

# Redress Submission Process

# Abuse in Care Royal Commission

## 5 May to 16 June

### Submission template

## Background

The Abuse in Care Royal Commission is calling for submissions on potential changes to redress schemes in Aotearoa New Zealand for survivors of abuse in care.

Redress refers to actions that set right, remedy or provide reparations for harms or injuries caused by a wrong, such as abuse. Redress can take many forms, including:

* Payments of money
* Physical, emotional and psychological rehabilitation or other assistance through counselling and other health and social services
* Acknowledgment of and apology for abuse that occurred
* Memorials for survivors of abuse
* Criminal prosecutions
* Taking steps to prevent further abuse.

A redress scheme is a way for survivors to make a claim for abuse or neglect without having to go to court. These schemes are sometimes referred to as out-of-court redress schemes. The Royal Commission has gathered evidence of survivor experience of redress schemes in Aotearoa New Zealand through public hearings, collecting witness statements and listening to survivors in private sessions. We have also heard from the government and faith-based institutions about how they run their various redress schemes.

Survivors have told the Royal Commission that government and faith-based institutions have not responded adequately to their complaints of abuse. Survivors have said that this has added to their ongoing trauma and have made strong calls for change. They have said that a new redress scheme independent from government and faith-based institutions is needed. Representatives of government and the faith-based institutions heard by the Royal Commission have generally not opposed this call or have supported it in principle.

In its interim report *Tāwharautia: Pūrongo o te Wā*, the Royal Commission outlined its current view of the main general principles required to make redress effective. We are now considering the option of an independent redress scheme, and other potential changes, in more detail.

**Below** arethe questions on which the Royal Commission is seeking submissions. If you have already provided information to the Royal Commission, this will be taken into account. We would appreciate any new or additional information you would like to supply.

The Royal Commission will receive submissions from **5 May - 16 June** (inclusive).

You can make a submission in the following ways:

1. **Download** this submissions template (located on the Abuse in Care Royal Commission website:
[https://www.abuseincare.org.nz/survivors/how-to-get-involved/redress-submissions](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.abuseincare.org.nz%2Fsurvivors%2Fhow-to-get-involved%2Fredress-submissions%3Fstage%3DStage&data=04%7C01%7C%7C317b7e79c5c04dd0048908d90e7d5f92%7C1a50e6388eac457ab57ec63934e512d1%7C0%7C0%7C637556753893905736%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=1I%2Bdcc7h%2BJGwnbwmR1kouU3suzxz%2Bn9cLeWgwNN2Eoc%3D&reserved=0))

Save the form, fill it in and email it back to submissions@abuseincare.org.nz

1. **Print the printable version** of the submissions template (located on the Abuse in Care Royal Commission website:
[https://www.abuseincare.org.nz/survivors/how-to-get-involved/redress-submissions](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.abuseincare.org.nz%2Fsurvivors%2Fhow-to-get-involved%2Fredress-submissions%3Fstage%3DStage&data=04%7C01%7C%7C317b7e79c5c04dd0048908d90e7d5f92%7C1a50e6388eac457ab57ec63934e512d1%7C0%7C0%7C637556753893905736%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=1I%2Bdcc7h%2BJGwnbwmR1kouU3suzxz%2Bn9cLeWgwNN2Eoc%3D&reserved=0))

Fill in the form and return it in hard copy to the following address:

Royal Commission of Inquiry
PO Box 10071
The Terrace
Wellington 6143

1. **Phone / ema**il our Contact and Support Centre if you require further assistance:
	* (0800) 222-727 (weekdays 8am to 6pm NZT), excluding public holidays
	* (1800) 875 745 if calling from Australia
	* Email: submissions@abuseincare.org.nz

If you wish to make a submission in a different format (such as an audio file) or need support to make a submission, please phone or email our Contact Centre and they can discuss other options with you.

Note that you do not have to respond to each question.

We will consider the information you provide in developing recommendations to government and faith-based institutions on how best to provide effective redress to survivors of abuse in care.

