

PRACTICE TOHU KŌRERO

Holistic Redress / Puretumu Torowhānui

This Practice Tohu Kōrero provides guidance on how Barnardos will respond to people who have experienced harm whilst in our care (where they were under legal orders in favour of Barnardos) and are seeking holistic redress / puretumu torowhānui¹.

This guidance is to be read in conjunction with the Barnardos Privacy Policy and the Privacy Act 2020 Barnardos Internal Process Guide to Managing Privacy Requests.

NOTE: This Practice Tohu Kōrero is an interim measure until further detail is known about the establishment of any State Redress Puretumu Torowhānui scheme².

Kei ngā tamariki te māiatanga, kei ngā kaitiaki te kawenga.
Children have the potential, Carers – the responsibility

Definitions:

Care - any of our care services – foster care, care where / specialist group homes, Te Poutama Ārahi Rangatahi or other historical Barnardos care settings.

Care-experienced – A person who has been in care.

Survivor – A person who has experienced harm in Barnardos care.

Redress – Support, services or financial payment provided to a survivor in recognition of Barnardos failure to fulfill our legal duty of care to them.

Principles:

Barnardos recognises:

- regardless of the time period a person was in Barnardos care, they had a right to quality care as defined by the [National Care Standards 2018](#),
- harm in care is a failure of Barnardos responsibility as kaitiaki of those in our care,
- harm in care is never acceptable, regardless of whether the actions reflect common practices, or system design, of the time period, and
- our redress process must honour te mana tangata and not further traumatise, nor stigmatise, survivors.

¹ [Royal Commission of inquiry \(2021\). He Purapura Ora, he Māra Tipu from Redress to Puretumu Torowhānui.](#)

² [Royal Commission of inquiry \(2024\). Whanaketia – Through pain and trauma, from darkness to light.](#)

Redress is guided by the Barnardos Guiding Principles:

Kotahitanga	Mahi Tōtika	Kaikōkiritanga	Māiatanga	Ata Whakarongo
We build reciprocal and cooperative relationships which create a sense of connection and belonging	We do the right things, the right way with integrity and purpose	We are responsive and creative in our actions to support those who are care-experienced	We have the courage to acknowledge our actions have harmed and learn from the past	We listen carefully, and our actions are guided by the voices of the tamariki/ children and whānau/ families we serve

Our approach to redress reflects the Tangata Whenua / Tangata Tiriti Whakapapa Pounamu values of:

Oranga whānau : relational	Mana motuhake : trauma informed	Māiatanga : courage and potential	Mana whānau : focused on change	Mana tangata : uniqueness
We are guided by the voice of those care-experienced	We aim to restore the mana, power, dignity and standing of those harmed in our care	We honour the extraordinary courage of survivors to approach the organisation that is accountable for the harm they have experienced	We are committed to learning from the past to improve our current and future services to care-experienced people	We ensure our process will meet the diverse needs of survivors, including those deaf and disabled.

Redress with whānau Māori reflects Te Tiriti o Waitangi through the principles of Nga Pou e Whā:

- Manaakitanga - Looking after our people
- Wairuatanga – Integrity
- Whanaungatanga – Family
- Kaitiakitanga – Stewardship
- Kaikōkiritanga – Empowerment
- Aroha - Unconditional love

and Barnardos outcomes for Māori and is guided by Te Whare Barnardos.



Overview

To ensure the Barnardos Redress programme reflects the Tangata Whenua / Tangata Tiriti Whakapapa Pounamu values, and does not further traumatise or stigmatise survivors, the survivor is not required to:

- a. Provide evidence of the severity, frequency or type of harm they have experienced
- b. Provide evidence of 'consequential damage' (detrimental later life outcomes resulting from harm in care)
- c. Continually tell their story.

Eligibility:

A survivor is eligible for Barnardos holistic redress programme where Barnardos, for a period of time during their childhood and/or adolescence,;

- held Additional or Sole Guardianship Orders
- held Interim Custody Orders or Custody Orders
- was named as the Agent for any Ward of the Court,

The survivor is eligible for Barnardos redress, irrespective of whether they have received an MSD historic claims settlement.

