



Historic Claims – Offering a Choice

18 May 2015

Offering a choice for resolving historic claims for abuse

Since 2006 the Ministry of Social Development has been operating an out of Court process for resolving claims of abuse and neglect of children in State care which took place prior to 1993 – these claims are called historic claims. The Ministry is providing a choice for claimants whose claims are not yet resolved and who had their claim lodged with the Ministry by 31 December 2014.ⁱ

The options

The options are either a new Fast Track, less detailed process for resolving eligible claims or continuing with the normal historic claims resolution process which gives a more detailed, personalised resolution, but which will take longer.

Purpose of the Fast Track process

The new Fast Track process has been designed to meet the needs of those claimants who are seeking a faster resolution of their claim than is able to be offered by the normal process. It will help reduce the backlog of claims to be investigated, meaning faster resolution of outstanding claims overall.

Around 1600 historic claims have been received since 2004 and since that time almost 600 have been resolved. A large backlog of historic claims has developed, due mainly to the well regarded but time-consuming process of assessing each claim and meeting with the claimant to discuss the findings and get resolution. The number of claims in this backlog and the associated delay can cause frustration for some claimants who are keen to put the past behind them and move on. Others find the process of working through the detail helpful and will prefer to remain in the normal process.

There is no compulsion to take the Fast Track option, however it is another option for claimants to consider and we urge claimants to seek independent advice – whether from family or whanau, a trusted friend or a legal advisor - before making a decision on which option to pursue.

The Fast Track process

The Fast Track process involves the Ministry taking the claims that have been made at face value. The focus is on making an offer based on the claimant's circumstances that is consistent with other claimants. A very basic fact check is done to ensure that the claimant was, in fact, in the care of the State and placed where they said they were at the time. If the fact check is successful, then the claims are compared with similar claims that have already been settled and all claims yet to be settled in the process. An offer is made to resolve the claim which is consistent with other payments and offers made. This process ensures a fair and consistent approach to Fast Track offers.

The process does not make an offer based on a detailed assessment of each person's claims and it may be that if a person goes through the normal process they may receive an offer that is greater than this offer. It is also possible that they would receive a lower offer or no offer at all.

A letter of apology from the Chief Executive is also provided to the claimant, which acknowledges the experiences they went through.

The Ministry has been able to develop this process because it has already resolved a large number of claims and it has a suitable number of claims on hand at present.

Accessing the Fast Track process

Eligible claimants do not need to apply for the Fast Track process. People who have made claims directly to the Ministry or have done so through the Confidential Listening and Assistance Service by 31 December 2014 will be contacted about the Fast Track option. All the claims that have been made have been analysed and offers are being prepared for claimants so that they can make a choice that suits them.

Next steps

Once an offer is received, claimants will be invited to respond within one calendar month, if possible. If the offer is accepted then a payment will be arranged to the claimant and a letter of apology from the Chief Executive will be delivered. If we do not hear from a claimant, then they will stay in the normal claims assessment process. Before a full assessment of a claim is started the claimant will be contacted again to confirm they do not wish to take the Fast Track option. The Fast Track option will lapse as soon as work starts on a full assessment of a claim.

Legally represented claimants

MSD is working directly with the lawyers of claimants who have legal representation.

Contact details for more information

For information about this process please contact Garth Young, Chief Analyst Historic Claims, Ministry of Social Development on 0800 631 127 or by email to HistoricClaims@msd.govt.nz

ⁱ There are a small number of claimants who will not be eligible for this option due to their individual circumstances. These claimants will be contacted to discuss their situation.