We recognise that sharing your submission may be difficult for some people. If you need support, you can contact any of the providers below or call us on 0800 222 727 or email submissions@abuseincare.org.nz

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| WHERE TO GET HELP: If you are worried about your or someone else's mental health, the best place to get help is your GP or local mental health provider. However, if you or someone else is in danger or endangering others, call police immediately on 111. Or if you need to talk to someone else: • LIFELINE: 0800 543 354 (available 24/7)  • SUICIDE CRISIS HELPLINE: 0508 828 865 (0508 TAUTOKO) (available 24/7)  • YOUTHLINE: 0800 376 633 • NEED TO TALK? Free call or text 1737 (available 24/7)  • KIDSLINE: 0800 543 754 (available 24/7)  • WHATSUP: 0800 942 8787 (1pm to 11pm)  • DEPRESSION HELPLINE: 0800 111 757 (available 24/7)  • SAMARITANS: 0800 726 666  • OUTLINE: 0800 688 5463 (confidential service for the LGBTQI+ community, their friends and families)  • RURAL SUPPORT TRUST: 0800 787 254 |

### Privacy

We may use material from submissions for the purposes of the Inquiry, including by sharing it with other participants. We may name people and organisations who have made a submission, and their representatives, and refer to what they have said in published material including reports.  If your submission contains any information that you do not want published, or if you wish to make an anonymous submission, please state this in your submission with a brief statement of the reasons for seeking that confidentiality.

For more information on the Inquiry’s general approach to privacy, see [www.abuseincare.org.nz/footer-navigation/privacy/](https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.abuseincare.org.nz%2Ffooter-navigation%2Fprivacy%2F&data=04%7C01%7C%7C2cc81c3d9b424b7ed83d08d90e8a32b6%7C1a50e6388eac457ab57ec63934e512d1%7C0%7C0%7C637556808983009246%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=hpEcm5%2Bmxl5Yj5vTBDVCIWd2Pz1FoMdeDO7VBLioFoc%3D&reserved=0).

# Submitter information

The Royal Commission would appreciate it if you could provide some information about yourself. Any information you provide will be stored securely.

1. **About you**

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| Name: | **Prudence Walker**  |

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| Email address: | **policy@dpa.org.nz** |

1. **Are you happy for the Royal Commission to contact you if we have questions about your submission?**

[x]  Yes [ ]  No

1. **Are you making this submission on behalf of a business or organisation?**

[x]  Yes [ ]  No

If yes, please tell us the title of your company/organisation.

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| **Disabled Persons Assembly NZ Inc.** |

1. **Do you have any further information about yourself that you would like to share? If so, please do so in the comment box below.**

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| **The Disabled Persons Assembly NZ (DPA) is a pan-impairment disabled person’s organisation that works to realise an equitable society, where all disabled people (of all impairment types and including women, Māori, Pasifika, young people) are able to direct their own lives. DPA works to improve social indicators for disabled people and for disabled people to be recognised as valued members of society. DPA and its members work with the wider disability community, other DPOs, government agencies, service providers, international disability organisations, and the public by:*** **telling our stories and identifying systemic barriers**
* **developing and advocating for solutions**
* **celebrating innovation and good practice**
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| **Redress public engagement: questions** |

**You are invited to respond to as many or as few questions as you like, depending on your interests.**

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| **Question 1** |
| **What do you think an out-of-court redress scheme or schemes for claims of abuse in care should try to achieve? In other words, what do you think a redress scheme’s purpose or objectives should be?**  |
| **A redress scheme should seek to achieve justice, acknowledgement of the abuse, provide compensation, offer rehabilitation, and take steps to prevent future abuse.** **Taking steps to prevent further abuse requires system change. An apology is futile if the ‘system’ continues to deny disabled people the basic rights and fundamental freedoms that most people take for granted. There needs to be a shared understanding and acknowledgement that disabled people, in particular people with learning disability and neuro-diversity, must not continue to live their lives within the current institutional framework of care.**   |

