



**MINISTRY OF SOCIAL
DEVELOPMENT**
TE MANATŪ WHAKAHIATO ORA

13 February 2023

Tēnā koe

On 10 January 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

Please provide, under the OIA, copies of any internal guidance, policies, correspondence or similar documentation relating to the categorisation of Historic Claims cases since 1 January 2021. This includes guidance and correspondence relevant to the Consistency Panel.

I do not require a copy of the MSD Historic Claims Business Process and Guidance document (version 2.5 or earlier versions) or other documents that have previously been provided to Cooper Legal.

We have interpreted your email as a request for documents relating to how historic claims are categorised under the Ministry's payment categories for the purposes of determining a settlement payment.

When staff carry out an assessment and payment recommendation, they primarily rely upon the current version of the Ministry's Historic Claims Business Process and Guidance document (the Handbook), any relevant practice guidance, and the payment framework definition documents to categorise a claim. These documents have been previously provided to you and most of these are available on the Ministry's website: <https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/historic-claims/>. Please note that we are in the process of updating the Handbook to include rapid payments and other minor process changes. We will let you know once the updates have been finalised. In the meantime, the inappropriate detention definitions in the Handbook were updated in August 2022. Please see the **Appendix** for a copy of these updated definitions.

Regarding the Consistency Panel, the Panel members primarily use the guidance in the Handbook (including the payment categories) and the payment framework definitions to make decisions around the categorisation

of claims. Members also use their knowledge and experience of how they have categorised other claims to review the proposed payments given their role (as noted in section 6 of the Handbook) is to ensure that recommended payments are consistent, fair and in line with past and present payments. Sometimes this means that the Consistency Panel will specifically consider other similar claims to make sure payment levels between these claims are consistent.

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. The Ministry will do this by publishing this letter on the Ministry'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.

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 or 0800 802 602.

Ngā mihi nui



Linda Hrstich-Meyer
General Manager
Historic Claims

Appendix

Definitions for Inappropriate Detention framework

Residences which had a secure unit

- Allendale Girls' Home (aka Auckland Girls' Home)
- Beck House
- Bollard Girls' Home
- Dey Street (aka Hamilton Girls' Home)
- Dunedin Boys' Home (aka Lookout Point)
- Dunedin Girls' Home (aka Elliot Street)
- Epuni
- Hamilton Boys' Home (aka Melville Boys' Home, but not Melville Family Home)
- Hokio
- Kingslea (aka Burwood Girls' Home) – *secure from 1952*
- In Kingslea "Nightingale" was a secure block
- Kohitere – *cottage used for secure from 1955, dedicated unit from 1967* (Kiwi Villa 'semi-secure' inclusive within out framework)
- Korowai Manaaki Youth Justice
- Lower North Youth Justice (aka Te au Rere a te Tonga Youth Justice)
- Melville Boys' Home
- Miramar Girls' Home (aka Wellington Girls' Home, but not Miramar Receiving Home)
- Owairaka – *one secure room from 1958, unit from 1970*
- Palmerston North Girls' Home (aka Margaret Street)
- Puketai
- Stanmore Road Boys' Home (aka Christchurch Boys' Home)
- Strathmore Girls' Home (aka Christchurch Girls' Home)
- Te Maioha o Parekarangi
- Te Omanga
- Te Puna Wai o Tuhinapo
- Weymouth (aka Northern Residential Centre)
- Whakatakapokai (aka Weymouth)
- Youth Justice North

Receiving Homes

Any facility called a 'Receiving Home' is assumed to not include a secure unit, although allegations of confinement are still considered if they arise. Some of the receiving homes become more secure facilities in later years, with a change of name (e.g. Miramar Receiving Home became Miramar Girls' Home).

Detained in a place or room where this went beyond the exercise of normal and reasonable parental controls

As well as being physically detained in a place or room (e.g. being locked in a garden shed or bedroom) beyond what would be reasonable, this part of the framework can also include allegations that relate to being confined in a specific place, such as being tied to a tree or being held in the "Michael Whiting hold" at homes/programmes run by the Youthlink Family Trust (also known as The Glade or Felix Donnelly College). This was a restraint hold which involved staff holding a young person with his or her arms crossed in front of them and held by the staff member, while they are restrained between the staff members knees. This practice could go on for multiple hours.