



Submission

Parliamentary Inquiry into the handling of abuse allegations by religious and other organisations

September 2012

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1. Introduction

For over 130 years Berry Street has been supporting, assisting and caring for children and young people that are the victims of abuse, violence and neglect. We have seen, and continue to see, how trauma in early childhood can severely disrupt and impair children's development with lifelong consequences.

At Berry Street nothing is more important than ensuring that children and young people, whose connection to Berry Street stems from some personal experience of harm, abuse, neglect or trauma, are not subjected to any subsequent harm whilst in our care. We acknowledge however that this has and does happen.

Berry Street accepts its responsibility to provide the highest quality services and to effectively manage the risks, typically complex and often with critical implications for children's well-being, inherent in providing our services. Further, we accept responsibility to openly and honestly respond to any allegations of a failure in our duty of care towards a child or young person and to do so with their rights and life-long well being as the primary considerations in how we respond.

The passage of time should never diminish our responsibility to fully respond to allegations of abuse and neglect. The passage of time does not of itself provide healing, recovery and restorative justice for childhood victims of abuse or neglect. What can be the willingness to confront failures in caring for and protecting children, to place the interests of the victims ahead of organisational interests and to fully commit to reparations.

Included with this submission are Berry Street policies and procedures relevant to the terms of reference and the information sought by the committee as outlined in the submission guide. Included are our policies and procedures for handling complaints from adult care leavers and for responding to current reports of child abuse or maltreatment. That material should assist the inquiry in relation to the matters raised in sections 11 & 12 of the submission guide.

We have also provided some responses in relation to improving the law and legal processes, proposals regarding information obtained in confession and a proposal to establish a statewide reparations scheme for adult care leavers that have been maltreated whilst in Out-of-Home Care (OOHC).

Berry Street has encouraged past and current clients to make submissions to this inquiry. To assist past and current clients we produced and distributed an information paper regarding the inquiry and offered support and assistance, including through Open Place, to people wishing to make their own submission to the inquiry.

Berry Street would be pleased to attend a hearing of the committee, provide oral evidence and to provide further written advice or information if that would be beneficial. Berry Street has provided this submission as a public submission and does not wish it to be treated confidentially.

2. Inquiry format and scope

In 2011 the *Protecting Victoria's Vulnerable Children Inquiry*, PVVCI, made recommendations in relation to religious organisations and the abuse of children and young people.¹

Specifically it recommended that staff, volunteers and personnel of religious organisations must report child abuse to the Police and listed some circumstances in which this obligation would not apply.

PVVCI recommendation 47 - That the Victorian Crimes Act 1958 be amended so that personnel, staff and volunteers of religious organisations that suspect that a child or young person under the age of 18 has been or is being abused by a member of that religious organisations, must report this to the Police. This would only apply to current cases where the victim is still under the age of 18. It would not apply to older cases of abuse and it would not apply to issues disclosed to a priest during confession.

Further it recommended that the State Government conduct a special inquiry into how religious organisations respond to child abuse allegations.

PVVCI recommendation 48 - That a formal investigation be conducted into the processes by which religious organisations respond to the criminal abuse of children by religious personnel within their organisations. Such an investigation should possess the powers to compel the elicitation of witness evidence and of documentary and electronic evidence.

Berry Street is not convinced that a parliamentary inquiry is the best vehicle to fully explore and assess the prevalence and impact of the abuse of children by personnel or volunteers of religious or other organisations. Parliamentary inquiries can be limited by factors including the perception that they lack independence, resource constraints and a narrow set of powers with which to inquire into a particular problem or set of issues.

We would have preferred, and recommend, a broader inquiry with a higher level of independence from government, a longer time frame and powers of a royal commission. This would better enable victims of child abuse perpetrated by personnel or volunteers of religious or other organisations to share their personal stories with confidence. Given the resource and other constraints of a parliamentary inquiry, it may be the case that a fuller and broader inquiry is warranted to provide individuals that have suffered abuse at the hands of personnel and volunteers of religious and other organisations the opportunity to air their allegations and seek a response.

Notwithstanding our reservations expressed above, it is clear that the parliamentary inquiry has an important and significant role in advancing understandings of how best to prevent and respond to the abuse of children by volunteers and personnel of religious and other organisations. In particular, to explore the processes by which these organisations do respond when such allegations are made.

