



Te Rōpū Tautoko

The group coordinating Catholic engagement with the Royal Commission

Summary of Recommendations

from the Commission's Interim Report on Redress

Recommendation	Tautoko's Summary
<p>The Crown should establish a puretumu torowhānui system to respond to abuse in State care, indirect State care and faith-based care that:</p> <ul style="list-style-type: none"> acknowledges and apologises for tūkino, or abuse, harm and trauma, done to, and experienced by, survivors, their whānau, hapū, iwi, and hapori or communities aims to heal and restore individuals' mana, tapu and mauri takes decisive and effective steps to prevent further abuse. 	<p>Crown should establish a Redress System - <i>Puretumu torowhānui</i> – to respond to abuse in care of the state and faith-based institutions.</p>
<p>The puretumu torowhānui system, and those designing and operating it, should give effect to te Tiriti o Waitangi and its principles and, in particular, to the right to tino rangatiratanga, or self-determination and authority, which includes the right to organise and live as Māori and to make decisions to advance the oranga of survivors through the provision of care to whānau, hapū and iwi by whānau, hapū and iwi. The requirement to give effect to te Tiriti should be expressly stated in any legislation and policy relating to abuse in care.</p>	<p>The system should give effect to te Tiriti o Waitangi.</p>
<p>The puretumu torowhānui system should be consistent with the commitments Aotearoa New Zealand has under international human rights law, including the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Convention on the Rights of Persons with Disabilities.</p>	<p>The system should be consistent with international commitments and law.</p>
<p>The puretumu torowhānui system should be founded on the following principles, values and concepts:</p> <ul style="list-style-type: none"> Tūkino: is, in this context, abuse, harm and trauma. It includes past, present or future abuse, whether physical, sexual, emotional, psychological, cultural or racial abuse; or neglect, which may also include medical, spiritual or educational neglect, experienced by individuals and their whānau, hapū, iwi and hapori or communities in the care of State and faith-based institutions. Purapura ora: in this context, refers to survivors and their potential to heal and regenerate in spite of the tūkino they experienced. Te mana tāngata: is, in this context, the restoration of and respect for the inherent mana (power, dignity and standing) of people affected by tūkino Utua kia ea: is a process that must be undertaken to account for tūkino and restore mana to achieve a state of restoration and balance. In this context, pathways of utua kia ea should include scope for survivors, both as individuals and collectively, to chart their own unique course. Manaakitia kia tipu: is, in this context, the nurturing of the oranga or wellbeing of survivors and their whānau so that they can prosper and grow. This includes treating survivors and their whānau with atawhai, humanity, compassion, fairness, respect and generosity in a manner that upholds their mana (this includes being survivor-focused and trauma-informed) and nurtures all dimensions of oranga including physical, spiritual, mental, cultural, social, economic and whānau, in ways that are tailored to, culturally safe for, and attuned to, survivors. Mahia kia tika: is to be fair, equitable, honest, impartial and transparent. In this context it includes a puretumu torowhānui scheme that has clear, publicly available rules and other information about how it works, and regular reviews of its performance. Whakaahuru: in this context, refers to processes to protect and safeguard people including actively seeking out, empowering and protecting those who have been, or are being, abused in care as well as implementing systemic changes to stop and safeguard against abuse in care. 	<p>The system should be founded on:</p> <ul style="list-style-type: none"> <i>Tūkino (recognising abuse)</i> <i>Purapura ora (potential to heal)</i> <i>Te mana tāngata (restoration of mana and dignity)</i> <i>Utua kia ea (accounting for harm, restoring balance)</i> <i>Manaakitia kia tipu (nurturing of wellbeing)</i> <i>Mahia kia tika (system of fairness, equity, honesty, impartiality and transparency).</i> <i>Whakaahuru (safeguarding processes, safe care)</i>



The Crown should establish and fund a well-resourced independent Māori Collective made up of Māori with relevant expertise and/or personal experience and representing a mix of survivors, whānau, hapū and iwi, pan-tribal organisations and urban Māori with a fair mix of gender, LGBTQIA+, rangatahi and Deaf and disabled people to:

- lead the design of the puretumu torowhānui scheme
- work with survivors, the Purapura Ora Collective, survivors' communities (including Māori, Pacific, Deaf and disabled communities) and other relevant groups to develop a plan to implement our recommendations, including:
 - establishing a puretumu torowhānui system underpinned by tikanga Māori
 - developing the process for applying for redress
 - determining what support and services are needed to respond to tūkino, enhance mana and achieve utua kia ea
 - considering proposed civil litigation reforms
- work with Māori survivors, whānau, hapū and iwi to:
 - explore whether to establish a separate puretumu torowhānui scheme for Māori
 - determine the nature, timing and content of an apology or apologies to Māori for abuse in care, as well as the nature of memorials to those abused
- commission any reports, reviews or expert advice on areas considered important to the design of the puretumu torowhānui system and scheme, including an expert review of oranga services (see recommendation 68)
- build on this inquiry's work by exploring how to respond to harm suffered by Māori in care to restore mana, tapu and mauri
- work with the Crown and agree on the contents of any draft legislation required to give effect to any of the recommendations set out in this report.

Crown to establish and fund a Māori Collective to design the redress system and work with stakeholders to implement the recommendations.

