer, 24 July 2012 (**without prejudice save as to costs**).

¹² Letter MSD (Garth Young, National Manager Care, Claims and Resolution) to Georgina Sammons, 20 June 2012.

¹³ Letter from Cooper Legal (Sam Benton) to Crown Law (Joanna Holden) regarding settlement offer, 24 July 2012 (**without prejudice save as to costs**).

¹⁴ Letter from Crown Law (Joanna Holden) to Cooper Legal (Sonja Cooper) regarding settlement offer, 23 July 2013 (**without prejudice save as to costs**).

our foster parents; they had interviewed two of our social workers; and had taken into account the meeting with me in 2012. It then made findings about my claim based on that investigation.

[64] The findings said that MSD accepted that there were some “breaches of duty” and “practice failures” in some areas, including that I was made to stay home from school, that I “suffered from sustained neglect”, that there was a failure to ensure we were properly clothed, and that my foster mother misused my clothing money. MSD also accepted that it was a “serious practice failure and breach of duty” that my adopted brother was allowed to return home after I made the police complaint about his abuse of me, and also that the social workers failed to act when they knew I was living on the street. On the basis of these findings, MSD offered a payment of \$28,000, payment of my legal aid debt, an apology, and counselling.

[65] However, what stuck out to me was what MSD didn’t accept. The very first paragraph of the findings was:¹⁵

“Ms Sammons alleges she was repeatedly psychologically and physically abused by her foster parents.... The Ministry found **insufficient evidence** to accept allegations of physical and psychological abuse by [her foster parents].”

[66] MSD also didn’t accept my complaint that I was physically, psychologically or sexually abused by my foster brother, or said that in relation to us constantly moving and the disconnection with our culture, this wasn’t in breach of any duty or requirement. And even though it accepted that my adopted brother shouldn’t have been allowed to live with me after my complaint against him, it found that there was nothing wrong with the Department’s investigation of my complaint.

[67] I still don’t understand how they can say there was ‘insufficient evidence’ of psychological and physical abuse. They didn’t even talk to anyone who might be able to corroborate what I was saying. For example no-one talked to Tanya, or my foster sisters, or any of the other people in the care of our foster parents who would be able to

¹⁵ Letter from Crown Law (Joanna Holden) to Cooper Legal (Sonja Cooper) regarding settlement offer, 23 July 2013 (**without prejudice save as to costs**), at [6.1], (emphasis added).

talk about the abuse we suffered in that household. Just like with my police complaint, I felt like I was being treated like a liar, even though no-one actually took the step of talking to anyone who might know.

- [68] It seemed that the reason for not accepting that it happened was that it wasn't written there on the files. To me, that seems ridiculous. Of course the psychological abuse and physical abuse wasn't written down by our social workers. We only had occasional contact with social workers, usually together with our foster mother, and even if we weren't with our foster parents we knew not to say anything bad or complain or else we would get a beating. We had also been living with them since we were really young – just 2 and 3 – and we didn't know any different.
- [69] Most importantly, the letter from Crown Law didn't mention Alva at all, and there was nothing to acknowledge the abuse she suffered and the failure of the Ministry to protect her, which she carried with her her whole life.
- [70] After I got that letter, I got in touch with our foster sister, one of our foster father's daughters, who had also experienced abuse from our foster mother. She was happy to support my claim because she had suffered the same treatment. She made a statement for my lawyers.¹⁶ In 1994, she and the younger foster brother (my foster mother's son) had also documented their concerns about my foster mother and older foster brother, as my foster sister was worried about her nephew who was living with them and was trying to get custody of him. She got a copy of their 1994 statements from the Court, and also provided those to my lawyer.¹⁷ Those statements included evidence of our older foster brother's violence, and of suspicions of his sexual abuse. The younger foster brother's statement included that he believed that the older one had sexually abused us girls, because he remembered one of us making a complaint to him about it when we were younger.