¹ *Report of the Protecting Victoria's Vulnerable Children Inquiry*, (Cummins, Scott and Scales), January 2012. Victorian Department of Premier and Cabinet, Melbourne Australia. (page lvii).

Recommendation One: Royal Commission into the Impact of Child Abuse Involving Religious Personnel

That the State government establish a Royal Commission to inquire into the abuse and maltreatment of children by personnel of religious organisations; and that the Royal Commission report on

- the prevalence of this form of child abuse and maltreatment,*
- the impacts, (including social, psychological, health and economic) on individuals, their families and the Victorian community; and the*
- the optimal arrangements for a systematic approach to restorative justice and reparations for victims of such abuse and maltreatment*

3. Obligation to disclose information from confession and report abuse

Berry Street broadly supports the proposal in recommendation 47 of the PVVCI report to amend the Victorian Crimes Act 1958 so that personnel, staff and volunteers of religious organisations are obliged to report suspected cases where a child has been or is being abused.

However the PVVCI recommendation includes two limitations on its proposal to compel personnel of religious organisations to report child abuse. Firstly its proposal would only apply where the alleged perpetrator was also a member of the same religious organisation, and secondly it would not apply to information received during confession.

The obligation to report child abuse should not be limited to cases where the alleged perpetrator is a member of that religious organisation, nor should it be limited by excluding information disclosed to a priest during confession.

From the perspective of the child these two limitations act only to protect adults from the consequences of their criminal behavior, child abuse. Further they make it less likely that the relevant statutory authorities will be able to intervene to protect at risk children. The fundamental premise of child protection is that children rely upon adults to protect them. Ensuring that information disclosed to a priest during confession regarding the current abuse of a child or children is passed on to the relevant statutory authorities would be consistent with this premise.

The issues of who is perpetrating abuse and the issue of from where someone obtains information that a child is at risk of abuse or is being abused are not relevant when determining if we should intervene to protect a child.

Berry Street is cognisant of the view expressed by the PVVCI that the obligation of religious personnel to report child abuse should not extend to information disclosed to a priest during confession. We take a different view.

The report of the PVVCI at page 355 presents the argument that Section 127 of the Evidence Act 2008 already makes information disclosed during a confession privileged, thereby entitling clergy to refuse to divulge such information for use as evidence in legal proceedings. The PVVCI then relies upon this to conclude that a priest should not be obliged to relay information they receive during confession concerning a child being at risk of abuse to child protection authorities and/or the police.

There is a clear difference between the disclosure and use of information from confession as evidence before a court and the disclosure of information from confession in order to precipitate an investigation by child protection authorities into a possible current case of child abuse.

In the former legal proceedings are at a point where a Court is hearing or gathering evidence in the latter a statutory authority is being notified of circumstances that are relevant to its areas of responsibility. Disclosing information in order to have a matter investigated, and a child at risk protected, is very different to providing information to a Court. It is important to note that when making a notification of child abuse or neglect, a notifier only needs to relay that they have reasonable grounds for considering that a child is at risk of significant harm and sufficient details to identify the child. They are not required to relay information regarding the alleged perpetrators or from where they obtained information.

It is also clear that extending the Victorian Crimes Act 1958 so that clergy are obliged to report suspected cases where a child has been or is being abused would not diminish the protections offered to clergy in Section 127 of the Evidence Act 2008. It would still be the case that in any subsequent Court proceedings that arise after a member of the clergy has made a child protection notification that the member of the clergy that made the notification could not be compelled to disclose information from a confession to the Children's Court. It is not the practice of the Court to subpoena or hear evidence directly from notifiers rather the Court relies upon the evidence presented by Child

Protection and other parties to a particular case. The identity of someone who makes a report to Child Protection is protected under section 41 of the Children, Youth and Families Act 2005.

In summary we can see no justification for an obligation upon clergy to report suspected cases of child abuse to not apply when the information was disclosed to them during confession.

Recommendation Two: Obligations on Clergy to Report Abuse

That the Victorian Crimes Act 1958 be amended so that personnel, staff and volunteers of religious organisations that suspect that a child or young person under the age of 18 has been or is being abused must report this to the Police or Child Protection. This would apply to issues disclosed to a priest during confession.