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| **Question 2** |
| **Who should make decisions on redress claims, and what should any new redress scheme do?** |
| *At the moment, survivors can make out-of-court redress claims to government agencies and/or faith-based institutions. Those agencies and institutions also respond to and defend court cases by survivors seeking redress.*  |
| *A. Who do you think should make decisions on claims by survivors for out-of-court redress?** *Existing government agencies and faith-based institutions?*
* *An organisation or organisations independent from government and faith-based institutions?*
 |
| **We believe that an organisation independent of Government and faith-based institutions should make decisions on redress for survivors of abuse.** |
| *B. If you think claims should be decided by an independent organisation, what would need to be done to make the organisation independent? For example:** *Who should choose who leads the organisation and works for it?*
* *Who should the organisation report to?*
* *Where should the organisation’s funding come from?*
 |
| **We believe that the organisation should report to Parliament. Its head should be an Officer of Parliament like the Ombudsman. Its funding should come from Parliament.** |
| *C. If you think claims should be decided by an independent organisation, do you think that the organisation should involve government agencies, faith-based institutions, and individuals named as abusers in some way? If you do think that, what do you think that involvement should be? For example:** *should individuals and institutions named in applications for redress as abusers or as places where abuse happened be asked to respond to the application?*
* *should the organisation arrange for government agencies, faith-based institutions and individuals who accept responsibility for abuse to make apologies directly to survivors?*
 |
| **DPA believes that institutions and individuals named in applications should be asked to respond to such applications. We further believe that the redress organisation should arrange for Government agencies, faith-based institutions and individuals who accept responsibility for abuse, to make apologies directly to survivors. This approach will also require a safeguarding framework to be in place to ensure that the person remains in control of the decision making.**  |
| *D. If you think claims should be decided by an independent organisation, what do you think this organisation should be able to do? For example:** *Investigate claims of abuse and neglect?*
* *Make findings on claims of abuse and neglect?*
* *Where appropriate, hold individuals and institutions responsible for abuse and neglect?*
* *Arrange legal advice for survivors making claims?*
* *Arrange advocacy for survivors making claims?*
* *Arrange cultural support for survivors making claims?*
* *Help survivors access information about them, such as their records from their time in care?*
* *Make decisions on redress for survivors or just make recommendations to another organisation?*
* *Make decisions public or keep them private?*
* *Provide or arrange for survivors to receive services (like counselling, health and other rehabilitative services)?*
* *Make reports on abuse and neglect affecting groups of survivors or at particular places? Put another way, should an independent organisation report on systemic or broader issues beyond individual claimants?*
 |
| **DPA believes that an independent redress organisation should report on broader systemic issues as well as deal with individual claims of abuse. An independent redress organisation should be able to:** * **Investigate claims of abuse and neglect**
* **Make findings on claims of abuse and neglect**
* **Where appropriate, hold individuals and institutions responsible for abuse and neglect**
* **Arrange legal advice for survivors making claims**
* **Arrange advocacy for survivors making claims**
* **Arrange cultural support for survivors making claims**
* **Help survivors access information about themselves, such as their records from their time in care**
* **Make decisions on redress for survivors**
* **Make decisions public where appropriate**
* **Provide or arrange for survivors to receive services (like counselling, health and other rehabilitative services)**
* **Make reports on abuse and neglect affecting groups of survivors and/or at particular locations**
* **Make recommendations to be followed across government and service providers to prevent future abuse**
* **Involve existing advocacy organisations that disabled people trust**
 |
| *E. Do you think that any new organisation should not be allowed to do some of these things?* |
| **DPA believes that an independent redress organisation should do all of these things.**  |
| *F. If you think any new organisation should not be allowed to do some of these things, why do you think that?* |
| **N/A**  |

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| **Question 3** |
| **What types of abuse should survivors be able to seek out-of-court redress for?** |
| *What types of abuse should be included in a redress scheme? For example:*1. *Physical, sexual, emotional and psychological abuse?*
2. *Neglect?*
3. *All of those types of abuse?*
4. *Only one or some of those types of abuse?*
5. *Only abuse which results in serious mental or physical harm to the survivor?*
6. *Other types of abuse?*

*Tell us what you think and why* |
| **DPA believes that a redress scheme should include all of the types of abuse listed in (a) and (b) above and would ask that you specifically add financial abuse.****This is because disabled people are subject to all of these forms of abuse at higher rates than the general population and any redress scheme should include all of the types of abuse disabled people experience.** |

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| **Question 4** |
| **What claims should be covered by a redress scheme?** |
| *A. If a new redress scheme were established for claims of abuse in care, do you think it should be able to look at:** *only abuse that happened in the past?*
* *abuse that is happening now?*
* *all abuse, whenever it happens (including in the future)?*
 |
| **DPA believes that a redress scheme should be able to look at all abuse in care, regardless of when it happens, including financial abuse and neglect.**  |
| *B. Do you think that a redress scheme should:** *close after it has made decisions on particular claims? For example, claims relating to abuse that happened between 1 January 1950 and 31 December 1999?*
* *stay open for as long as claims are made to it?*
 |
| **DPA believes that a redress scheme should stay open for as long as claims are made to it. Given that we believe it should have a systemic remit, in addition to receiving individual complaints, it would always have work to do in making recommendations on systemic issues.**  |
| *C. Do you think that a redress scheme should be able to consider claims from survivors who have already received out-of-court redress from government agencies or faith-based institutions?*  |
| **Yes. DPA believes that a redress scheme should be able to consider claims that have already received out of court redress by Government agencies. This is because survivors report harrowing and retraumatising experiences of dealing with Government agencies regarding abuse claims. A redress scheme taking another look at these might enable survivors to feel that they have received justice.**  |
| *D. If a survivor is deceased, do you think their family members or whānau should be able to make redress claims?*  |
| **DPA believes that the family members and whānau of a deceased abuse survivor should be able to claim redress.**  |