¹⁶ See Letter from Cooper Legal (Sam Benton) to Crown Law (Joanna Holden) regarding Georgina Sammons, 2 October 2013 (**without prejudice save as to costs**), from page 7.

¹⁷ Documents received under request of **GRO-B**, 15 August 2013.

- [71] Tanya also knew that the psychological and physical abuse was true. After seeing that MSD had said there was ‘insufficient evidence’, she decided to also go and tell my lawyers about her experience, and make a claim herself.¹⁸
- [72] In October 2013, my lawyer wrote to Crown Law, quoting from the new evidence from Tanya and our foster sister about physical and psychological abuse they had experienced and/or witnessed in the household.¹⁹ It also attached the 1994 documents from our foster siblings showing their concerns at that time. My lawyer summarised the other issues with their findings, and highlighted that the offer failed to address Alva.²⁰
- [73] In November 2013, Crown Law responded.²¹ MSD didn’t change any of the findings. They still maintained that there was insufficient evidence of physical and psychological abuse, and said the additional statements “do not assist the Ministry”, because they “[gave] very little evidence of physical abuse by [our foster parents].²²
- [74] I can’t understand what they were looking for. My foster sister’s statement said that she remembered a time her father (our foster father) “laid into [her] with an alkaline pipe”, another occasion when her father and step-mother had “dragged [her] out of the car and...laid into [her] one at a time open hand and closed fist.” She talked about her step brother (our foster brother) punching her in the mouth and knocking teeth loose, and seeing her father punching Alva in the body until he got tired and picked up scissors to carry on with until she intervened.
- [75] The letter from Crown Law also said that I had “repeatedly” told social workers that I was happy, even when they visited me at school, and that this was also partly why they didn’t accept I was abused. I don’t know when they were referring to – I assume not when I had run away from home. [I don’t remember any occasion where a social worker

¹⁸ See Letter from Cooper Legal (Sam Benton) to Crown Law (Joanna Holden) regarding Georgina Sammons, 2 October 2013 (**without prejudice save as to costs**), from page 2.

¹⁹ Letter from Cooper Legal (Sam Benton) to Crown Law (Joanna Holden) regarding Georgina Sammons, 2 October 2013 (**without prejudice save as to costs**).

²⁰ Letter from Cooper Legal (Sam Benton) to Crown Law (Joanna Holden) regarding Georgina Sammons, 2 October 2013 (**without prejudice save as to costs**), at page 17.

²¹ Letter from Crown Law (Joanna Holden) to Sonja Cooper regarding Georgina Sammons, 29 November 2013 (**without prejudice except as to costs**).

²² See paras [10] – [12].

talked to me for any length of time.] But as mentioned, when I was younger I probably could have told them I was happy. We didn't know any different, and I definitely didn't know any of the social workers well enough to talk about what happened.

- [76] In relation to Alva, the letter said that [REDACTED] **GRO-C** [REDACTED] they acknowledged the effect of her death on me and that was why they would help me access counselling.²³ This missed the point completely and still makes me angry. Counselling for me doesn't take responsibility for their failure to look after Alva, and it doesn't help her kids who have lost their mother.

JSC and settlement

- [77] After that, my case was then set down for a Judicial Settlement Conference, to try and negotiate a settlement. Tanya and I wanted our cases and Alva's to be dealt with together, as they were really all just one big claim. It would have been better if we could have had a meeting together. But I was told it had to be separate.

- [78] Before the conference, my lawyers were sent a letter that said it was inappropriate to 'deal with' a remedy for Alva at the JSC, because it was "not before the court".²⁴

- [79] The JSC was a horrible experience for me. There was a whole side of the table lined with them – it must have been about 6 people – while on our side there were me, my lawyer and my foster sister who supported my claim. It was intimidating. At the meeting the people from MSD acknowledged that they had done a poor job, and they were apologetic. But the apologies felt empty and it felt like they didn't even know what they were apologising for. To me they did not seem to understand how much my abusive upbringing had on my life and they did not see that my sister had been unable to cope with the pain. I was so upset and angry, I just remember sobbing, [REDACTED] **GRO-C** [REDACTED]

[REDACTED] **GRO-C** [REDACTED]

²³ See para [5].