4. Handling of child abuse allegations

4.1 Handling of current allegations of abuse by non-government organisations

Practices and Procedures within child and family welfare services

Berry Street's observation is that over the past decade, and in particular since the passage of the Children, Youth and Families Act 2005 and the Working with Children Act 2005, child and family welfare services have significantly enhanced policies and practices aimed at preventing and responding to any current allegations of child abuse or maltreatment.

There has been considerable effort within and between child welfare agencies to improve policies, procedures and practices and ensure organisations provide safe environments for children.

Within the child and family welfare sector, agencies including the Office of the Child Safety Commissioner, the Centre for Excellence in Child and Family Welfare, Child Wise and the Department of Human Services, have collaboratively developed and promoted standards and practices to ensure the safety of children and young people. In particular working to safeguard children who are in the day-to-day care of non-government Out-of-Home Care services.

These standards and practices provide a robust framework for the protection of children in OOHC. If supported through organisational leadership and culture that places children's rights at the centre of organisational concerns then intentions to safeguard children can be realised. That said, Berry Street believes that an enduring truth of child welfare systems is that there are always instances of children and young people being abused and neglected by those that have accepted responsibility to care and protect them. Hence the critical importance of child welfare agencies adhering to open and transparent processes to detect and respond to allegations of child abuse that implicate their personnel or volunteers.

Berry Street has provided as attachments a copy of the following Berry Street policies and procedures relating to our processes for protecting children and responding to any concerns of child maltreatment;

- Berry Street Child Safety and Well-Being Policy,
- Berry Street Code of Conduct, and
- Extract from our OOHC Practice Manual - Responding to Abuse and Quality of Care Concerns.

As a registered community service organisation under the Children, Youth and Families Act 2005, Berry Street is bound by and adheres to DHS program requirements and practice guidelines. These include agreed procedures relating to any quality of care or abuse in care concerns. All staff and volunteers working with children and young people in our OOHC programs are trained in the use and application of these practice guidelines and requirements.

Practices and Procedures within children's services and other non-government organisations

The Protecting Victoria's Vulnerable Children Inquiry and public concern regarding the way religious organisations handle child abuse allegations precipitated this inquiry. Quite appropriately, the record of religious organisations in responding to child abuse allegations is a central focus of this inquiry.

However, it is important to consider that the vast majority of organisations with personnel and volunteers that work closely with children are not religious organisations or child welfare agencies.

Children are far more likely to participate in or be informally cared for through sports and recreation, social, community, education and care services.

We are concerned that an unintended consequence of the ‘spotlight’ on religious organisations may be that the inquiry is perceived as of little relevance to a broader range of organisations working with children. Berry Street commends the committee for seeking to address this and establishing terms of reference focused on a broad range of organisations including welfare, education, and sport and recreation organisations. We suspect however that the majority of submissions and material presented to the committee will be from religious organisations, child welfare services, advocacy groups and individuals directly impacted by abuse and neglect.

As noted above, child welfare services, with the support from a range of government and non-government agencies, have sought to improve policies and practices in relation to handling allegations of abuse and neglect relating to children and young people currently in their care.

It is unclear to Berry Street the extent to which other organisations, with staff and volunteers that work with children, have established organisational policies and procedures to prevent child maltreatment and respond where it occurs.

Berry Street considers that there are a number of options available to government to ensure that all agencies working with children have appropriate policies, practices and procedures in place to protect child and ensure that concerns or allegations relating to possible abuse or maltreatment are managed effectively. We urge the committee to explore options to develop stronger policy, practice and procedures within all organisations working with children - not just religious organisations or child welfare agencies.

Below we have outlined options for intervening to improve policy, practice and procedures relating to preventing and responding to child maltreatment within all organisations working with children. In promoting these options we are not promoting the view that the risk to children of abuse or neglect is at alarming levels. Rather we are promoting a proactive and thorough approach to developing child safe organisations.

Victorian Children’s Services Regulations 2009²

The Victorian Children’s Services Regulations 2009 provide a set of minimum standards and regulatory framework for practice standards in a variety of licensed children’s services.³ The regulations and supporting practice guides and resources published by the Victorian Department of Education and Early Childhood Development (DEECD) contain little by way of requirements, guidance or assistance on how children’s services provide a child safe environment or respond to allegations of abuse, neglect or mistreatment of children.