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| **Question 5** |
| **What types of redress should be available?** |
| *A. What types of redress should survivors of abuse in care be able to get from a redress scheme? For example:** *Someone investigating their claims?*
* *Someone acknowledging the abuse?*
* *Someone saying sorry to them?*
* *Should they be able to get counselling to help them?*
* *Should they get money?*
* *Should they get rehabilitation services (like the services referred to in question C below)?*
 |
| **DPA believes that abuse in care survivors should be eligible for all of the types of redress listed above.**  |
| *B. If you think survivors should get money, what do you think the payment of money should try to achieve? For example, should a payment aim to:** *be enough money to make up for the abuse suffered? In other words, seek to compensate for the impact of and loss caused by the abuse?*
* *be enough money to say that we acknowledge and are sorry for what happened to you, but we know that it will not make up for what you have suffered. In other words, seek to be a tangible acknowledgement of the abuse and its effects, but not to compensate for them?*
 |
| **DPA believes that any payment made to abuse survivors should *seek to compensate them for the impact of and loss caused by the abuse.******It is also essential that the recipient of payment for redress has control over that money.******This means:**** ***It should not be paid to their service provider***
* ***It should not affect their entitlement to welfare benefits or any other payment, Accident Compensation Corporation (ACC), etc.***
* ***There should be a safeguarding framework in place to ensure that where disabled people have Welfare Guardians or an Enduring Power of Attorney (EPA) in place, the disabled person is still properly consulted using supported decision-making to determine how they would like to use their money.***
 |
| *C. Services that could be available or accessed through a redress scheme include assistance with education and employment, healthcare, accessing secure housing, financial advisory services, community activities, counselling, and helping survivors to build and maintain healthy relationships with their families and children. If you think services should be available through a redress scheme:** *what kinds of services would be most important?*
* *why do you think it is important for survivors to get these services?*
* *what do you think should be the aim(s) of survivors having access to these services? In other words, what should be the outcome or outcomes for survivors from these services?*
* *should survivors have access to services on an ongoing basis depending on what they need?*
* *or should survivors have access to services up to a particular cost or for a set time period?*
 |
| **DPA believes that abuse survivors should receive the services and supports they need for as long as they need them. The purpose of such supports/services should be to enable survivors to lead a good life. DPA believes that all of the support services listed above should be available, but that this list isn’t exhaustive as the services/supports should be based on individual need.** **Assessment should be person-centred and whanau-centred to meet holistic needs of individual and whanau.****A means of redress could include, for example people with learning disability and neuro-disability who live in care having an independent advocate (funded by Government) throughout their life as a safeguard to enable their good life and protect from harm.** |
| *D. Should redress be available for family members or whānau of survivors? If it should, what types of redress should family members be able to access?* |
| **Family members and whānauof survivors should be able to seek redress, including supports and services, to enable the family and whānau to heal and build healthy relationships.** **The process should also recognise formal decision makers, i.e. Welfare Guardian and EPA and ensure that there is a supported decision making and informed consent process for disabled people deemed to lack capacity and to protect individuals rights and protect them from undue influence and financial abuse by supporters using an appropriate safeguarding framework.** |
| *E. Should a redress scheme provide other types of collective redress for abuse in care (that is, types of redress given to groups of survivors or other groups affected as a group by abuse in care)? If it should, what types of collective redress should the scheme provide?* |
| **Types of collective redress should be reports of investigations, apologies, group support and therapy.** **Collective redress could include disabled people, including survivors of abuse, being involved in decision making to inform the future prevention and response to abuse and neglect of disabled people.**  |
| *F. Should a redress scheme give survivors a choice between:** *a brief, quickly resolved assessment, which might give survivors a lower monetary payment and access to some services?*
* *an extensive and longer-to-resolve assessment, which might give survivors a higher monetary payment and access to more services?*
* *or should all claims have the same type of assessment, and the same range of potential outcomes available?*
 |
| **DPA believes that survivors should be supported to seek the kind of redress and investigation that best suits their wishes. We believe that staff of the redress organisation should be trained in supportive decision-making to ensure that survivors make their own informed decisions on the type of redress they require.**  |

