



<b>Report Title:</b>	<b>RCOI Abuse in Care – confirming implementation office and leadership arrangements</b>		
<b>Report No:</b>	<b>2024-0245</b>		
<b>Date:</b>	<b>13 August 2024</b>		
<b>To:</b>	<b>Hon Nicola Willis, Minister for the Public Service</b>		
<b>To:</b>	<b>Hon Erica Stanford, Lead Coordination Minister for the government’s response to the RCOI</b>		
<b>Action Sought:</b>	Indicate your preferred options	<b>Due Date</b>	15 August 2024
<b>Contact Person:</b>	<b>Callum Butler, Policy Director, Strategy and Policy</b>		
<b>Contact No:</b>	9(2)(a) privacy		
<b>Encl:</b>	No	<b>Priority:</b>	High
<b>Security Level:</b>	<b>IN CONFIDENCE</b>		

### **Purpose of Report**

1. We are working with the CRU to draft a paper for CBC on 2 September seeking Cabinet decisions on arrangements to support the implementation of the government’s response to the RCOI abuse in care. We understand that you are keen to have the new arrangements officially in place by 1 October.
2. This report seeks your confirmation of several decisions for the paper following discussion of our previous report [2024-0219 refers].

### **Cross-agency leadership at chief executives level**

3. The current sponsors group of chief executives of the social and justice sector agencies responding to the RCOI findings is aware that it will need to modify its membership and terms of reference to respond to the RCOI report, and has had initial conversations about membership.
4. Minister Stanford had expressed an interest in the Public Service Commissioner (or a statutory Deputy Public Service Commissioner as the Commissioner’s delegate) chairing a group of Chief Executives to oversee the next stage of the work.
5. We agree that having the group chaired by the chief executive of a central agency would help to provide Ministers with assurance that agency chief executives were being held to account for their contributions to the RCOI response, and support the ability of the head of the implementation Office to drive action through agencies.
6. We note that the role of chairing the sponsors group can be considered separately from the choice of host department for the proposed Office to support coordination of the response implementation (discussed further below).

## **Establishing a Functional Chief Executive to lead the Office**

---

7. You both indicated in your feedback on our report 2024-0219 that you are comfortable with the proposal that the implementation Office be a business unit forming part of a central agency, drawing on the current Crown Response Unit (CRU) which is currently a business unit hosted by Oranga Tamariki.
8. We understand that you may be comfortable with the implementation Office being called the 'Crown Response Office'. This choice would avoid implying that the government had already decided to use the Office as the establishment unit for the RCOI's proposed Care Safe Agency, on which decisions have not yet been made.
9. We suggested that a Functional Chief Executive role could be established to lead the Crown Response Office. A full-time chief executive will provide dedicated focus on the response work. This leader would be accountable to Ministers for driving and monitoring the overall response plan.
10. Establishing the functional chief executive will require both the formal establishment of the role and the usual chief executive appointment process:
  - Order in Council to establish the FCE position, naming the host department and outlining the FCE's functions
  - a vacancy with position description noted by APH (this step could be included in the initial CBC paper alongside seeking drafting instructions for the Order in Council)
  - an advertised recruitment process, although the notification/advertising stage of this could be shortened by seeking expressions of interest through the PSC senior officials networks
  - noting the Public Service Commissioner's intended appointment through APH and confirming the appointment in Executive Council
  - the Order in Council coming into force and the appointee commencing in the role.
11. Getting an FCE in place by 1 October will be challenging. We will work through the timing with you, including the target APH and LEG dates and where it is possible to accelerate the timeframes, once you have confirmed that you wish to proceed with an FCE.

## **Proposed location of the Crown Response Office**

---

12. A host department is required to provide the functional CE with the staff and other resources they require to fulfil their responsibilities. You were planning to have a discussion on a preferred central agency host for the Office (the Public Service Commission (PSC), DPMC or the Social Investment Agency (SIA)).
13. PSC and DPMC both have roles that are focused across the whole public service system, and there is benefit from keeping a focus on those agencies' broad leadership roles rather than accruing functions that focus on a specific area of activity. If the Public Service Commissioner is chairing the Chief Executives group, then there may be merit in maintaining separation between this role, upholding accountabilities of responsible Chief Executives, and the detailed coordination of the response.
14. SIA is specifically focused on the social sector, which includes the agencies that provide care. Hosting the functions in the SIA may therefore provide for better alignment of the Office's functions with its host's core business, and would also support the government to apply a social investment lens to aspects of the RCOI response if desired. There are some

implementation risks given SIA's ongoing transition to a new form and more prominent role, though these can be mitigated through a staged approach to adjusting back-office support (discussed further below). Appointing a functional CE to lead the work would also avoid distracting core SIA staff from this ongoing establishment work.

15. Having the Office hosted by a different agency does not require an immediate and disruptive change from the current CRU arrangements with Oranga Tamariki. Arrangements can be gradually migrated as appropriate. For example, we understand that the CRU would need to move to different offices during this financial year in any case at the end of the current lease term.

### **Next Steps**

---

16. Once we have your feedback, we will work with the Crown Response Unit to complete a draft Cabinet paper in time for Ministerial consultation to commence on 19 August before lodging on 29 August for CBC on 2 September.
17. We are currently working on a draft position description for the functional chief executive role for consultation with Hon Stanford, with the intention that it would be attached to the CBC paper. We will also provide further advice on timing.

### **Recommended Action**

---

We recommend that you:

- a **agree** that the Public Service Commissioner should chair a group of responsible chief executives  
*Agree/disagree.* *Agree/disagree*
- b **agree** that the name of the implementation Office should be the Crown Response Office  
*Agree/disagree.* *Agree/disagree*
- c **confirm** that you wish to establish a Functional Chief Executive role for the head of the Office  
*confirmed/not confirmed* *confirmed/not confirmed*
- d **note** that we provide further information on the process with a view to establishing the FCE by 1 October.
- e **indicate** your preferred host department for the Office  
*PSC/DPMC/SIA.* *PSC/DPMC/SIA.*
- f **agree** that Te Kawa Mataaho release this briefing in full once the relevant decisions have been made by Cabinet  
*Agree/disagree.* *Agree/disagree*

Hon Nicola Willis  
**Minister for the Public Service**

Hon Erica Stanford  
**Lead Coordination Minister for the government's  
response to the RCOI**

***IN CONFIDENCE***