



## POTENTIAL IMPACT OF THE ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

The Royal Commission of Inquiry into Abuse in Care is a long-awaited initiative. The recommendations from the Inquiry will be pivotal in ensuring that previous mistakes and systemic failures are not repeated in the future.

### 1. Who can participate?

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The Inquiry is examining experiences of abuse which occurred between 1950 and 1999. There is also discretion to hear about experiences before 1950 or after 1999. This generally means anyone who is currently between the age of 19 and 75, who experienced abuse or neglect in State or Faith-based care, is included in the scope of this Inquiry.

State care includes:

- Care in health and disability settings and institutions – including psychiatric hospitals and health camps.
- Educational settings – early childhood education, all primary and secondary schools, residential schools and teen parents' units.
- Transitional and law enforcement institutions, including youth detention and Police custody.

Abuse which occurred in prisons is NOT included in this Inquiry although survivors in prisons can tell their stories of abuse in other settings.

- Faith-based care includes:
  - Any faith, religion or denomination
  - Residential and non-residential institutions.

If survivors experienced abuse before 1950 or after 1999 the Inquiry has the power to investigate, and will do so, if it helps inform their recommendations. So if someone wants to share their story and it happened outside of these dates, please support them to get in touch with the commission (see below).

### 2. How can people and organisations participate?

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The goal of this Inquiry is to acknowledge what happened, uncover why it happened, and to recommend changes to the current system to ensure it never occurs again. The Inquiry has developed several different ways to learn about what happened.

#### 2.1 Private sessions

One important way is through **private sessions**. At a private session a survivor and/or family/whānau can share their stories and experiences with one of the Commissioners. The Inquiry will work to

ensure that participants feel heard, acknowledged and believed, and has highlighted that their safety is paramount.

There are no expectations around how much, or how little, people share. For some people telling their story, requires great courage and strength. As this can be an important part of the healing journey, the Inquiry is using trauma-informed processes so that survivors are heard in a safe environment.

These sessions are private, and names and identifying information will be kept confidential. The information shared during private sessions will be used to understand themes and patterns of neglect and abuse, and these will be used to inform the public investigation topics.

## 2.2 Public hearings and investigations

The Inquiry is also holding **public hearings**, the first of which begins on the 29 October 2019. Each public hearing follows a thorough investigation into a specific topic, institution or theme. At the public hearings, witnesses will give evidence in a setting that is open to the public and live streamed on the internet. Public hearings are an opportunity for evidence to be tested in public, and for institutions, agencies and organisations to be held to account for abuse that occurred.

The first public hearing in October 2019 is the Contextual hearing. This will be an overview of the different areas the Inquiry will focus on in the investigations and public hearings in the coming years. More information about the Contextual public hearing can be found here:

<https://www.abuseincare.org.nz/public-hearings/contextual-hearing/>

## 3. How can your Organisation help participants?

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Platform encourages its members to support participants involved with your services to come forward. In addition to the help and support you may be able to offer clients who want to engage with the Inquiry, the Inquiry itself can also has resources to support those who would like to take part.

If you have clients, or know of people who would be willing to come forward and share their experiences, or if they just want more information, please direct them to the Inquiry:

Website: [www.abuseincare.org.nz](http://www.abuseincare.org.nz)  
Facebook page: <https://www.facebook.com/abuseincareRCNZ/>  
Ph: 0800 222 727  
Email: [contact@abuseincare.org.nz](mailto:contact@abuseincare.org.nz)  
Address: Royal Commission of Inquiry  
PO Box 10071  
The Terrace  
Wellington 6143

People who want to participate in the Inquiry can register here:

<https://www.abuseincare.org.nz/survivors/register/>

## What does the Inquiry mean for NGOs?

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With the first public hearing at the end of October, it's timely to let you know what this potentially means for your organisation. The scope of this Inquiry is any neglect or abuse that occurred, whilst in 'State care' (i.e. placed in State institution or in the custody of the State), or whilst in faith-based care, between 1950-1999. There are several ways this could impact your organisation.

Your organisation may be named in private session accounts and we recommend you consider the potential for your organisation to be affected by this. You may need to put processes in place to respond should you be called to provide records or evidence or if claimants come forward as a result of the Inquiry's investigations.

If your organisation is requested to participate in a public hearing, and funding becomes an issue, it is possible for individuals and organisations to apply to the Inquiry for funding for legal assistance. This funding can help organisations participate in the Inquiry by covering the cost of legal representation, legal advice or help (or example, help with drafting submissions to the inquiry.)

If there is a possibility that your organisation may carry liability for historical neglect or abuse, you should advise your insurer of this as most policies require the immediate notification of any new risks that arise.

Other than putting in place processes to be able to respond to any requests for information or records, you do not need to take further steps at this stage. Once the public investigation topics are announced for 2020 (and subsequently, for 2021), you may wish to ask the Inquiry for further information if it appears your organisation is likely to be part of the scope for a particular investigation, and subsequent hearing.

With increased awareness of the Inquiry into abuse and neglect cases, there is a likelihood of new claims being made. If the alleged abuse took place outside of the timeframe that the Inquiry is investigating, then there is potential for claims to be made against organisations directly.

Members are also warned of potential reputational damage, with the increased media coverage of the Inquiry. There is a chance that individual institutions may be covered by media.

If you think you need to be actively involved, you can find more information at the above-mentioned website. If you would like any further information, please feel free to contact Paulien from Platform Trust on [projects@platform.org.nz](mailto:projects@platform.org.nz) or 04 385 0385.

19 September 2019