²⁴ Letter from Crown Law (Joanna Holden) to Cooper Legal (Sam Benton), regarding Georgina Sammons, 30 April 2014 (**without prejudice except as to costs**).

[80] At the JSC, the MSD side acknowledged some physical abuse by my foster father. They increased their offer by \$4,000 to \$32,000.²⁵ I don't know how they decided how much that abuse is worth. My lawyers went back afterwards with a counter offer of \$40,000, but MSD said that \$32,000 was fair and did not accept our offer.²⁶

[81] I thought \$32,000 was a pretty low amount for how much it had affected me. I didn't want to accept, but I didn't feel like I had a choice. I was told that if I didn't accept there was a good chance I would come out with nothing for me or Alva. It had already been 9 years. Reluctantly I accepted the offer, on the basis that Tanya would be able to continue Alva's claim.

Tanya's claim

[82] Tanya was different to me. When she left home as a teenager, she lived with our foster sister, who encouraged her to access ACC counselling for the sexual abuse she had suffered. Through that, she felt she had dealt with the issues caused by her abuse a bit, and wasn't interested in making a claim originally.

[83] However, after she saw the letter from the Crown that said there was 'insufficient evidence' that we were psychologically or physically abused, Tanya decided to make a claim. She was angry that MSD didn't accept that what we had experienced was psychological abuse, when she had recently seen pamphlets produced by MSD describing exactly the type of things we experienced as psychological abuse.

[84] Tanya also felt she needed to make a claim because there was no recognition of Alva and we needed to try and keep that going to make sure Alva's kids got something to recognise what they had lost.

[85] Tanya contacted Cooper Legal in about August 2013. The lawyers first requested her CYFS files, and had an interview with her.

²⁵ See letter from Crown Law (Joanna Holden) to Cooper Legal (Sam Benton) regarding Georgina Sammons, 30 June 2014, at para [4] (**without prejudice except as to costs**).

²⁶ Letter from Crown Law (Joanna Holden) to Cooper Legal (Sam Benton) regarding Georgina Sammons, 30 June 2014 (**without prejudice except as to costs**).

Retrieving records

- [86] Like mine, the files came with lots of blacked out sections that made it really hard to follow. For example, in one 90 page file, 45 of the pages were completely blanked out, with just a cross through them.²⁷ On other pages passages were blacked out. Sometimes it was just information like Alva or my birth dates, and sometimes it was whole passages, maybe about Alva or me or our biological parents or other foster siblings.²⁸ This made it really hard to go through, and like me, Tanya was left wondering what was on those pages, and how the whole page can need to be redacted. Tanya also remembers a cover letter saying that various pages were missing from her file, due to sensitivity issues.
- [87] In April 2014, the lawyers wrote a 39-page letter outlining Tanya's claim and all of the evidence that supported it, and making a settlement offer.²⁹
- [88] She doesn't remember hearing anything for a long time after that.

"Fast-Track" offer

- [89] On 16 September 2016, more than 2 years after that first offer, Tanya received a 2-page letter from MSD with a "Fast Track Process" offer.³⁰ The offer was for \$20,000, release from legal aid debt, and a letter from the Ministry "acknowledging and apologising for their care experience". The letter said that in preparing the offer MSD had "not carried out a full review of the records or a detailed assessment of the claims", but had "accepted the information provided about claimants' experiences".
- [90] There was no explanation for the basis of the figure. It was significantly less than what I had been paid, or even offered the first time round, and that was on the basis of them

²⁷ Document titled R-[GRO-C] Family file [GRO-C] SAMMONS.pdf. This is a later electronic copy of my that my lawyers were sent in preparation for this hearing. However, it is consistent with Tanya's memory of the large number of redacted pages she saw in the hard copy files received at the time.