The Crown should closely consult and actively involve survivors in the design and running of the puretumu torowhānui system and scheme and the implementation of recommendations in this report and other reports this inquiry may produce. This should include establishing and funding an independent Purapura Ora Collective employing people with relevant expertise and lived experience of disability to:

- advocate for survivors during Crown decision-making on our recommendations
- ensure the puretumu torowhānui system and scheme are designed from the perspective of survivors
- commission, together with the Māori Collective, the expert review of oranga services.

Crown to establish and fund a Survivor's Collective to advocate for survivors during the development of the recommendations and be party to the design of the redress system and scheme.

The Crown should consult survivors, experts and other interested people, including:

- *Pacific peoples*: on how the puretumu torowhānui scheme should be designed and run in a way that is consistent with Pacific cultures, including how the scheme and broader system can incorporate principles from Pacific restorative processes such as ifoga, fakalelei, isorosoro and ho'oponopono
- *Deaf and disabled people*: on how the design and running of the scheme will give effect to New Zealand's obligations in the United Nations Convention on the Rights of Persons with Disabilities, and the New Zealand Disability Strategy
- *A cross-section of survivors and experts*: on how the scheme can be inclusive of a range of people, including youth and LGBTQIA+.

Crown should consult with survivors, experts and other interested people, including Pacific peoples, deaf and disabled people and a cross-section of survivors and experts.

The Crown should also consult faith-based institutions, indirect State care providers, other interested parties and the public.

The Crown should consult faith-based institutions, indirect State care providers, other interested parties and the public.

The Crown should take an all-of-system approach to responding to abuse in care.

The Crown should take an all-of-system approach to responding to abuse in care



The Crown and relevant faith-based institutions and indirect State care providers should publicly acknowledge and apologise for the tūkino inflicted and suffered, at an individual, community and national level, including:

- a public apology to survivors by the Governor-General, Prime Minister and heads of relevant faith-based institutions and indirect State care providers
- specific public apologies, where appropriate, to specific groups harmed, including Māori, either on this inquiry's recommendation or that of the puretumu torowhānui scheme, or as a result of direct engagement with affected communities.

Key parties (including Church leaders) should publicly acknowledge and apologise for the harm suffered.

The Crown, Māori Collective, Purapura Ora Collective and relevant institutions should determine the content of public apologies and related matters, such as when and where they are made, in collaboration with survivors and in conformity with the principles of good apologies set out below in recommendation 33.

Public apologies should be made in collaboration with survivors and confirm to good principles (see 33)

The Crown should set up a fair, effective, accessible and independent puretumu torowhānui scheme to help survivors and their whānau affected by abuse in State care, indirect State care and faith-based care to achieve utua kia ea or heal the vā, heal the relational space between all things, and help prevent abuse in care.

The Crown should set up an independent redress scheme

The principles, values, concepts, te Tiriti obligations and international law commitments that will guide the design of the puretumu torowhānui system should guide the design and implementation of the puretumu torowhānui scheme.

The principles, te Tiriti obligations and other obligations should be applied to the redress scheme.

The membership of the governance body for the puretumu torowhānui scheme should give effect to te Tiriti o Waitangi, and reflect the diversity of survivors, including disabled survivors, as well as including people with relevant expertise.

The redress scheme's governance body should be diverse and include survivors.

State and faith-based institutions should phase out their current claims processes for abuse in care, and any faith-based institution or indirect State care provider that chooses to continue its own claims process should direct survivors to the puretumu torowhānui scheme and give them information about it.

Institutions should phase out their current claims processes. Any institution that chooses to continue its process should direct survivors to the new scheme.

The functions of the puretumu torowhānui scheme should be to:

- provide a safe, supportive environment, consistent with the value of manaakitia kia tipu, for survivors to talk about their abuse
- consider survivors' accounts and make decisions on puretumu torowhānui, which may include:
 - facilitating acknowledgements and apologies by institutions for tūkino, or abuse, harm and trauma, in care
 - facilitating access to support services, financial payments and other measures that enables te mana tāngata
- disseminate information about the scheme so as many eligible individuals as possible know about and can access its services
- report and make recommendations on systemic issues relevant to abuse in care.

The scheme's functions should be to:

- provide a safe environment for disclosing and reporting abuse.
- make decisions on redress and facilitate apologies, access to support services, financial payments, and other measures.
- disseminate information.
- make recommendations on systemic issues.

The puretumu torowhānui scheme should operate independently of the institutions where tūkino or abuse, harm and trauma took place and should have no interactions with these institutions or the people within them, except where necessary to carry out its functions, and this includes individuals or institutions:

- responsible for providing care to survivors
- allegedly responsible for the abuse
- responsible for defending any abuse in care claims in court.

The scheme should be independent and have no interaction with institutions where harm allegedly occurred except to fulfil its function.

The puretumu torowhānui scheme should:

- be open to all survivors, including those who have been through previous redress processes, those covered by accident compensation, and those in prison or with a criminal record
- enable whānau to continue a claim made by a survivor if the survivor dies, or make a claim on a survivor's behalf if there is clear evidence that the survivor intended to apply to the scheme or had taken other steps to make a claim before their death

The scheme should be open to all survivors, including those who have been through redress processes.

Whānau should be able to continue claims after the death of a survivor if the



- prioritise claims from elderly or seriously ill survivors, including making urgent interim payments to those survivors where appropriate.

survivor intended to apply to the scheme.

Claims from elderly and ill survivors will be prioritised.

