



- 2 JUN 2017

Dear

On 12 April 2017, you emailed the Ministry of Social Development, the Ministry of Health and the Ministry of Education requesting, under the Official Information Act 1982, information regarding historic claims. This response contains information regarding the Ministry of Social Development only. The Ministry of Health and the Ministry of Education will respond to your requests separately. As the Ministries record and report historic claims separately, the information you receive from each Ministry should be treated as distinct and not combined.

In 2004, it became apparent that there was potential for a large number of civil claims to be brought by people alleging historic abuse and maltreatment while in New Zealand state care. Consequently, the Government of the day directed the key agencies involved to explore options for dealing with these claims. At the time, the Ministry of Social Development was independently exploring how best to deal with these claims.

These claims make a wide range of allegations and come from people who have been in state care over the past 70 years. The significant majority of claims relate to the period between the 1960s and the 1980s. These claims of abuse raise serious concerns about care provided to children in a wide range of social welfare, health, education and church run homes as well as foster care and family homes.

In 2006, the Ministry established a Historic Claims team who are dedicated to investigating allegations of neglect or abuse by those people who were placed in the care of the Ministry for Vulnerable Children, Oranga Tamariki's predecessor agencies. The Historic Claims team is impartial, and made up of experienced senior social work advisors, whose sole focus is to help find a resolution for people who have suffered harm while in the care of the Ministry for Vulnerable Children, Oranga Tamariki and its predecessors.

Where possible, Historic Claims offers the claimant support and assistance such as organising and funding counselling to support them through the historic claims process. Many claimants will also receive a copy of their records and Ministry staff work with them to ensure they understand the information provided to them. Each person is provided with the contact details of the staff members who met with them should they wish to follow up their claim at any time.

Your questions are responded to in turn.

- *The number of complaints received by each ministry, and the total across all three ministries.*
- *The number of complaints settled by each ministry, and the total across all three ministries.*
- *The total number of outstanding 'live' claims still being dealt with, or yet to be dealt with, by each ministry and in total.*

Data related to the above questions are publically available in the claims standard data report, which is available at: [www.msd.govt.nz/about-msd-and-our-work/contact-us/complaints/cyf-historic-claims.html](http://www.msd.govt.nz/about-msd-and-our-work/contact-us/complaints/cyf-historic-claims.html).

- *The total sum of financial settlements paid out by each ministry, and in total across all three ministries, in response to claims.*
- *The estimated legal cost (one total) across all three ministries for the complaints and resolution process to date.*
- *Subtotals for court-ordered and out-of-court payments for each ministry, and across all three ministries, if available.*

For all claims resolved to 31 March 2017, the Ministry has paid \$23,214,184 to claimants. All these payments have been the result of out of court resolution. In addition the Ministry has contributed \$2,942,436.97 to the legal aid debt or legal costs incurred by claimants.

- *Any available estimate of the likely total cost of payouts, legal costs and the timeframe to resolve all issues.*

Without knowing the number of claims that might be made in the future, any estimate of the total costs involved is entirely speculative and as such, your request for this information is refused under section 18(e) of the Official Information Act as this information does not exist.

- *Total number of complaints received that relate to institutions in Otago, Southland and Canterbury (separate totals for each).*
- *The number of complaints that relate to each of the institutions named in answer to above.*
- *The numbers of claims settled in each of Otago, Southland and Canterbury (separate totals for each).*
- *The total value of settlements/payouts in each of Otago, Southland and Canterbury (separate totals for each).*
- *A list showing each payout or settlement's value, the date payment was confirmed/approved, the ministry involved and the institution the complaint and payout related to.*

The Ministry is unable to provide you with this data as this information is held in notes on individual case files. In order to provide you with this information Ministry staff would have to manually review thousands of files. As such I refuse your request under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

The Ministry is able to provide information on the resolution of claims on a national level. The attached table details the number of resolved historic claims broken down by payment band and year since 2006.

- *The names of the institutions identified by complainants in Otago, Southland and Canterbury.*

The Ministry's predecessor agencies administered five institutions in Southland, Otago and Canterbury – Dunedin Boys Home; Dunedin Girls Home; Christchurch Boys Home; Christchurch Girls Home and Kingslea Residential Centre. Claims have been made in relation to all five.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Yours sincerely



Merv Dacre  
**Deputy Chief Executive, Corporate Solutions**

**Number of resolved historic claims, broken down by payment band and year since 2006.**

<b>Band</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>1/1/2017 To 31/3/2017</b>
0	1	15	18	21	31	24	23	39	11	15	43	4
\$1 - \$5,000	0	0	2	1	3	4	7	3	5	96	46	17
\$5,001 - \$10,000	0	0	1	8	4	20	14	28	17	7	24	0
\$10,001 - \$15,000	0	0	0	0	3	11	13	10	11	86	56	11
\$15,001 - \$20,000	0	0	0	6	6	16	16	17	13	126	80	17
\$20,001 - \$25,000	0	0	0	1	7	7	19	10	13	8	14	2
\$25,001 - \$30,000	0	0	0	2	3	7	10	3	5	40	34	6
\$30,001 - \$35,000	0	0	0	0	0	2	3	6	2	2	5	0
\$35,001 - \$40,000	0	1	0	0	1	1	1	9	2	26	25	1
\$40,001 - \$45,000	0	0	0	0	0	0	4	2	0	1	0	0
\$45,001 - \$50,000	0	0	0	0	2	4	1	1	2	18	6	2
\$50,001 - \$55,000	0	0	0	0	0	0	0	0	0	1	0	0
\$55,001 - \$60,000	0	0	0	0	0	0	1	1	0	1	1	0
\$60,001 - \$65,000	0	0	0	0	0	0	0	0	0	0	0	0
\$65,001 - \$70,000	0	0	0	1	0	0	1	1	2	2	0	0
\$70,001 - \$75,000	0	0	0	0	0	0	0	0	2	1	0	0
\$75,001 - \$80,000	0	0	0	0	0	1	0	0	0	0	0	1
>\$80,000	0	0	0	0	0	0	0	0	0	0	0	0