Barnardos Aotearoa

ETHICS

PRACTICE TOHU KŌRERO
Holistic Redress / Puretumu Torowhānui

This Practice Tohu Kōrero provides guidance on how Barnardos will respond to people who have experienced harm while in our care and are seeking holistic redress / puretumu torowhānui and, where they were subject to legal orders in favour of Barnardos, redress in the form of a cash payment alongside reimbursement of legal fees where applicable.[1]

This guidance also reflects Barnardos Privacy Policy and the Barnardos Internal Process Guide to Managing Privacy Requests under the Privacy Act 2020.

Kei ngā tamariki te māiatanga, kei ngā kaitiaki te kawenga.

Children have the potential, Carers – the responsibility

Definitions

Barnardos Holistic Redress Programme: Barnardos' process for responding to Survivors who seek acknowledgement of, support for, or redress for harm experienced while in Barnardos care. The Programme provides access to Holistic Redress for all eligible Survivors and, for Former Barnardos Wards, may also include redress in the form of a cash payment.

BConnect: Barnardos secure and confidential electronic case management system. Access to survivor records is limited to a small number of approved staff members.

Care: means any past or present Barnardos care service, including foster care, caregiver group homes, care whare / specialist group homes, Te Poutama Ārahi Rangatahi and other historical Barnardos care settings.

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

Survivor: means a person who reports having experienced harm while in Barnardos care.

Former Barnardos Ward: means a Survivor in respect of whom Barnardos, during their childhood or adolescence:

- held an Additional or Sole Guardianship Order;
- held an Interim Custody Order or Custody Order; or
- was named as agent for a Ward of the Court.

(Survivor and Former Barnardos Ward together, **the Survivors**).

Redress: Actions and/or offers provided to the Survivors in recognition of Barnardos' failure to fulfil its duty of care to them.

Holistic Redress: Redress in a range of forms but explicitly excludes redress in the form of a cash payment.

---

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

Principles

What we recognise

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, the Survivors.

Redress principles

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 the 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 the 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 the Survivors, Survivors are 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.

Barnardos may, however, make reasonable enquiries to confirm an individual's connection with Barnardos care and to understand the nature of the support or redress being sought.

The Barnardos holistic redress programme

The Barnardos Holistic Redress Programme is a way for Barnardos to acknowledge and respond to harm experienced by people in its care.

The Programme is centred on you and what is important to you. Depending on your circumstances and what you are seeking, it may include an apology, support to access and understand your care records, restorative meetings, help to navigate other services or systems, advocacy, and other agreed forms of support.

If you are a Former Barnardos Ward, the Programme may also include a cash payment.

You can take part in the Programme without having to repeatedly tell your story or prove the severity or ongoing impact of the harm you experienced.

Eligibility

The Survivors who can reasonably be identified as having been in Barnardos care are eligible to participate in the Barnardos Holistic Redress Programme.

Redress in the form of a cash payment is available only to Former Barnardos Wards. The Survivors may choose to engage with the Programme as part of a group but eligibility and redress will be assessed individually.

A Former Barnardos Ward remains eligible for all forms of redress available under the Programme, regardless of whether they have received a settlement through the Ministry of Social Development's historic claims process.

Making a claim

You can contact Barnardos by phone, email or letter to ask for redress. You do not need to set out everything that happened when you first make contact.

Barnardos will acknowledge your claim within three working days. The National Manager: Best Practice and Innovation will oversee the claim and keep the Chief Executive informed.

The National Manager will contact you within three working days to listen, understand what you need and explain what happens next. They will:

1. confirm your identity;
2. ask for enough information to locate your Barnardos care records;
3. explain the redress options available and any eligibility requirements;
4. ask about any cultural, accessibility or communication needs you may have;
5. discuss what you are seeking from the process and what is important to you; and
6. ask whether you have any preferences about the person who works with you, including their gender or cultural background.

You will then be connected with a senior Barnardos staff member who has the appropriate skills and cultural knowledge and is trained in trauma-informed practice. They will be your main point of contact and will work with you through the redress process.

Evidence

Barnardos will make every reasonable effort to locate your Barnardos care records. You do not need to provide evidence of the severity, frequency or type of harm you experienced, or of its impact on your later life. You can tell us what information you are looking for and what form of redress or resolution would be most meaningful to you. This will help us identify the records, support and options that may be relevant.

Some records may be held by another organisation or may exist only as older paper records. This can make them harder to locate and may cause delays. If that happens, we will keep you informed and work with you and any relevant organisations to locate the information that is reasonably available.

Barnardos will handle requests for personal information in accordance with the Privacy Act 2020.

If we cannot find a record confirming that you were in Barnardos care, the staff member working with you can, if you wish, help you request any relevant information held by Oranga Tamariki.

To be recognised as a Former Barnardos Ward, we will need to locate evidence that Barnardos held one of the legal orders set out in the definition above. If we cannot locate that evidence, we can help you request any relevant custody or guardianship information held by Oranga Tamariki.

The Barnardos Holistic Redress Programme does not currently accept claims made by family members on behalf of a Survivor who has died.