The puretumu torowhānui scheme should cover:

- physical, sexual, emotional, psychological, racial and cultural abuse in care, along with neglect, which may include medical, spiritual and educational neglect
- historical, contemporary and future claims of abuse in care.

The scheme should cover a broad range of abuse and historical, contemporary, and future claims of abuse in care.

The puretumu torowhānui scheme should, regardless of whether an institution still exists or has funds, cover abuse in:

- any State agency that assumed responsibility, either directly or indirectly, for the care of an individual when they were abused, including:
 - State schools
 - any individual, or any private, public or non-governmental organisation, including a service provider, to which the State passed on its authority or care functions, whether by delegation, contract, licence or in any other way
- any faith-based institution that assumed responsibility for the care of an individual when they were abused.

The scheme should cover abuse while someone was in the care of the State (including schools and contracted state care providers) or faith-based institutions.

The Crown should give faith-based institutions and indirect State care providers a reasonable opportunity, say four to six months, to join the puretumu torowhānui scheme voluntarily before considering, if necessary, options to encourage or compel participation, including:

- not offering contracts to non-participating institutions
- terminating or not renewing any contracts with them
- revoking their charitable status
- making participation in the scheme compulsory.

The Crown should give 4 to 6 months for institutions to join the scheme voluntarily.

There should be options to encourage or compel participation.

The puretumu torowhānui scheme should:

- extensively and proactively publicise, on an ongoing basis, what it does, how to contact it, the types and levels of redress and support available, eligibility and assessment criteria, and timeframes for making decisions on claims
- develop specific strategies to communicate with survivors, including running specialist education sessions for disabled people about the scheme and what constitutes abuse
- develop specific strategies to communicate with Māori survivors and their whānau, hapū, iwi and hāpori (communities)
- actively reach out to disabled survivors including disabled survivors in long-term or life-long care
- offer easy-to-read information in a variety of accessible formats about how the scheme works
- ensure a supported decision-making process is available for disabled people that is consistent with the United Nations Convention on the Rights of Persons with Disabilities, including, where necessary, by providing dedicated support and communication assistance.

The scheme should publicise what it does and how it works.

The scheme should communicate with survivors in a tailored way, as appropriate to various survivor groupings.

The puretumu torowhānui scheme should:

- be trauma-informed and flexible, give survivors choices and empower them to make decisions
- minimise any barriers to obtaining redress
- be timely, give accurate estimates of timeframes and regularly update survivors on the progress of their claim
- allow survivors to be flexible about when they start, put on hold and resume their claim
- be respectful of, and responsive to, the cultures of all survivors, including Māori, Pacific peoples and Deaf people
- support survivors to make their own informed decisions throughout the claims process, particularly those with decision-making impairments
- have enough suitably trained staff so that each survivor ideally needs to contact just one person about their needs

The scheme should be trauma-informed, giving survivors choices and empowering them to make decisions.



- minimise the number of times survivors must recount the tūkino or abuse, harm and trauma suffered.

The puretumu torowhānui scheme should have processes in place so that survivors and their whānau who interact with it receive manaakitia kia tipu.

The scheme should have processes that focus on nurturing well-being.

The puretumu torowhānui scheme should provide support services that are free, flexible, culturally appropriate and tailored to individual needs to help survivors, and where appropriate whānau, understand the tūkino and make a claim, including:

- counselling and psychological care, including when survivors receive their records, and for a reasonable period afterwards
- social workers and navigators to help meet any immediate needs
- free independent legal advice, irrespective of eligibility for legal aid and non-legal advocacy, including advocacy for disabled people that meets the requirements of articles 13(1) and (2) of the United Nations Convention on the Rights of Persons with Disabilities
- help to obtain and understand personal records
- advocates for survivors in their dealings with organisations holding their records
- help to get in touch with survivor support groups
- support to make complaints about alleged abusers
- interpreters, translators, supported decision-making and communication assistance
- safeguards to ensure disabled survivors in care are safe from any retribution for making a claim
- help, as necessary, to make complaints to the Privacy Commissioner or an ombudsman.

The scheme should provide free services to survivors, including:

- therapy,
- support services,
- legal advice,
- and more.

The puretumu torowhānui scheme should offer a listening service to survivors so they can talk about their experiences of tūkino, or abuse, harm and trauma, in a private and non-judgemental setting.

The scheme should offer a listening service to survivors.

The puretumu torowhānui scheme should, if survivors wish, use information disclosed to the listening service in support of their claim for puretumu torowhānui.

The scheme should, if survivors wish, use information disclosed to the listening service in support of their claim.

A survivor should have a choice of:

- making a standard claim that takes into account the abuse and its impact
- making a brief claim that takes into account only the abuse
- making a brief claim first, and then a standard claim at a later date.

The scheme should offer:

- a standard claim – taking account of the abuse and impact,
- a brief claim - taking account of the abuse only, and
- the option to make a brief claim first and a standard claim later.

In both claims, the scheme should work with the survivor to work out what is needed to achieve utua kia ea or to teu le vā / tauhi vā.

The scheme should work the survivor to work out what is needed.

