



Historical Abuse In Care

Ko te mea nui, he kaha, he manawanui, he aroha.

Ahakoā te mamae, ka puāwai anō te ngākau.

The most important things are strength, resilience, and love. Despite the pain, the heart will blossom again

Policy Statement

Presbyterian Support Upper South Island (PSUSI) is deeply committed to ensuring that the abuse and neglect of children, young people and adults, must never occur again.

PSUSI supports and acknowledges Whanaketia, the final report on the abuse and neglect of children, young people and adults in the care of State and Faith-based institutions in Aotearoa New Zealand between 1950-1999.

We are profoundly sorry for the harm inflicted upon vulnerable people in care, this should never have happened. We will continue to listen and support survivors and their whānau on their journey towards healing and redress, and we commend their incredible courage and bravery.

This policy establishes a formal process for people to seek redress and resolution for abuse that occurred to individuals while in its care.

This policy will be reviewed as more information about the Royal Commission of Inquiry’s final report recommendation for the establishment of the Puretumu Torowhānui Scheme is released.

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1. Background

Complaints regarding historical abuse will be dealt with in an honest, respectful and timely fashion by ngā Tumu Whakarae (Co CEO's) as well as the General Manager of Social Services (GMSS) or delegated senior person.

At the time of receiving the complaint the survivor or whānau member (if the survivor is deceased or incapacitated through disability) will be dealt with in the same way as any client of our service may raise a complaint of abuse today. They have a right to be listened to and their perspective considered against any relevant information for a decision to be made as to how the complaint should be dealt with.

PSUSI recognises the impact of intergenerational trauma related to historical abuse and will engage with and provide support to whānau members of survivors with sensitivity and compassion.

PSUSI has a responsibility for gathering relevant information it holds (either on file or in staff memory) relevant to the time, place and circumstances and making this available to the survivor or whānau member and where appropriate the Police.

Police have the responsibility for investigating whether a criminal offence has been committed. Survivors or whānau members will be encouraged to make a complaint to the police if they indicate they wish to, but it will be their decision as to whether they proceed with doing so or not.

Irrespective of criminal proceedings, PSUSI has a duty to investigate (i.e., collect sufficient information to make informed decisions) and attend to the complaint. If a complaint is made to the police, the complaint investigation normally carried out by PSUSI will be put on hold until after the police investigation and any court proceedings are concluded. The survivor or whānau member will be advised of this.

PSUSI may seek legal advice but a final decision in respect of any investigation to progress a claim will rest with ngā Tumu Whakarae.

PSUSI has a responsibility to form a view as to the probability of abuse having occurred where it has sufficient information to do so, with or without the police being involved.

PSUSI has a responsibility to check that the survivor's or whānau member's emotional needs are attended to in a reasonable, caring and practicable way. The aim is to provide support to help the survivor or whānau member move forward without people having to go through lengthy legal proceedings before help can be provided.

Possible actions may include the following;

- No further action if there is *insufficient* information to uphold the complaint, or the survivor does not wish to take matters further
- Complaint upheld and:
 - Assistance offered e.g. counselling
 - Apology from the organisation to the survivor

The above may all apply, or some may apply depending on what the survivor needs, taking into account natural justice and consideration of the effects of the process on the health and well-being of the survivor or their whānau.

PSUSI will aim to be supportive and provide assurance to survivors and their whānau through what could be a difficult time. There is no expectation of any long-term support or relationship with PSUSI.

2. Principles

PSUSI will follow these principles throughout the process:

- Make genuine apologies – including acknowledging the harm caused, accepting responsibility, be made by a person at an appropriate level of authority, commit to making amends, commit to avoiding any repetition of the wrong, be flexible and respond to the wishes and needs of the individual survivor, be consistent where appropriate with tikanga Māori.
- Be open and transparent about how the redress process works – provide sufficient information for survivors to make informed decisions, publish clear and useful information about how it works, including how to make a claim, the eligibility and assessment criteria, make available to those in prison.
- Offer effective support and assistance to empower survivors or their whānau – offer independent advocacy, counselling and cultural support, offer assistance to track down records.
- Act independently – build trust in the process, have a mechanism to ensure it can investigate claims appropriately.
- Make fair and consistent decisions – predictable, transparent and consistent between survivors, decisions that are fair and equitable.
- Be timely and communicate with survivors – priority and urgency to claims from elderly or unwell, give claimants the choice of a brief, quickly resolved assessment or an extensive longer-to-resolve assessment.
- Help survivors get records that are as complete as possible – help them to understand their records, favour disclosure where possible, give specific explanations about why withholding information.
- Provide redress that helps restore survivors' overall wellbeing – redress that contains a package of measures to help restore the health and wellbeing of survivors and/or their whānau.
- Give survivors choice in the process and the redress received.