Redress meetings

You can choose whether you would like to meet with Barnardos as part of the redress process. The purpose of these meetings is to listen to you, acknowledge what happened and understand the impact it has had on your life. Meetings are led by senior Barnardos staff, reflecting the importance Barnardos places on its responsibilities as kaitiaki of those who were in its care.

We will work with you to make sure you can participate fully, including arranging an interpreter or other support to meet your cultural, accessibility or communication needs.

Your wishes will guide how often we meet, where and how the meetings take place, the restorative approach used, the tikanga and kawa for the meetings, how we record what is discussed and agreed, and the timeframe for completing the redress process.

The first meeting will usually be attended by the National Manager: Best Practice and Innovation and a senior Social Worker. The senior Social Worker will then support you throughout the process. The Chief Executive may also attend if you would like them to.

You can take the time you need, bring whānau or another support person and return for further kōrero when you are ready. You will also be offered the opportunity to review your Barnardos care records at a time that is right for you.

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 of Holistic Redress will reflect what is important to you. This may include listening to and acknowledging your experience, helping you make connections with your past, present and future, supporting you to review your care records, providing an apology in the form you choose, helping you navigate other systems and advocating on your behalf, or offering support through Barnardos Community and Social Work or Early Learning services.

Cash payments are available only to Former Barnardos Wards. See Eligibility.

The total cost to Barnardos of redress provided to any one Survivor must not exceed $10,000.

Legal expenses

We understand that you may want legal advice before approaching Barnardos or agreeing to an outcome. We also recognise the courage it can take to contact an organisation connected with the harm you experienced.

If you are a Former Barnardos Ward, Barnardos can contribute up to $5,000 plus GST towards your legal fees for advice about applying to the Barnardos Holistic

Redress Programme or entering into a settlement agreement. Payment will be made after Barnardos receives an invoice from your lawyer for that advice.

You may choose any independent lawyer practising in Aotearoa New Zealand. If you live overseas, you may choose a lawyer practising in your country of residence.

This contribution is separate from the redress limit referred to under Redress parameters:.

Request for personal information

You can ask to see the personal information Barnardos holds about you. Your request will be managed in accordance with the Privacy Act 2020, the Barnardos Privacy Policy and the Barnardos Internal Process Guide to Managing Privacy Requests.

The senior Social Worker supporting you through the redress process will also support you when you review your care records. You can do this at a time that is right for you.

If your file contains original personal items, such as photographs, school certificates, artwork or life-story mementos, these will be offered back to you. Barnardos will keep a copy and record that the original has been returned.

If your file contains information about possible criminal conduct, the staff member supporting you can help you contact Police if you would like to do so.

Once your request has been completed, Barnardos will record this on your file. If your information is held in BConnect, a file note will be added to the confidential 'Historic Paper Files' service delivery record.

Apology

Once Barnardos has accepted you into the Barnardos Holistic Redress Programme as a Survivor, Barnardos will offer you a genuine and heartfelt apology for the hurt and harm you experienced and for its failure to meet its duty of care to you. This apology will be offered even where the harm arose from the service design or care practices of the time.

You can choose how you would like to receive the apology, including whether it is given in person, who gives it and whether it is spoken, written or both.

You will also receive a formal organisational apology letter using the Barnardos redress template. The letter will acknowledge your individual experience, accept Barnardos' responsibility, outline the support available to you and explain what Barnardos now has in place to help prevent similar harm to tamariki.

Settlement agreement

You are encouraged to obtain independent legal advice before signing a settlement agreement, particularly where the redress includes a cash payment or support through Barnardos Community and Social Work or Early Learning services.

Where a settlement agreement is needed, you and Barnardos will agree its terms using the Barnardos Redress Settlement Agreement Template. The agreement will be signed by you and the CE of Barnardos.

If you receive redress from Barnardos, the Government may take this into account when deciding whether you are eligible for any future government redress, or the amount of any future payment.

This guidance is informed by the Royal Commission's He Purapura Ora, he Māra Tipu: From Redress to Puretumu Torowhānui report.[2]

Recording

At the end of the redress process, Barnardos will place the relevant documents in a confidential BConnect 'Historic Paper Files' record under your name. This will include a record of the steps taken, your apology letter and any settlement agreement.

If you have a paper care file, Barnardos will place a brief note on that file recording that you have taken part in the redress process and referring to the confidential BConnect record. No details of the redress process will be recorded on the paper file.

Barnardos National Office will keep a record of all redress claims and settlements.

Organisational learning

What happened to you should not have happened. Barnardos recognises that learning from your experience cannot undo the harm you suffered or lessen its responsibility to you.

At the end of the redress process, the National Manager: Best Practice and Innovation will arrange a redress debrief meeting with the senior Social Worker who supported you and other relevant Barnardos staff.

The meeting will consider the circumstances that contributed to the harm, whether Barnardos' current policies and practices would help prevent similar harm, and whether any further action is needed. Any themes shared at the meeting will be anonymised to protect your privacy.

---

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

If the meeting identifies ways in which Barnardos' policies or practices should be improved, Barnardos will begin the review process under section 8 of Barnardos Serious Harm or Death of a Child Policy. The debrief record will be stored in your confidential 'Historic Paper Files' record in BConnect.