The scheme should, in assessing a standard claim:

- make its starting point that it believes a survivor's account
- consider the reasonable likelihood that abuse took place and the survivor suffered the impact claimed
- consider any impact that is plausibly linked to the abuse
- meet the survivor unless the survivor has no wish to and the scheme has enough information to make a decision on the claim
- invite, if a survivor wishes, representatives of relevant organisations and any named perpetrator to attend any meeting to hear and understand the abuse and its impact on the survivor
- notify organisations and individuals named in a claim and invite them to comment in a way that:
 - does not allow them to question the survivor directly
 - does allow the survivor to respond to any comment if the survivor wishes

A standard claim includes:

- believing a survivor's account, as a starting point,
- considering the reasonable likelihood that abuse took place,
- considering any impact,
- meeting the survivor unless the survivor has no wish to,
- inviting, if a survivor wishes, representatives of relevant organisations and any named



- ensure survivors will be safe from any retribution before notifying organisations and individuals for this purpose, particularly disabled survivors still in care
- have clear times within which organisations and individuals must respond
- proceed with a decision if they fail to respond in time.

- perpetrator to hear and understand the abuse and its impact,
- notifying other parties named in a claim and inviting them to comment. The survivor can respond to the comment but there is to be no questioning of survivors by the third party,
- ensuring survivors will be safe from any retribution,
- having clear times within which organisations and individuals must respond and proceed with a decision if they fail to respond in time.

The scheme should, in assessing a brief claim:

- make its starting point that it believes a survivor's account
- consider the reasonable likelihood that abuse took place
- meet the survivor only if requested.

A brief claim includes:

- believing a survivor's account, as a starting point,
- considering the reasonable likelihood that abuse took place, and
- meeting the survivor only if requested.

If desired by a survivor, the scheme should facilitate meaningful acknowledgements and apologies from the responsible institution to the survivor and others affected by abuse in care.

If desired by a survivor, the scheme should facilitate meaningful acknowledgements and apologies from the responsible institution to the survivor and others affected by abuse in care.

Apologies should:

- acknowledge the tūkino or abuse, harm and trauma caused
- accept responsibility for the tūkino
- express regret or remorse for the tūkino
- be made by a person at an appropriate level of authority so the apology is meaningful
- commit to taking all reasonably practicable steps to prevent any recurrence of the tūkino
- be flexible and respond appropriately to the needs and wishes of the individual survivor
- be consistent, where appropriate, with tikanga Māori or with Pacific cultural practices
- come directly from the institution concerned.

Apologies should:

- acknowledge the harm,
- accept responsibility,
- express regret or remorse,
- be made by a person at an appropriate level of authority,
- commit to taking steps to prevent recurrence,
- be flexible and respond appropriately,
- be consistent with cultural practices, and
- come directly from the institution concerned.



To give effect to these apology principles, the institution concerned should:

- work with those harmed by the tūkino to apologise in a way that is meaningful to them as part of their wider healing
- ensure the person making the apology has the necessary cultural awareness and humility, and has received training about the nature and impact of abuse and the needs of survivors
- provide information about the steps it is taking or will take to prevent further abuse.

The institution concerned should:

- work with those harmed to apologise in a way that is meaningful,
- ensure the person making the apology is trauma-informed and culturally aware, and
- provide information about steps it is taking to prevent further abuse.

The scheme should, where appropriate, give guidance to participating institutions about the form and the delivery of apologies.

The scheme should give guidance about the form and the delivery of apologies.

The institution should, if a survivor wishes, give an apology as part of a culturally based or other restorative process. The scheme should arrange such a process between the survivor (and any whānau if so desired) and the institution (if it agrees to take part) and any perpetrator (if the perpetrator agrees to take part and the survivor agrees to the perpetrator's participation).

The institution should, if a survivor wishes, give an apology as part of a culturally based or other restorative process.

The scheme should enable survivors and, where appropriate, their whānau to access measures to restore mana and oranga, consistent with the principle of manaakitia kia tipu. Survivors should be able to access, aided by an advocate or navigator if necessary, a range of services to meet their unique needs, and these services should include:

- counselling and other psychological care
- rongoā Māori practitioners
- healers
- help with education and employment, healthcare, secure housing, financial advisory services, disability support services and community activities
- help to connect or reconnect with whakapapa, whānau, hapū or iwi, wider community and fellow survivors
- cultural redress and help to build cultural capacity and connection or reconnection with culture, including language learning
- help with family and other important relationships after disclosing abuse
- support to build and maintain healthy relationships with family members.

The scheme should enable survivors and their whānau to access a range of measures to restore mana (dignity) and oranga (well-being).

The scheme should be able to offer survivors a choice of modest, one-off redress measures such as small purchases or services that will help them and their whānau to achieve utua kia ea.

The scheme should be able to offer survivors a choice of modest, one-off redress measures

The scheme should facilitate contact, such as for pastoral support, with a participating institution if a survivor wishes.

The scheme should facilitate contact, such as for pastoral support, with a participating institution if a survivor wishes.

Financial payments by the puretumu torowhānui scheme should provide meaningful recognition of abuse and where relevant impact, but not compensation for harm or loss.

Financial payments by the scheme should provide recognition but not compensation for harm or loss.