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| **Question 6** |
| **What review or appeal processes should there be in any new redress scheme?** |
| *Some overseas redress schemes allow survivors who do not agree with a decision by the redress scheme to ask another person or organisation to review the scheme’s decision. Survivors could also be allowed to appeal a decision to a Court or another organisation that works like a Court.*  |
| *A. Should a survivor be able to apply for review of, or appeal against, a decision made by the redress scheme on their application?* |
| **We believe that survivors should be able to review and appeal decisions made by any redress body.**  |
| *B. Should an individual and/or institution named in an application be able to apply for review of, or appeal, a decision made by the redress scheme on that application?* |
| **We do not feel that institutions and individuals investigated should be able to review or appeal decisions. This is a tactic often used by abusers to continue their power over people they have abused.**  |

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| **Question 7** |
| **Which organisations should be included in any new redress scheme, how should it be funded, and what should ACC do?** |
| *A. If a new redress scheme were established, should that scheme be responsible for assessing claims relating to abuse in the care of:** *government (including organisations contracting with government to provide care) and faith-based institutions?*
* *only government institutions?*
* *only faith-based institutions?*
 |
| **Any redress scheme must be able to hear complaints regarding both Government and Government contracted agencies, and faith-based institutions.**  |
| *B. Should there be any limit on the types of government and/or faith-based institutions included in any new scheme? If so, what should those limits be?* |
| **We don’t believe that there should be any such limits.**  |
| *C. If a new scheme were established to decide claims for redress relating to government and faith-based institutions, should faith-based institutions:** *not be included in the scheme unless they choose to opt-in?*
* *be included in the scheme unless they choose to opt-out?*
* *have no choice about being included in the scheme? In other words, not have a choice to opt-in or opt-out?*
 |
| **We believe that it is essential that faith-based institutions are included and that they should have no option of being able to opt-out of the scheme***.*  |
| *D. If a new scheme were established to assess claims for redress relating to government and faith-based institutions, should a survivor:** *only be able to make a claim for out-of-court redress to the new scheme?*
* *be able to choose whether to make a redress claim to the new scheme or to go directly to the government or faith-based institutions?*
 |
| **We believe that survivors should have a choice whether to go directly to Government or faith-based institutions to complain, or to go to a redress agency. And have the support they need at a time and way that works for the individual.**  |
| *E. If a new scheme were responsible for assessing claims for redress relating to government and faith-based institutions, how should that scheme be funded? For example, should:** *government and faith-based institutions have to contribute on a claim-by-claim basis according to the extent of their responsibility for the claim?*
* *the government seek funding contributions from faith-based institutions, but be ultimately responsible for funding the new scheme?*
 |
| **We believe that the Government should seek funding contributions from faith-based institutions, but ultimately Government should be responsible for funding the scheme.**  |
| *F. Some survivors of abuse in care can make claims to the Accident Compensation Corporation. If a new scheme were established to assess claims for redress relating to government and faith-based institutions, what do you think the relationship between that scheme and ACC should be? Or rather than establishing a new scheme, should ACC be responsible for assessing all out-of-court claims for redress for abuse in care relating to government and faith-based institutions?* |
| **Many disabled people have had negative experiences with ACC and for that reason we do not support them assessing out of court claims. We believe that a new independent redress organisation should be established.**  |

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| **Question 8** |
| **What is required for a redress scheme to be consistent with te Tiriti o Waitangi / the Treaty of Waitangi, and with tikanga?** |
| *A. To be consistent with Te Tiriti o Waitangi / the Treaty of Waitangi, and with tikanga:** *how should a redress scheme for abuse in care be designed?*
* *how should a redress scheme operate?*
* *what should a redress scheme make available or facilitate in terms of redress?*
* *should there be a separate redress scheme for Māori?*
 |
| **DPA believe that Māori should decide whether or not they have a separate redress scheme. However, if Māori decide to have a separate redress scheme, both schemes should work to Te Tiriti o Waitangi principals.**  |
| *B. Should a redress scheme allow for collective redress for whānau, hapū and iwi affected by abuse in care? If you think it should:** *who should assess a collective claim?*
* *what should the scheme provide or give access to as collective redress?*
 |
| **We believe that a redress scheme should allow for collective redress for whānau, hapū and iwi affected by abuse. The claim could be assessed by the Waitangi Tribunal and receive that organisation’s collective remedies.**  |
| *C. What are or might be the barriers to Māori survivors in accessing a redress scheme?* |
| **Issues ofWhakamā may be a barrier to Māori accessing a redress scheme.**  |
| *D. If a new redress scheme were established to assess claims for redress for abuse in care, what do you think the relationship between that scheme and the Waitangi Tribunal should be?* |
| **We believe that the Waitangi Tribunal and an independent redress scheme should work together to build a relationship in which Māori have trust.**  |