²⁸ See for example at page 6 and page 18.

²⁹ Letter from Cooper Legal (Sam Benton) to MSD (Susan Hillda) regarding Tanya Sammons Settlement Offer, 17 April 2014 (**without prejudice save as to costs**).

³⁰ Letter from MSD (Susan Hillda) to Sonja Cooper regarding Tanya June Sammons Fast Track offer, 16 September 2016 (**without prejudice save as to costs**).

rejecting many of my claims. If they really accepted Tanya's information, why was her offer so much less? Tanya also felt that an apology, without a review of the file, felt token and meaningless. To us, in order for an apology to have meaning, they need to know and accept what they are apologising for.

- [91] Tanya's aim in making the claim was never about getting money. But she wants to make sure things are put in place for kids in the future, and making sure they have a safe home. She felt that without looking at the file and properly listening to the experience people actually had, MSD wouldn't be able to properly figure out what went wrong and make sure kids now are protected.
- [92] In addition, this offer still didn't address Alva's claim, and if she settled without that being addressed, we weren't sure that there'd be any way to ask MSD to deal with it.
- [93] Tanya rejected this offer, and asked for her claim to be dealt with under the normal review process.³¹ Since then very little has happened.
- [94] On 31 October 2018, Tanya was told her case had been "allocated for assessment". In October 2019, our lawyers were told that Tanya's claim was at its "final stages".
- [95] It has now been close to 6 years since Tanya made her claim. In the meantime, Tanya's legal aid debt has been increasing. Unless she settles and gets that debt wiped, it will get be a barrier on her plans to try and save for a house, because any property she and her partner own might have to be used as security for the legal aid debt.

Alva's claim

- [96] As we've already said, the first purpose of all of this was for Alva. When it became clear that MSD wouldn't acknowledge Alva within my claim, my lawyers tried to talk to MSD about how a separate claim could be made.³²

³¹ Letter from Sonja Cooper to Crown Law (Joanna Holden), regarding FTP offers 27 October 2016 (**without prejudice except as to costs**).

³² Emails from Cooper Legal (Sam Benton) to MSD regarding Alva Sammons, 9 August 2013, 3 September 2013; 16 September 2013.

[97] We are aware that our lawyers had a lot of correspondence with MSD to see whether they would recognise a claim. In the end, MSD said no. Because Alva had died, they said MSD would not now recognise the claim. The Ministry said that only the person who was in care could make a claim,³³ and that “where a person did not set out their concerns during their lifetime, it will not be possible to accept any claim from the representative of their estate or any other person.”³⁴ It later reiterated:³⁵

“The Ministry is willing to consider claims made by people who were in the care of the Ministry or its predecessors with the express aim of recognising and acknowledging mistakes and wrongs that may have occurred in their care. The whole point is to provide **the person who was in care** with recognition of what is accepted may have happened to them, and some acknowledgement through an apology and payment of money to assist their efforts to heal and move on. The payment is not compensation and certainly no one other than the person who was in care has any basis for a claim.”

[98] Our lawyers pointed out the failures that the Ministry accepted in my case were all documented on our files, and many of them applied equally to Alva.³⁶ They also pointed out that Alva **did** set out concerns during her lifetime, when she came to CYFS to raise her concerns about her abuse in 1992.³⁷ However, the Ministry said that the complaint as recorded on the file “[did] not meet our criteria for accepting a claim”.³⁸

[99] To us, this still just makes no sense to treat Alva differently. Alva was in the same home as us, and if anything had it worse, as she was sent to boarding schools and we don’t know where they were or what she went through there. For my claim, the only things they accepted were things where there was documented evidence on the files, and those documents exist for Alva too. There are documented concerns from Social Workers in

³³ Email from MSD (Susan Hilda) to Cooper Legal (Sam Benton), 4 February 2014.