3. Procedure

When contact is made by a survivor or a member of their whānau making a complaint/wishing to talk to someone about historical abuse they will talk with the senior person delegated by ngā Tumu Whakarae.

Where possible the call will be placed directly to the designated senior manager. If they are not available, the call taker will take full name and phone number details and advise caller that their call will be returned as soon as possible.

Contact may also be made via the PSUSI website or by email.

The senior person will listen to as much as the survivor or whānau member wishes to say at this time and suggest they complete the release of information material so information can be sent to them, after which they will decide what they wish to do next. During the conversation, if the survivor or whānau member asks about others in the care of the

organisation who they believe may have been abused they will be advised we are unable to discuss anything other than their own situation as confidentiality applies.

However, if they advise they know of others affected they will be asked to encourage those people to contact the organisation to discuss their own situation. These details will be recorded as they will provide information for PSUSI for future reference should other people come forward, and for building a body of information to assist PSUSI with decision making in the future.

After the survivor or whānau member receives the information, they will decide what they wish to do next. This may include:

- No further action – file closed by PSUSI with the understanding the complainant may decide to make a complaint if they wish to.
- Proceed with their complaint and a decision is made with the survivor or whānau member regarding the best way to proceed e.g. meet in person/talk over the phone/videoconference, for the senior person to hear the details for their complaint.
- The survivor or whānau member may have a support person present at any time they wish to and will let the senior person know if this will be the case. The senior person may also have someone present if necessary and will let the complainant know if this is the case.
- The senior person will ask the survivor or whānau member what they wish to happen as a result of raising the complaint.
- The senior person will discuss the complaint and information gathered with ngā Tumu Whakarae or GMSS for a decision to be made as to whether the complaint is upheld and what should happen next.
- Factors that may assist in making a decision may include for example:
 - Information from the survivor or whānau member.
 - Whether or not they have made a complaint to the police.
 - A counselling report from the survivor.
 - If another organisation such as Oranga Tamariki/the Ministry for Children has settled with the survivor already,
 - Other information held by the organisation regarding other complaints.
 - Information of historical abuse for the same alleged perpetrator.
- If not upheld, the survivor or whānau member will be advised verbally and formally by letter stating the reasons.
- If upheld, the survivor or whānau member will be advised verbally and in writing as to what the organisation wishes to offer to address the complaint both at the time and into the future by way of a Redress Agreement which will include an apology from the organisation, compensation, covering costs of meetings and personal support e.g., payment for counselling.
- Once the Redress Agreement is agreed and signed the process is concluded but the survivor or whānau member is aware they may recontact for personal support should they need to do so in the future e.g. counselling support.

Provision and Protection of Survivors Personal Information

- At all times the survivor's privacy will be maintained, and all information will be managed in a confidential manner and in line with the Privacy Act 2020.
- A file note is to be made of what was provided, when and to whom.
- All requests for information should be treated as a Privacy Act request, and the relevant time frames in the Privacy Act must be complied with (the information must be provided within 20 working days, if not sooner).
- Once located, the survivor's files (if any) will be reviewed in accordance with the Privacy Act and released to them as part of this process in a manner that they have determined is appropriate for them. Any file or information provided is to be copied with any private information relating to third parties redacted and the original retained.
- The survivor or whānau member may have a support person or representative to help them during the process. PSUSI will only share information with them once they are confirmed to be acting on behalf of /or supporting the survivor.
- No further action – file closed by PSUSI with the understanding the survivor or whānau member may wish to come back for a further discussion.

Decision on next steps

Following receipt of the information from PSUSI, the survivor or whānau member and PSUSI will decide how to proceed. This may include:

- Asking the survivor or whānau member what they wish to happen as a result of raising the complaint and have the opportunity to outline their needs or expectations from the process. They will be provided with PSUSI's publicly available information on redress.
- The senior person will discuss the complaint and information gathered with ngā Tumu Whakarae or GMSS for a decision to be made as to whether the complaint is upheld and what should happen next.
- Factors that may assist in making a decision may include; information from the survivor or whānau member, if they have made a complaint to the police, counselling report from survivor, if another organisation such as Oranga Tamariki/the Ministry for Children has settled with the complainant already, other information held by the organisation regarding other complaints or information of historical abuse for the same alleged perpetrator.
- Ngā Tumu Whakarae will keep the Board informed regarding the appropriate response to each individual case. The authority for any payment of financial compensation is owned by the Board who may choose to delegate that authority to a Board Sub-Committee or ngā Tumu Whakarae.
- If appropriate, advise PSUSI's insurer immediately there is a potential case and keep them up to date with developments.
- If not upheld, the survivor or whānau member will be advised verbally and formally by letter stating the reasons.
- If upheld the survivor or whānau member will be advised verbally and in writing as to what the organisation wishes to offer to address the complaint.