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| **Question 9** |
| **Should an out-of-court redress scheme be culturally appropriate for each individual survivor who applies to it, such as survivors from Pacific communities?** |
| *A. Should an out-of-court redress scheme aim to be culturally appropriate for all survivors who may apply to it? For example, should it provide or allow for cultural practices other than those of Māori, such as Pacific cultural practices?*  |
| **Any redress scheme must be culturally appropriate for any survivors who apply to it. This includes disability culture.**  |
| *B. If an out-of-court redress scheme should aim to be culturally appropriate for all survivors:** *how should the scheme be designed?*
* *how should the scheme operate?*
* *what should the scheme make available or facilitate in terms of redress?*
 |
| **This question is context specific and needs to be worked through with individuals and groups applying to be heard. However, it should be willing and able to adopt the necessary cultural practices and remedies necessary.** |

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| **Question 10** |
| **How should a redress scheme be made accessible?** |
| *A. What are, or might be, the barriers that disabled and other survivors may experience in accessing out-of-court redress?* |
|  **Staff with the scheme need to ensure that supportive decision-making processes are available throughout their process such as access to New Zealand Sign Language (NZSL) Interpreters, and social facilitators and have appropriate training on working with and supporting disabled people. Any redress organisation needs to build links with the disability community and employ disabled staff. Information on the scheme needs to be available in a range of formats accessible to disabled people.** |
| *B. To make an out-of-court redress scheme accessible and effective for disabled and other survivors:** *how should the scheme be designed?*
* *how should the scheme operate?*
* *what should the scheme make available or facilitate in terms of redress*?
 |
| **The scheme should work within the principles of Enabling Good Lives (EGL) and a safeguarding framework to promote and protect disabled people, family and whanau’s rights.****It should include disabled people in its design, taking into account the different cultural needs of different groups of disabled people, particularly Māori.**  |
| *C. What does a redress scheme need to think about when arranging for or providing redress to disabled survivors living in long-term or lifelong care?* |
| **Any scheme needs to ensure that the survivor directly benefits from any** **financial compensation.**  |
| *D. What should a redress scheme do to make redress effective for survivors living in long-term or lifelong care?* |
| **A redress scheme should: make available independent advocates to prevent further/future abuse and neglect; put in safeguarding systems to ensure that disabled people are not subject to financial abuse and can spend their money as they choose; ensure that any compensation money isn’t spent on their care without their expressed consent.**  |
| *E. What should a redress scheme do to try to make sure that survivors know about it and can access it?*  |
| **It needs to have or use premises that are physically accessible. It needs to be able to meet disabled people where they are.****All information including publicity about the scheme needs to be accessible and promoted through existing disability channels. Staff must be trained and supported to work in ways that enhance the mana of disabled people and take into account their practical and emotional needs.** **It must also have a safeguarding framework so that disabled people feel safe to access it. This should include:** * **A trauma-informed approach.**
* **Supported decision making and informed consent process**
* **Independent advocacy support**
* **Build capacity and capability of staff to be responsive to disabled people and understand abuse and neglect of disabled people.**
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| **Question 11** |
| **Should there be changes to the civil litigation system for cases of abuse in care?**  |
| *What if any changes would you like to see to the civil litigation (Court) system for cases of abuse in care?* |
| ***Courts need to meet their obligations under the United Nations Convention on the rights of Persons with Disabilities (UNCRPD) in particular Articles 12 and 13.******Courts and Court staff need to be more inclusive of disabled people including understanding how disabled people can give evidence.******Judges need to have training in understanding the different communication needs of disabled people and recognise the autonomy of disabled people.******Often disabled people are not viewed as credible witnesses – this has to change if the court system is to deal with any cases of abuse against disabled people.***  |

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| **Question 12** |
| **Do you have any other comments to make arising out of these questions?** |
| **We are pleased to see that the abuse of disabled people and meaningful redress are being actively considered. Abuse has disproportionately affected disabled people for many years and it is essential that redress be made and the system changed so that disabled people have a chance at living safely as a valued part of society in future.**  |