³⁴ Email from MSD (Susan Hilda) to Cooper Legal (Sam Benton), 3 February 2014.

³⁵ Email from MSD (Susan Hilda) to Cooper Legal (Sam Benton) regarding deceased claimants, 13 February 2014.

³⁶ Email from Cooper Legal (Sam Benton) to MSD (Susan Hilda), 3 February 2014.

³⁷ Email from Cooper Legal (Sam Benton) to MSD and Crown Law regarding deceased claimants, 10 March 2014.

³⁸ Email from MSD (Susan Hilda) to Cooper Legal (Sam Benton) regarding deceased claimants, 12 March 2014.

1988 about her relationship with our foster brother, and that she exhibited signs of possible abuse. She herself came to CYFS in 1992 to tell them about the abuse, and that is recorded.³⁹

[100] After MSD refused the claim, our lawyers made a complaint on our behalf to the Ombudsman about MSD's approach.⁴⁰ Our complaint was made on 1 April 2014, but it took over 2 years to get a final response. We have seen on my file that our lawyers received a "provisional response" on 27 July 2015,⁴¹ and then a final decision was finally issued on 14 June 2016.⁴² The Ombudsman said that Alva's approach to CYFS in 1992 should be treated like a claim. If someone made those complaints today, you would expect them to be directed to a claims process, but there wasn't one in 1992. She did what she could, but wasn't supported. So the Ombudsman said that Alva's claim should be investigated in the usual way by the MSD Historic Claims Team.

[101] We thought this would mean that MSD would look at Alva's claim. But MSD did not respond for some time,⁴³ and ultimately did not accept the recommendation. We were told that the Ombudsman would write again to the Chief Executive in 2017,⁴⁴ but MSD still did not follow the recommendation.⁴⁵

[102] Sometime in 2018 we also participated in a consultation with MSD. MSD wanted our feedback about how to make their claims process better. We raised Alva's case there and said that we should be able to make a claim for her, and her kids.

³⁹ As noted above at [35].

⁴⁰ Letter Cooper Legal (Sam Benton) to Office of Ombudsman regarding complaint against the Ministry of Social Development, 1 April 2014.

⁴¹ Letter from Ombudsman (Professor Ron Paterson) to Cooper Legal (Amanda Hill) regarding Ombudsman Act investigation, Ms Georgina Sammons, 27 July 2015 (note letter is incorrectly dated 2014).

⁴² Letter from Ombudsman (Professor Ron Paterson) to Cooper Legal (Amanda Hill) regarding Ombudsman Act investigation, Ms Georgina Sammons, 14 June 2016.

⁴³ See email from the Office of the Ombudsman to Cooper Legal (Amanda Hill) regarding Alva Sammons complaint, 8 July 2016; emails from Cooper Legal (Amanda Hill) to the Office of the Ombudsman regarding Alva Sammons complaint, 25 August 2016 and 3 October 2016; and email from the Office of the Ombudsman to Cooper Legal (Amanda Hill), 2 December 2016.

⁴⁴ See email from the Office of the Ombudsman to Cooper Legal (Amanda Hill), 14 July 2017.

⁴⁵ See email from the Office of the Ombudsman to Cooper Legal, 9 March 2018.

- [103] In April 2018, our lawyers wrote again to MSD, to ask for a fresh consideration of the matter, in light of new government policy for MSD.⁴⁶ Again, we didn't get a response for some time.⁴⁷
- [104] On 7 November 2019, MSD wrote to our lawyers, saying that they are still "not able" to accept a claim on behalf of Alva at this stage, but that they could "acknowledge the shared experiences of the Sammons siblings in [their] response to Tanya's claim."⁴⁸ They also said they could write a letter of apology to Alva's whanau, and "if this apology is sought, please let us know who the letter should be addressed to."
- [105] Acknowledging our experiences, and writing an apology, doesn't help Alva's kids, who were left with nothing, no mum and no support, because of the effect that the abuse and neglect had on Alva. This has had and continues to have effects on them, and they need to be looked after, as well as Alva's grandkids. We believe they need financial and material support to recognise the harm that has been caused to them, because of the harm caused to Alva.