The regulations have a predominant focus on the physical environment, staff qualifications and child:staff ratios and the physical safety of children. In relation to management of complaints the regulations do require that should a children’s service receive a complaint involving a serious incident then the service is required to notify the Secretary of DEECD within 48 hours of receipt of the complaint. However a serious incident is defined as death, a child going missing from a service, injury or medical issues requiring attendance of a medical practitioner or an incident in which emergency services are called to attend. Complaints procedures are silent on issues relating the possible abuse or maltreatment of children.

² Berry Street is cognisant that the majority of early learning and care services in Victoria are from January 2012 regulated through the Education and Care Services National Regulations 2011 and has commented on these national regulations separately in this submission.

³ See for a list of the licensed children’s services in Victoria

Regulations stipulate mandatory education and training requirements for staff. For example the regulations specifically mandate training for all staff in knowledge of anaphylaxis and the requirement that services have anaphylaxis management plans in place. By contrast the regulations are silent on the need for an organisational child protection policy⁴ and silent on the need for all staff to receive induction and training in relation to working as a child safe organisation.

Commendably, advice and online training in relation to the Child Protection system has been developed and is available on the DEECD website.⁵ The focus of the online training is on understanding the statutory child protection system and when to refer issues to Child Protection. Materials focused on organisational responsibility to provide a child safe environment (safe from abuse and mistreatment) would be a useful addition to the resources and training available online.

In summary, the Victorian Children's Services Regulations include extensive requirements relating to the staffing of children's services, the infrastructure and matters pertaining to the physical safety of children. However, relatively little attention is directed towards how to prevent instances of child abuse or maltreatment or the establishment of robust complaints processes to respond to any allegations of child abuse or maltreatment.

Recommendation Three: Licensed Children's Services: Child Safe Organisations

That Victorian Children's Services Regulations be collaboratively reviewed with key stakeholders in the children's services sector to develop mandatory requirements for the establishment of policies, procedures and training in relation to child safe organisations and robust complaints processes for responding to allegations of child maltreatment.

Education and Care Services National Regulations 2011

From January 2012 the regulation of the vast majority of early learning and care services in Victoria (and all other States and Territories) was transferred to the Commonwealth through the Education and Care Services National Regulations 2011. These national regulations establish a national system for quality standards for early learning and care services and delegate monitoring of standards to state and territory agencies. Compliance with these standards by service providers in Victoria is monitored by the Department of Education and Early Childhood Development (DEECD).

As with the Victorian Children's Services Regulations, the Education and Care Services National Regulations 2011 focus predominantly on issues relating to infrastructure, staffing, staff qualifications and training. They do have a broader focus on the different domains of children's learning and development and include a list of matters on which all agencies must have policies and procedures.

Section 168⁶ of the regulations lists the matters on which a service must have a policy and procedure. The matters number (a) to (o) and include, among other things, food and nutrition, first aid, sun protection, staffing, fees and charges, governance and management, excursions, enrolment, complaints and the requirement to have a 'child safety policy'. No details exist on what is meant by

⁴ Child Wise recommend and have developed resources to assist organisations working with children to develop a Child Protection Policy and become a Child Safe Organisation. See <http://www.childwise.net/Help-Advice/becoming-a-child-safe-organisation.html> for more information

⁵ See <http://www.education.vic.gov.au/ecsmanagement/educareservices/csprotocols.htm> for information on the online training on the child protection system

⁶ See <http://www.education.vic.gov.au/ecsmanagement/educareservices/default.htm>

a child safety policy. Further, the independent national statutory authority with responsibility to drive quality improvement, AECQA⁷, Australia's Education and Care Quality Authority, has as yet developed no resources or advice on creating child safe organisations.

In summary as with the Victorian Children's Services Regulations 2009 the Education and Care Services National Regulations 2011 are relatively silent on quality service standards relating to providing a child safe environment or in relation to establishing robust policies and procedures for responding to allegations of child abuse or maltreatment.

Berry Street is concerned at the relative silence of regulations and quality standards for early learning and childcare services on issues of child abuse and maltreatment.