- If counselling or other personal support is offered, it could be provided by Family Works or another provider of the survivor's or whānau member's choice.

4. Information for those wishing to make a claim of abuse

PSUSI has established a process for people to seek redress and move towards resolution for abuse that occurred while in its care. Abuse is defined as the harming (physical, emotional, psychological or sexual), ill-treatment, neglect or deprivation of any person.

PSUSI seeks to acknowledge the harm and trauma experienced by people who suffered abuse while in its care.

We seek to actively engage with survivors and/or their whānau and hear their experience in a process of redress. Redress means to remedy, set right and /or compensate.

PSUSI seeks to firstly acknowledge harm done to people who experienced abuse while in its care, then actively engage in steps to 'set right' the experience to the extent that is possible.

Overarching Principles

In responding to claims of abuse and in making offers of redress, PSUSI will:

- Be focussed on the needs of the survivor and their whānau.
- Provide all personal information PSUSI holds on the survivor to the survivor or whānau member or other representative, in accordance with the Privacy Act 2020 (whilst acknowledging the need to protect other's personal information).
- Allow survivors and/or whānau to engage in the process in a manner of their own choosing. This may be verbal, written, online or in person.
- Ensure access to our process with appropriate support and facilitation, and with minimal difficulty and cost for survivors or whānau members.
- Ensure all those involved in interacting with a survivor and/or whānau members have a survivor-centric, empathetic approach.
- Listen, offer support and work towards providing resolution, having regard to the nature and impact of abuse and the cultural needs of the survivor or whānau members.
- Consider any recommendations made by the Royal Commission into Abuse in Care.
- Assure any survivors or whānau members who engage with PSUSI that throughout the process their privacy, confidentiality and dignity will be maintained.

5. Redress

Redress is available for survivors who have:

- Experienced abuse while in the care of PSUSI
- PSUSI was responsible for the abuser having contact with the person who was abused.

PSUSI may offer the following in terms of redress:

Face to face meeting

- If helpful to a survivor or whānau member, an opportunity will be given to the survivor or whānau member to meet with a senior person from PSUSI, who will ensure that the process and interactions with PSUSI are respectful and empathetic.
- They will listen to the survivor's or whānau member's story, assure them that they are believed, apologise and acknowledge responsibility.
- PSUSI will acknowledge the seriousness of the impacts of the abuse.
- PSUSI will seek to ensure that the needs of the survivor and/or whānau member are taken into account before the meeting is held. This may include identification of the most appropriate attendees for the meeting, venue and location of the meeting, and an invitation for a support person or people of the survivor or whānau member to be present.
- The meeting will include:
 - Any matter the survivor or whānau member wishes to raise including, but not limited to, any incident that may have resulted in harm, or has had a negative impact on them.
 - Discussion of the survivor's or whānau member's desired outcome of the complaint process
 - Discussion of options for tangible support that PSUSI may offer the survivor or whānau member to contribute to their healing and the resolution of their complaint.

Apology

- Survivors and/or whānau members may seek a verbal and/or written apology. The senior PSUSI person will provide a verbal, meaningful and genuine apology at a meeting with the survivor and/or whānau member. A written apology may be provided in a form that is meaningful to the survivor or whānau member.
- PSUSI will offer and financially support counselling or psychological care to the survivor and/or whānau member, acknowledging the harm resulting from the abuse suffered while in the care of PSUSI.
- Survivors and/or whānau members will be offered flexibility and choice in relation to counselling and psychological care.
- Survivors and/or whānau members will be encouraged to seek from registered practitioners with appropriate expertise in recovery work with people who have experienced abuse or trauma.
- Counselling and psychological care from a professional registered counsellor or therapist will be available for the survivor or their whānau in recovery work for up to 12 sessions. Further sessions may be negotiated with the counsellor/therapist and PSUSI.

Monetary compensation

- An offer of compensation may be offered and will take into consideration the nature of the harm and the impact and harm caused by the abuse as well as any relevant additional factors, including the outcomes of the Royal Commission into Abuse in Care.
- PSUSI supports the Royal Commission of Inquiry final report recommendation to establish the independent Puretumu Torowhānui Scheme for redress. PSUSI will encourage all survivors or whānau members to engage with this scheme once it has been established.