Making a claim:

A claim for redress support, services or financial payment can be made by phone, email or in writing. The National Manager: Practice and Advocacy is promptly advised of the claim. The National Manager: Practice and Advocacy advises the Chief Executive of the claim, complying with the Barnardos No Surprises Policy. The claim must be acknowledged within three working days.

Within three working days, the survivor is to be contacted and the relationship building to work towards restorative healing begun. If this is done early in the process it shows whanaungatanga, manaakitanga and kaitiakitanga. The National Manager: Practice and Advocacy will:

- Confirm the identity of the survivor
- Gather further detail to enable the file to be requested from archives or BConnect
- clarify if there are any cultural or access needs
- clarify what the survivor is looking for and ask them about their expectations
- clarify if the survivor has preferences as to who might be allocated to work with them on their claim e.g. gender, culture
- inform them of the redress process and next steps.

Based on this initial contact, the National Manager: Practice and Advocacy will allocate a senior staff member with an appropriate skill set / cultural knowledge, who is trained in trauma-informed practice.



Evidence:

Every effort is made to locate the survivor's file and determine the legal status that enabled their care. Where the survivor's file cannot be located, documentation that evidences the survivor was legally in a Barnardos care placement will be requested from:

- Oranga Tamariki,
- the survivor,
- their whānau, or
- the Courts

A survivor is only eligible for Barnardos holistic redress programme where confirmation of being under legal orders to Barnardos has been obtained. Proof of severity, frequency or type harm experienced, or consequential damage, is never required. Posthumous claims from family members of a deceased survivor are not currently available.

Where evidence of criminal conduct is identified, the survivor will be supported to approach the Police, if this is something the survivor wishes to do.

Redress meetings

If the survivor wishes, redress meeting/s are held. The intent of any redress meeting is to contribute to restorative healing. The survivor is always believed and the redress meetings are focused on what has happened to the survivor and how it has impacted their life. The redress process is facilitated by senior Barnardos staff in recognition of the importance the organisation places on its role as kaitiaki of those in our care.

All survivors are enabled to fully participate in the redress meetings, particularly recognising the unique needs of those from deaf, disabled or diverse communities (e.g. services of an interpreter).

Survivor's wishes will define:

- The frequency of the meetings
- The choice of venue, or mode
- The restorative model used
- How the redress meetings operate – its tikanga and kawa
- How a record will be made of what is decided at the redress meetings, and
- The timeframe for settlement completion.

The initial redress meeting/s are attended by:

- the National Manager: Practice and Advocacy
- a senior Social Worker, who is then allocated to the claim to provide ongoing operational support,
- where it is the wish of the survivor, the Chief Executive may also attend a redress meeting,



The survivor is ALWAYS invited to:

- To take the time they need
- Return for further discussions, at any time in the future
- Include support people

The survivor is offered the opportunity to review their file at a time that is right for them. See also [Request for personal information](#).

Redress parameters:

The form the redress takes, and the process, reflects trauma-informed principles:

Kotahitanga	Mahi Tōtika	Kaikōkiritanga	Māiatanga	Ata Whakarongo
A person is more than their care experience Healing happens in relationships	Understanding trauma and its impact Promoting ahurutanga - Safety	Recovery is possible Honouring Te Tiriti o Waitangi obligations	Ensuring cultural competence Supporting mana motuhake - client control, choice & autonomy	Actively seeking out views Sharing power & governance

The form the holistic redress takes reflects what is important to the survivor, and can include (but is not limited to):

- Hearing and validating their story
- Enabling them to make connections past, present and future
- Supporting them to review their file
- Making an apology – in a form the survivor wishes
- Navigating systems and advocating on their behalf
- Offering services that Barnardos operates in CAFS or BEL
- Financially supporting a survivor, or their whānau, to access services or goods outside of the organisation that will increase their wellbeing (e.g. therapy, lessons, rongoā)
- A cash payment.