Consultation with MSD

- [106] Sometime in 2018 we participated in a consultation on how to make the MSD claims process better. We found it frustrating, that we were giving up our time and again retelling our story to other people who were getting paid to be there. But we wanted to participate to help make sure that things are changed in the future.
- [107] On 27 May 2019, MSD wrote to us with feedback from the consultation.⁴⁹ The letter says that based on our feedback, changes included "streamlining the assessment process so where possible we assess claims without investigating fully each of a claimant's concerns". This just seems exactly like how they approached Tanya's fast track claim. We don't think this is a good approach. If they don't investigate someone's concerns,

⁴⁶ Letter from Cooper Legal (Amanda Hill) to MSD (Susan Hillda) regarding complaint on behalf of Alva Sammons, 10 April 2018.

⁴⁷ Our lawyers sent a number of requests for follow up: see bundle of emails between Cooper Legal and MSD regarding claims on behalf of deceased individuals, 2 July 2018, 30 July 2018, 6 August 2018 and 11 October 2018.

⁴⁸ Email from MSD (Oliver Peacock) to Cooper Legal (Amanda Hill) regarding Alva Sammons 7 November 2019 (marked **without prejudice**)

⁴⁹ Letter from MSD to Tanya Sammons regarding consultation on Historic Claims service, 27 May 2019.

how can they know properly what they are apologising for, and – most importantly – how can they make sure changes are made so that the same thing doesn't happen again?

Overall comments

- [108] This has been a really really long process, and it is still going. It started for me almost 20 years ago when Alva died. We were 24 and 25 then. This year I will be 44 and Tanya 45. Although my claim has had a settlement, Tanya is still waiting for a resolution, and we are both still fighting to get recognition for Alva and her kids, which was the whole point of it for us.
- [109] The whole time has been really stressful. It seems like we have been telling and re-telling our story over and over – to lawyers, Government departments, to the media, and now this Royal Commission – and fighting to be believed. It keeps us reliving those horrible experiences. However, we feel we need to keep talking, or else nothing will change for Alva's kids, for those who are in care now, and for those whose lives have been badly affected by being in care in the past.
- [110] The MSD process has made us more angry, because I don't think we have ever been treated with any empathy. MSD has flatly dismissed so many parts of my claim that I feel again like I am treated like a liar, and they have refused to deal with Alva's claim. In their first response to Tanya, said they would apologise, but didn't even look into what they were apologising for.
- [111] One of the big problems to us is what MSD accept as 'evidence'. When you look at our case, all three of us have been telling people about the abuse we suffered in that household in different ways and at different times, totally independent of each other: Alva complained to CYFS in 1992, which we never knew about; Tanya sought and received ACC counselling on a number of occasions after leaving home and also later made a claim through the historical claim process; and I made a complaint to police in 1991, and made a claim through this process in 2006. On top of that, there are statements from two of the biological children of those foster parents supporting our view that the household was abusive. And yet, MSD still didn't believe me and said there was 'insufficient evidence' of physical and psychological abuse.