The scheme should, in determining the size of a financial payment, take into account:

- the seriousness of the tūkino inflicted and suffered
- factors that increased a person’s risk of abuse when in care or harm from the abuse, including young age, disability, mental health condition and previous abuse. Such factors may be seen as aggravating the seriousness of the abuse
- the impact of the abuse on the oranga of the survivor, including lost opportunities and, where relevant, intergenerational impact
- the principles underpinning the system including manaakitia kia tipu
- the scheme’s standards of proof
- payments to other survivors to ensure consistency and fairness
- any other payments a survivor may have received for abuse in care, such as from previous redress processes, court cases or settlements
- the need for payments to:
 - be sufficiently high to make the scheme a meaningful alternative to civil litigation
 - compare favourably with those made by overseas abuse in care schemes.

For financial payments, the scheme should consider:

- the seriousness of the abuse,
- factors that increased a person’s risk of abuse,
- the impact of the abuse,
- the principles underpinning the system,
- the scheme’s standards of proof,
- consistency and fairness,
- any other payments a survivor may have received for abuse in care,
- the need for payments to be sufficiently high to be a meaningful alternative to civil litigation, and
- compare favourably with those made by overseas schemes.

The scheme’s financial payments should not adversely affect survivors’ financial position and should not count as income. Other than for ACC purposes, the financial payments should not reduce or limit any entitlements to financial support from the State, including welfare and unemployment benefits, disability benefits and disability support services.

The scheme’s financial payments should not adversely affect survivors’ financial position and should not count as income, nor reduce or limit any entitlements to financial support from the State.

The scheme should periodically review the financial payments it makes and increase them as necessary to ensure:

- payments continue to provide appropriate value to survivors, taking into account matters such as changes in the consumer price index and relevant awards by the courts
- equity between survivors.

The scheme should periodically review the financial payments it makes.

Any survivor placed in an institution or care setting that the puretumu torowhānui scheme determines was a place of systemic abuse or neglect should be able to apply for a common experience payment of a set amount. The scheme should:

- develop criteria to determine what institutions or settings, if any, were places of systemic abuse that would make a common experience payment justified, using the findings of this inquiry’s reports and evidence gathered from claims the scheme receives
- actively reach out to ensure as many eligible survivors as possible receive a common experience payment once an institution or setting is identified as a place of systemic abuse or neglect
- tailor efforts to contact qualifying survivors to the specific needs of those identified
- take into account any other payments a survivor has received for abuse in care, such as payments from previous redress processes, court cases and settlements.

The scheme will make available ‘common experience payments’ for those placed in a place of systemic abuse or neglect.

The scheme should have the power to recommend an investigation into whether systemic abuse or neglect occurred at an institution or other care setting for the purposes of determining whether there should be a common experience payment for people who were in that institution or care setting.

The scheme should have power to recommend an investigation into an institution or other setting to determine if a common experience payment should be offered.



The scheme should give survivors a written record of its decision, which should set out the tūkino, or abuse it accepts took place and where relevant the impact it had (or if not accepted why the scheme does not accept the claim), along with the reasons for its decision. The record should be in plain language and, if preferred, in reo Māori or New Zealand Sign Language. The scheme should make available assistance as necessary to help survivors to understand the record.

The scheme should give survivors a written record of its decision along with the reasons for its decision.

Accepting puretumu torowhānui from the scheme should not:

- prevent a survivor from taking civil proceedings or making a complaint for abuse and harm, although the redress should be taken into account in any successful civil proceedings
- affect any rights a survivor may have against an individual allegedly responsible for the abuse or affect any rights regarding abuse or harm not covered by the puretumu torowhānui from the scheme
- prevent a survivor from making a complaint to Police, a professional or faith-based disciplinary body or an employer of an alleged or known perpetrator

Accepting redress from the scheme should not:

- prevent a survivor from taking civil proceedings,
- affect any rights a survivor may have against an individual,
- prevent a survivor from making a complaint to Police or other disciplinary body.

A scheme decision should have no legal effect on any organisation or individual named in a claim, other than for the purposes of the scheme.

A scheme decision should have no legal effect on any organisation or individual named in a claim, other than for the purposes of the scheme.

Survivors should be able to make a claim to both the puretumu torowhānui scheme and ACC. Any payments or services provided or facilitated by one should be taken into account by the other.

Survivors should be able to make a claim to both the scheme and ACC. Any payments or services provided or facilitated by one should be taken into account by the other.

The Government should legislate to establish the puretumu torowhānui scheme and should set out in this legislation, or in regulations, eligibility criteria and entitlements. It should also consider setting out in regulations the timeframes for the scheme to make decisions.

The Government should legislate to establish the scheme.

The puretumu torowhānui scheme should:

- make decisions that are fair, equitable, predictable, timely, transparent and consistent from survivor to survivor and from year to year
- be adequately resourced, including having information technology systems, so it can make good, timely decisions
- have an oversight body to consider complaints about the scheme.

The scheme should:

- make decisions that are fair, equitable, predictable, timely, transparent and consistent
- be adequately resourced
- have an oversight body to consider complaints about the scheme.

The puretumu torowhānui scheme should have the power to:

- require any organisation that joins the scheme and any other relevant body to give it information
- give information to survivors, organisations in the scheme and any other relevant body without redactions, provided the scheme reasonably considers this is necessary to fulfil its functions.

The scheme should have the power to:

- require institutions to give it information
- give information to others to fulfil its functions.

Survivors and institutions should be able to ask for a review of decisions by the puretumu torowhānui scheme. A review brought by or on behalf of a survivor should not result in a decision less favourable to the survivor than the original one.

Survivors and institutions should be able to ask for a review of decisions.