Holistic redress, of any form, to any one survivor cannot exceed a total cost to Barnardos of \$10,000.



Legal expenses

Some survivors may have sought legal representation to enable them to approach Barnardos confidently. It takes substantial courage to contact an organisation connected to the harm they have experienced. Barnardos can pay up to a total of \$5,000 (plus GST) towards legal fees related to the survivor getting receipted legal advice on:

- applying to the Barnardos Holistic Redress Programme, and/or
- the settlement agreement.

The independent legal advice may be sought from any independent lawyer in practice in Aotearoa or, if the survivor is not based in New Zealand, with a lawyer in their country of residence.

This legal fee recompense is in addition to the individual redress fiscal cap amount (see [Redress parameters](#)).

Request for personal information:

Any Privacy Request, as part of a redress claim, to view personal information held by Barnardos must comply with the Barnardos Privacy Policy and the Privacy Act 2020 Barnardos Internal Process Guide. To provide continuity in the relationship, the senior Social Worker allocated to the claim will also provide support for the survivor viewing their file.

The requester is to be offered the return of any personal original documentation held on the file – e.g. photos, school certificates, art work, life story mementos. Copies are made of anything being returned and the copies placed in the file with a note stating originals returned.

A file note is placed on the file of the requester identifying a privacy request has been completed. Where their file is on BConnect, a service delivery 'Historic Paper Files' is opened and the file note placed as an activity record.

Apology

A genuine heartfelt apology for the hurt and harm the survivor has experienced, and for Barnardos failure in its duty of care to them, is always verbally conveyed at the start of the redress process. An apology is offered even if the harm was attributable to service design or care practices of the time period.

Survivors are given the choice of how they would like to receive the apology from Barnardos e.g. in-person, by whom, verbal. A formal organisational apology letter on the Barnardos redress template is always given, which includes

- acknowledgement of the survivor's unique experiences
- organisational accountability
- options for support



- information on what is now in place to prevent the same thing happening to tamariki today
- CE signatures, past and present, where available.

Settlement Agreement

The survivor is encouraged to get independent legal advice before signing the settlement agreement. The survivor and Barnardos will jointly agree and sign a Settlement Agreement on the Redress Settlement Agreement Template. There is no requirement for a settlement agreement to be confidential.

After a Barnardos settlement has been made, Barnardos will be guided by the requirements of State Redress Pūretumu Torowhānui scheme³ in regard to eligibility to also make a further claim to that scheme.

Recording

Where a claim has been made for redress, at its conclusion, all documentation is uploaded to BConnect under the survivor's name/s as an activity in a 'Historic Paper Files' Service Delivery, which has high confidentiality regarding access rights, and includes:

- the steps taken
- a copy of the Apology letter
- a copy of the Settlement Agreement.

A brief case note is placed on any paper file of the survivor indicating a claim has been made and cross-references to the confidential BConnect record. No details are placed on the paper file.

Barnardos national office will hold a record of all redress claims and settlements.

Organisational learning

At the time of settlement, the National Manager: Practice and Advocacy will initiate a 'redress debrief meeting' including the allocated senior Social Worker and other applicable Barnardos stakeholders.

The purpose of the redress debrief meeting is to:

- learn from what occurred and the circumstances leading to the harm
- reflect on what protection current policies and practices offer against it happening currently
- decide what further organisational steps need to occur.

The senior Social Worker allocated to the claim will share an anonymised overview of organisational and practice themes the claim has highlighted. Where the

³ [Royal Commission of inquiry \(2024\). Whanaketia – Through pain and trauma, from darkness to light.](#)



redress debrief meeting concludes current policies or practices could be improved, the Serious Harm or Death of a Child Policy Section 8: review process is initiated.

Also reference:

Child Protection Policy	Serious Harm or Death of a Child Policy
Barnardos No Surprises Policy	Care Services Policy suite
Document and Data Retention Policy	Privacy Policy
Privacy Act 2020 Barnardos Internal Process Guide to Managing Privacy Requests	
Ngā Pou e Whā	Cultural Responsiveness Policy