- [112] In our view, only accepting what is written on the file is not enough. Kids raised in abusive households aren't necessarily going to say anything to social workers about the abuse. For us, we had no relationship with our social workers, and no reason to trust them. When we did show visible signs of physical abuse, we were made to stay home or out of sight of social workers. In terms of the psychological abuse, we didn't know any different, so I don't think we could have explained it to social workers even if we wanted to.
- [113] But it is also not enough for MSD to just say they accept everything at face value and just make a payment – like they offered to for Tanya – without going to some effort to understand what happened so that any apology they make has some meaning, and they can make sure that mistakes aren't repeated.
- [114] Another issue is what the government has offered us. The amounts that we have been offered have been so different, even though we were in the same situation. And they still won't offer Alva anything at all. I felt like I just had to accept what was offered or I wouldn't get anything. We think we should be able to access ongoing support to help deal with the continuing effect of that upbringing. For example, there are constant things we need to do to try and make up for our lack of education and lack of connection, and we will never be in a position to have secure housing, or to support our kids into their own homes. MSD's offers don't seem to recognise the actual impact of our upbringing on our everyday lives today.
- [115] For Alva, no amount of money will bring her back. But there should be a way for MSD to be held accountable for failing to look after her, and for what her kids have suffered as a result. There is a ripple effect from the abuse that we suffered, that affects what we can achieve and how we can support our kids. Tanya and I can try and work as much as we can and support our kids in whatever way we can, but Alva's kids don't get that.

Recommendations for the Royal Commission

- [116] We know that sometimes it is necessary to uplift kids. But we really want to know that the things we experienced will change. We know kids currently under state care, or under the watch of Oranga Tamariki who are not getting the support they need. In our

opinion the government needs to make sure that social workers have built an ongoing and trusting relationship with the kids themselves, so that the kids would trust them enough to tell them what was going on, and so that the adults would notice changes in them that might indicate that something is not right. For example, a social worker or adult with that role should be meeting their kids regularly, and doing activities with them or a group of kids. This could help develop a trust bond between them, and also relationships with other kids in care who they might also disclose things to. This is how abuse – of kids who might not know any differently – can be better detected.

[117] We also think that the government should employ people who have lived experience of state care. We could have the ability to connect with or relate to kids better because of the shared experience. I for one would love a job where I was able to pick up a group of kids, take them places, establish a bond with them, and look out for their wellbeing. That's essentially what I do now in working in child care.

[118] I also think that the Royal Commission needs to look at what happens to kids when they stop being in state care. I know that now kids in care can get some support up to age 21, but even that is hard – kids that age still need support, to make sure they get an education, get a job, and have support to try and set up a stable adult life. Would any person here put their child out on the street at age 17 or even 21, with no support for the rest of their life, as we were? For kids in state care, the government is their parent, often it is the only place they can turn to for support. Even adult kids need help from their parents to set themselves up. When kids have had some kind of abuse in that care, they will need even more support once they have left care to come to terms with that abuse and address the effect of that abuse. But instead the support just gets switched off.

[119] In terms of the claims process, it needs to be completely reviewed. Families should be able to make claims together, to save us all having to tell our story so many times. We need to be treated with empathy, and not made to feel like liars. And MSD needs to investigate claims so that they know what they are apologising for, and can make sure it doesn't happen again.

[120] We would also like to see the solutions offered by Government recognise the ongoing effects of the harm on people that have been abused, and on the next generation. It

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should include help to get us set up – to help fix that lack of education, and build the connections and cultural knowledge that were lost to us, and to help us into secure housing. And the support needs to be something we can come back to when needed, as these things are continuous. For example, I finally was able to complete a paramedics course, and now because of a change in government requirement, I have been required to do another one. The course costs \$3,000, and if my partner hadn't been able to pay for it for me, I wouldn't have been able to do it.

[121] For someone like Alva, who can no longer take advantage of that kind of support, her kids should get some support getting themselves set up, to make up for the fact that they don't have a mother to do it, and to help break the cycle that was started with the abuse she suffered in care.

Signed: GRO-C
Georgina Sammons

Date: 25/2/2020

Signed: _____
Tanya Sammons

Date: _____

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Signed:

GRO-C

Date: 25/2/2020

Georgina Sammons

Signed:

GRO-C

Date: 24/02/2020

Tanya Sammons