A scheme decision should be open to review, including by the scheme of its own accord, if more information comes to light that is likely to have had a significant effect on the outcome of the decision.

A scheme decision should be open to review.



The puretumu torowhānui scheme should keep confidential any information it receives, and should:

- clearly set out and explain any exceptions to this obligation
- not disclose any information to any organisation not in the scheme without a survivor's consent unless:
 - the disclosure is in accordance with its referrals process
 - the information is redacted to remove anything that could identify a survivor, subject to any exceptions established by law
- clearly tell survivors how it manages their records, including who can access them and when, and how long it will keep them.

The scheme should keep confidential any information it receives.

The puretumu torowhānui scheme should redact any alleged perpetrator's name and any other identifying details from its decisions.

The scheme should redact any alleged perpetrator's name and details from its decisions.

The puretumu torowhānui scheme should establish consistent processes for the referral of allegations of abuse to police, employers of alleged perpetrators, professional or faith-based disciplinary bodies and other relevant agencies. Safeguards against neglect or retribution of disabled survivors in care or other survivors should be built into these processes.

The scheme should refer allegations of abuse to police and other relevant organisations.

Safeguards against neglect or retribution should be built into these processes.

A survivor should be able to disclose to anybody the puretumu torowhānui they received, the scheme's decision and the identity of the institution concerned. The survivor should also, subject to law, continue to be able to disclose details of the abuse to any person as they see fit.

A survivor should be able to disclose the redress they received, the decision, and the identity of the institution concerned.

The survivor should also continue to be able to disclose details of the abuse.

The puretumu torowhānui scheme should publish a report at least yearly with statistics on:

- the number of claims made, the number of claims relating to each participating institution, and the types of abuse or neglect involved
- a breakdown of its decisions on these claims
- the average time for making a decision
- the size and range of financial payments
- the types and frequency of other entitlements made available
- the age, iwi affiliation, ethnicity – including specific Pacific ethnicity, gender, and any disability of survivors who made the claims
- the number of reviews sought and the decisions made on them.

The scheme should publish a report, at least yearly.

The Crown should designate an independent agency to review all aspects of the puretumu torowhānui scheme's operations after it has been running for two years, and thereafter at periodic intervals, to ensure continuous improvement in its services. The review should include survivors and should give effect to the Crown's obligations under te Tiriti o Waitangi.

The Crown should designate an independent agency to review all aspects of the scheme's operations after it has been running for two years, and at periodic intervals.

The puretumu torowhānui scheme should have the power to:

- report to care providers or any agency, including monitoring agencies, on information it receives about systemic issues and make recommendations on how to respond to these issues including for the purposes of determining a common experience payment
- require care providers or agencies to report on actions they have taken in response to its recommendations
- make recommendations and responses public
- provide information and recommendations to the Crown on areas of reform relevant to abuse in care, including health, disability services, adoption, Oranga Tamariki, ACC, education and housing.

The scheme should have the power to report to institutions about systemic issues, require institutions to report back, make recommendations and responses public and provide recommendations to the Crown.

The Crown should have overall responsibility for funding the puretumu torowhānui scheme so survivors receive financial payments in a timely manner.

The Crown should have overall responsibility for funding the scheme so



survivors receive financial payments in a timely manner.

Faith-based institutions and indirect State care providers should contribute to the scheme's funding.

Faith-based institutions and indirect State care providers should contribute to the scheme's funding.

Those designing the puretumu torowhānui scheme should determine how the Crown or the scheme should collect financial payments awarded against individual faith-based institutions and indirect State care providers and how to apportion the scheme's costs including the costs of oranga services.

Those designing the scheme should determine how to collect financial payments awarded against non-State institutions and how to apportion the scheme's costs to institutions.

The puretumu torowhānui scheme and any other funders should encourage the provision of support services locally by giving preference to collectives within communities in the design and delivery of support services, recognising the specific obligations under te Tiriti o Waitangi for Māori, while the Crown should properly resource local services, which may include:

The scheme should encourage the provision of support services locally.

- extra resourcing to service providers, such as holistic Whānau Ora health providers or iwi, to increase their capability and capacity
- commissioning new support services, particularly where gaps have been identified.

The Crown and the puretumu torowhānui scheme should ensure sufficiently skilled workforces are available to provide oranga services to survivors, and that all those who have contact with survivors, including scheme staff, advocates, navigators and lawyers, are trauma-informed and culturally responsive. This will require the Crown to have a transformative workforce change strategy and resourcing training and workforce skill development, including:

The Crown and the scheme should ensure sufficiently skilled workforces are available to provide support services to survivors.

- providing incentives and additional and ongoing skills training to workforces
- developing and making mandatory training for those entering relevant workforces
- ensuring workforces receive awareness raising and training on the rights of disabled people, in particular:
 - disabled people's rights to access to justice under article 13 of the United Nations Convention on the Rights of Persons with Disabilities
 - the inclusion of disabled people in the design and provision of this training
- a strategy for developing relevant skills among survivors and Māori, Pacific and disabled people to help relevant workforces to relate appropriately to survivors.

The Crown should immediately commission a stocktake of available oranga services for survivors, including counselling and other psychological care, educational services and vocational services.

The Crown should immediately commission a stocktake of available support services for survivors.

The Māori Collective, in conjunction with the Purapura Ora Collective, should commission an expert review to evaluate the services identified in the stocktake and make recommendations on any changes or extra services needed. This should be completed well in advance of final decisions on the scheme.

