

Starting the claim process

It's important to tell us everything that happened to you

It is important that you have told us everything you are able to about your experience(s) in care before we start assessing your claim. Take time to be sure you cover all that happened to you before letting us know that you want your assessment to go ahead.

This is because if we offer a payment at the end of the assessment process and you accept it, we will ask you to sign a document called a Deed of Settlement. This is a full and final settlement of your claim and means that you can't make any other claims to the government in the future for any of the time you were in care.

If we do make an offer we want you to be sure about whether to accept it or not and suggest you take some time to think about your decision. We also suggest that it is a good idea to get some legal advice before making a final decision, or you may want to talk to a family/whānau member or a trusted friend. If you want to get some legal advice we will help you with some of that cost.

What we do with the information you share with us

The information you give us is collected and held by the Ministry so we can assess and respond to your claim of abuse while in the care of the state before 1 April 2017. As part of the assessment process we may share your information or make contact with other government agencies or Non-Government Organisations (NGOs) who were involved in your care. We may also need to share your concerns with Oranga Tamariki or an NGO if your concerns relate to a current staff member employed by one of those organisations. We want to ensure children receiving care in services today are kept safe.

If you have any concerns about your information being shared, for example if you are concerned that this may put you at risk in any way, please let us know so we can talk with you about this and what we can do to address your concerns.

Our Privacy statement provides you with more information about why we collect information and what we will do with it. You can find our full Privacy statement on our website (www.msd.govt.nz/historicclaims) or ask us and we will send a copy to you.

Can I stop my claim at any time?

You can put the assessment of your claim on hold at any time. This means we will not do any further work to progress your claim. This hold can be removed at any point if you change your mind.

The Royal Commission of Inquiry into Abuse in State Care and in the Care of Faith-based Institutions

We expect the Inquiry will look into how claims are resolved, which may result in possible recommendations for improvements to our service in the future.

We are committed to getting this right

We want to make sure that anyone who makes a claim with us gets the best possible service.

We will be continuously looking at how we can make the process work better for everyone. If you have any thoughts or suggestions on how we can do improve things we would love to hear from you. Email us at historicclaims@msd.govt.nz



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Making a claim for abuse or neglect in State care

If you feel you have been unjustly treated while in the care of the Child Welfare Division, the Department of Social Welfare, the New Zealand Children and Young Persons Service or Child, Youth and Family, please talk to us.

We understand that this time can be very unsettling, and that it can be difficult talking about your experience and taking that first step towards the Crown responding to your claim.

We want to make sure the process is as simple as possible for you. We will give you clear information about what happens from the time you first meet with us to the time your claim is settled.

We will help with support you may need while going through the process. This could include a counsellor or someone else you feel comfortable with – it's your choice.



You can talk to us about making a claim by:

- writing to the Ministry of Social Development, Historic Claims, PO Box 1556, Wellington 6140
- calling **0800 631 127** and asking to speak with an advisor in Historic Claims
- emailing: historicclaims@msd.govt.nz

You can also speak with a lawyer to get their assistance to make a claim. They will be able to let you know if you can get legal aid.

Who can make a claim

You can make a claim of abuse or neglect if you:

- were in the care, custody, guardianship, or came to the notice of the Child Welfare Division, the Department of Social Welfare, the New Zealand Children and Young Persons Service or Child, Youth and Family, before 1 April 2017, and
- believe you were harmed as a result of abuse or neglect while in care.

What happens when I make a claim?



First contact

When you first contact us we will go through the claims process and answer any questions you have. We will also help you with support you may need while your claim is happening.

You can have a copy of your personal files from your time in care and we will arrange this for you.

Some information in your file may be blocked out as required under the Privacy Act 1993, for example private information about other people.

You can also talk to us if you have any questions about your file or what happened during your time in care.

When you want to go ahead with your claim we will make a time to meet with you to start the claim process.



Meeting to make a claim

This first meeting is for you to tell the Ministry about your experience, and is the same whether you make a claim with the Ministry or through your lawyer.

We'll listen to you about your experience; usually in person but sometimes by phone or video. Talking about difficult things that have happened in the past can be upsetting so please let us know how we can make that conversation as simple as possible for you.

The meeting will be held at a time and place which works for you, and will be respectful of your culture and values. You are welcome to have a support person with you. This could be, for example, your partner, friend, family or whānau member or counsellor.

We will also give you an idea of how long the claim will take.



The assessment

The assessment confirms your involvement with State care, including if the State was legally responsible for you at the times your claim covers.

As part of this assessment we always review your personal files. A full review of other relevant records is not carried out for every concern you raise, however some concerns may require a more detailed assessment.



Results

When the assessment is finished we will give you general feedback gathered from reviewing your file. At this meeting we may discuss with you a payment offer.

You can take time to think about this offer and choose if you want to accept it or not. You may choose to seek legal advice.

Our Chief Executive may also want to apologise to you.



Offer accepted

If your offer included a payment, we will arrange for this to be made and close your claim.



Offer not accepted

If you don't accept our offer we will talk to you about what other options are available, including asking for a review of the decision. We will talk with you about this and how long it may take.

You may also choose to seek legal advice.



Criminal investigations

If your complaint is about criminal conduct then the Ministry may, after making sure we are legally able to, share information about the alleged offending with the Police. If you would like the Police to investigate what happened to you, we would encourage you to contact them. We will help connect you with someone there you can share your experience with.



Results of review

If your offer is reviewed, we will go through our decision with you once the review is finished. There may also be further information found during the review of your files we can give you.

As part of this meeting we may discuss with you a payment offer.

This payment could be higher or lower than any original offer.

Again, you should take time to think about this offer and choose to either accept it or take your claim through the courts, or to an independent organisation such as the Ombudsman.

An apology

Our Chief Executive may also want to apologise to you. There are different options for how you could receive this. We will talk to you about this at the time.