The Māori Collective, in conjunction with the Purapura Ora Collective, should commission an expert review to evaluate the services identified in the stocktake and make recommendations.

The Crown should consider establishing a dedicated fund for any extra services or improvements to services recommended by the expert review, along with any independent monitoring and review arrangements.

The Crown should consider establishing a dedicated fund for any extra services or improvements to services recommended by the expert review.



Each faith-based institution should establish or nominate an entity to provide a single point of contact with the puretumu torowhānui scheme and with other institutions in the scheme. The Crown should consider whether State agencies should each establish or nominate an entity for this purpose or whether one such entity should serve all State agencies.

Each institution should establish or nominate an entity to provide a single point of contact with the scheme.

Acknowledgements and apologies should, where appropriate, be accompanied by tangible demonstrations of goodwill and reconciliation. As part of this, the Crown, indirect State care providers and faith-based institutions should consider:

Tangible demonstrations of goodwill and reconciliation should be considered.

- funding memorials, ceremonies (including “citizenship” ceremonies) and projects that remember survivors
- establishing archives of survivors’ accounts of their abuse, and also the accounts of their whānau, hapu and iwi, with the informed consent of these people
- removing any memorials to perpetrators.

The Government should consider funding a national project to investigate potential unmarked graves and urupā or graves at psychiatric hospitals and psychopaedic sites, and to connect whānau to those who may be buried there. The Government should support tangata whenua who wish to heal or whakawātea the whenua where this has occurred.

The Government should consider funding a national project to investigate potential unmarked graves and urupā or graves at psychiatric hospitals and psychopaedic sites.

The Government should take active steps to raise awareness of abuse in care, what it is, its effects, what has been done in response, and how those abused can seek help. This should include widely disseminating this inquiry’s interim report, this report and all subsequent inquiry reports.

The Government should take active steps to raise awareness of abuse in care, what it is, its effects, what has been done in response, and how those abused can seek help.

The Government should fund an ongoing programme focused on supporting the delivery of independent Aotearoa New Zealand-specific research on the effects and causes of abuse in care, and social campaigns that seek to eliminate abuse in care and highlight the need to keep people safe from harm, and events acknowledging what has happened.

The Government should fund independent Aotearoa New Zealand-specific research on the effects and causes of abuse in care, and social campaigns that seek to eliminate abuse in care.

The Crown should create in legislation:

- a right to be free from abuse in care
- a non-delegable duty to ensure all reasonably practicable steps are taken to protect this right, and direct liability for a failure to fulfil the duty
- an exception to the ACC bar for abuse in care cases so survivors can seek compensation through the courts.

The Crown should create in legislation:

- a new right to be free from abuse in care,
- a non-delegable duty to ensure all reasonably practicable steps are taken to protect this right, and direct liability for a failure to fulfil the duty, and
- an exception to the ACC bar for abuse in care cases so survivors can seek compensation through the courts.

The Crown should, if it decides not to enact the changes in recommendation 75, consider:

- empowering the puretumu torowhānui scheme to award compensation
- reforming ACC so that it covers the same abuse the new puretumu torowhānui scheme covers and provides fair compensation and other appropriate remedies for that abuse.

The Crown should, if it decides not to enact the changes in recommendation 75, consider:

- the scheme awarding compensation, and
- reforming ACC, expanding types of abuse covered and providing compensation.



WorkSafe New Zealand should include abuse in care within its focus areas. This should include investigating and, where appropriate, prosecuting breaches by a care provider and its officers under the Health and Safety at Work Act 2015.

WorkSafe New Zealand should include abuse in care within its focus areas.

The Crown should amend the Limitation Act 1950 and Limitation Act 2010, with retrospective effect, so:

The Crown should amend the Limitation Act 1950 and Limitation Act 2010, with retrospective effect, so:

- any survivor who claims to have been abused or neglected in care while under 20 is not subject to the Acts' limitation provisions
- any survivor who has settled such a claim that was barred under either Act may relitigate if a court considers it just and reasonable to do so
- any survivor who has had a judgment on such a claim can relitigate if they were found to have been barred under either Act's limitation provisions, and the time bar prevented the survivor from getting redress
- the court retains a discretion to decide that a case cannot go ahead if it considers a fair trial is not possible

- any survivor claiming abuse in care when under 20 is not subject to limitation provisions,
- in many cases survivors who have settled may relitigate, and
- the court retains a discretion to decide that a case cannot go ahead if it considers a fair trial is not possible.

The Crown should:

- consider whether there should be any other conditions on a survivor's right to litigate or relitigate a case that has been settled or a judgment has been issued on, or whether a survivor should have any extra rights in these circumstances
- direct the Law Commission to review other obstacles to civil litigation by survivors and recommend any corrective steps, a task the Law Commission should complete within 12 months of the Governor-General receiving this report.

The Crown should consider whether there should be any other conditions on a survivor's right to litigate or relitigate a case.

The Crown to direct the Law Commission to, within 12 months, review other obstacles to civil litigation.

The Crown should review and consider raising the rates available for abuse in care work.

The Crown should review and consider raising the rates available for abuse in care work.

The Ministry of Justice should:

- work with New Zealand Law Society to offer training to lawyers wanting to take on abuse in care cases, including training on how to ensure effective access to justice for disabled people
- establish, maintain and publicise a list of lawyers who are competent and available to work on abuse in care cases.

The Ministry of Justice should offer training to lawyers wanting to take on abuse in care cases and have a public list of lawyers who can work on abuse in care cases.

The Crown should draw up a model litigant policy to replace the Attorney-General's civil litigation values, and the policy should be:

The Crown should draw up a model litigant policy.

- consistent with the contents of this report
- completed within 12 months of the Governor-General receiving this report.

State agencies, indirect State care providers and faith-based institutions, along with their lawyers, should act consistently with the model litigant policy in responding to all abuse in care claims, whether lodged through the courts or the scheme.

Institutions should act consistently with the model litigant policy in responding to all abuse in care claims.

The Crown should draw up a set of principles to guide its conduct in responding to abuse in care claims, and indirect State care providers and faith-based institutions should draw up their own, too.

Institutions should draw up a set of principles to guide its conduct in responding to abuse in care claims.

Institutions, when responding to record requests, should:

Institutions should consistently, and in a timely way, help survivors obtain and understand their records in as full a form as possible while still respecting the privacy of others.



- help survivors obtain their records in as full a form as possible while still respecting the privacy of others
- help survivors to understand their records
- favour disclosure wherever possible
- be consistent as much as possible in what they disclose, irrespective of whether in response to court discovery rules or survivor requests
- give specific explanations of the privacy reasons they use to justify withholding information
- have the necessary resources to respond in an appropriate and timely way.

Institutions should, before making redactions that would withhold a significant amount of information to protect the privacy of one or more individuals, consider seeking the consent of those individuals to release the information.

Institutions should, before making redactions to protect the privacy of one or more individuals, consider seeking the consent of those individuals to release the information.

The Crown should develop guidelines, applicable to all institutions, on the matters set out in recommendations 85 and 86, and it should do this in partnership with Māori and with the involvement of survivors and institutions.

The Crown should develop guidelines, applicable to all institutions, on the matters set out in recommendations 85 and 86.

The Crown should complete its work on a policy to streamline the way agencies handle survivor records within six months, and this policy should also deal with the preservation of records and the advantages and disadvantages of centralising records.

The Crown should complete its work on a policy to streamline the way agencies handle survivor records within 6 months.

The Crown should:

- urgently review disposal authorities relevant to care records and consider whether to prohibit the disposal of care records until at least the completion of its work on records
- review care providers' record-keeping practices, consider whether to set a standard governing what records providers should create and keep, and consider whether those keeping records for care providers should receive training
- decide whether Aotearoa New Zealand should have a service similar to Find and Connect.

The Crown should urgently review disposal authorities relevant to care records and consider whether to set a standard governing what records providers should create and keep.

The Crown should ensure that any monitoring body or monitoring activities relating to children, young people and adults at risk in care:

- nurtures the trust of children, young people and adults at risk
- is consistent with the Crown's te Tiriti o Waitangi obligations
- is organised to reflect the Māori-Crown relationship
- is independent of other oversight mechanisms and the organisation(s) being monitored
- complies with all relevant human rights obligations
- operates regularly, or is conducted regularly, using staff with appropriate skills and expertise.

The Crown should ensure that any monitoring body or monitoring activities relating to children, young people and adults at risk in care nurtures, is consistent with the te Tiriti and human rights obligations, is independent, and operates regularly using staff with appropriate skills and expertise.

Institutions should use their best endeavours to resolve claims in the lead-up to the establishment of the puretumu torowhānui scheme and should offer settlements that do not prejudice survivors' rights under the new puretumu torowhānui scheme or under any legislation enacted in response to our recommendations on civil litigation.

Institutions should use their best endeavours to resolve claims in the lead-up to the establishment of the scheme, not prejudicing survivors' rights under the proposals in the recommendations.

Institutions should, until our limitation reform recommendations are implemented, rely on limitation defences only in cases where they reasonably consider a fair trial will not be possible.

Institutions should, in the meantime, rely on limitation defences only in cases where they reasonably consider a fair trial will not be possible.

The Crown should immediately set up and fund a mechanism to make advance payments to survivors who, because of serious ill health or age, are at significant

The Crown should immediately set up and fund to make advance payments to



risk of not being able to make a claim to the puretumu torowhānui scheme. The mechanism should stop when the scheme starts.

survivors who are at significant risk of not being able to make a claim to the scheme. The mechanism should stop when the scheme starts.

The Crown should fund a listening service for survivors in the period between the end of this inquiry and the establishment of the scheme. For those with particularly urgent needs, this should include referral and assistance to access existing services.

The Crown should fund a listening service for survivors in the period between the end of the Royal Commission's Inquiry and the establishment of the scheme.

The Minister for the Public Service should, within four months of the tabling of this report in the House of Representatives, make public the Crown's initial response to the report's recommendations, and this response should include:

- its plan and timetable for giving priority and urgency to claims from elderly or seriously ill survivors, including making interim payments to these survivors where appropriate
- its timetable and resourcing for the Māori Collective and Purapura Ora Collective
- its plan for consulting survivors and their communities about the design of the new puretumu torowhānui system and scheme
- dates by which the puretumu torowhānui scheme will be established and ready to receive claims, and civil litigation reforms enacted.

The Minister for the Public Service should, within four months of the tabling of this report in the House of Representatives, make public the Crown's initial response to the report's recommendations.