Recommendation Four: Early Learning and Care Services: Child Safe Practice Standards

That the Victorian Department of Education and Early Childhood Development and AECQA collaboratively develop with key stakeholders detailed requirements and practice standards for the establishment of policies, procedures and training in relation to child safe organisations and robust complaints processes for responding to allegations of child maltreatment.

Working with Children Act 2005

A third opportunity available to the State Government to significantly improve policies, procedures and practices relating to child safe organisations would be through the Working with Children Act 2005.

The Act establishes and defines child related work and sets out various obligations on individuals seeking to be employed or volunteer to carry out child related work, and obligations on agencies seeking to engage staff or volunteers in child related work. It would be possible to frame amendments to the Working with Children Act 2005 to require any agency seeking to engage staff or volunteers in child related work to have a child safety policy in place and a robust complaints processes for responding to allegations of child maltreatment.

Such a mechanism would ensure that all organisations engaged in child related work in Victoria would have a child safety policy and processes for responding to allegations of child maltreatment in place. Berry Street strongly urges the Family and Community Committee to support this proposal. The introduction of this type of measure should be appropriately supported and guided through the development of practice guidelines and advice that assist agencies to develop and implement effective policies and procedures.

Berry Street can envisage a role for the Department of Justice, Department of Human Services and the Victorian Child Safety Commissioner and sector stakeholder groups in developing standards, templates, training and resources relating to the form and content of child safety policies and complaints processes for responding to allegations of child maltreatment.

Recommendation Five: Agencies Engaged in Child Related Work: Child safety policies and complaints processes

That the Working with Children Act 2005 be amended to introduce a provision that it is an offence for an agency to seek to engage staff or volunteers in child related work unless the agency has, to the satisfaction of the Secretary of the Department of Justice, developed and implemented a child

⁷ See <http://aecqa.gov.au/> for more information

safe organisation policy and complaints processes for responding to allegations of child maltreatment.

Recommendation Six: Responding to Child Maltreatment: Practice Standards and Resources

That the Department of Justice, Department of Human Services and the Victorian Child Safety Commissioner collaboratively develop standards, templates, training and resources relating to the form and content of child safety policies and complaints processes for responding to allegations of child maltreatment.

4.2 Handling of past allegations of abuse by non-government OOHC agencies

Separating children and young people from their family, friends and community is always a major disruption in the lives of those children and young people and can cause long-term grief, pain, anger and loss. Berry Street believes that Out-of-Home Care (OOHC) agencies, and the child welfare authorities and Courts responsible for separating children from family, have a particular duty of care towards those children. The most important element of that duty of care is protecting children from any further harm.

When the distress of separation from family is exacerbated by further maltreatment whilst in care the child's sense of betrayal is compounded and the impact is likely to be profound and life-long. Through the advocacy efforts of adults who have lived through childhood separation from family, only to be subjected to further harm while in care, the community is more aware of these issues.

It is quite appropriate then that the responsiveness of Out-of-Home care agencies in responding to past allegations of abuse should be closely scrutinised by this Parliamentary Inquiry.

In recognition of the profound harm caused to many children and young people whilst in State care and for our part in those child welfare practices, Berry Street has made two formal apologies: an apology to Aboriginal and Torres Strait Islander families and communities impacted by the forced removal of their children, the *Stolen Generations*; and an apology to Australians who experienced harm in institutional care as children, the *Forgotten Australians*. These apologies are available on our website (www.berrystreet.org.au).

Berry Street believes that all children should have a good childhood. Wherever children have experienced maltreatment, abuse or neglect they must be given every form of support and assistance to heal, recover, have their experiences acknowledged and be provided with opportunities to realise their full potential. Berry Street knows and advocates that the impacts of childhood trauma can last a lifetime. We accept our responsibility to support and assist any adult, who as a child or young person in our care suffered some form of maltreatment, neglect or abuse.

Berry Street experience in responding to past allegations of abuse

Since January 2011 Berry Street, Victoria's largest provider of OOHC, has had only eight complaints in relation to past episodes of abuse or maltreatment. In the eight years prior to 2011 we had only one complaint which did not proceed after an initial meeting with the complainant. In relation to the eight complaints received during the past two years most complainants have only sought counselling, support, an opportunity to be heard and acknowledgement. Under our policy we can, will and have on occasions worked through a formal investigation and provided reparations with elements including an opportunity to be heard, acknowledgement, apology, counselling and support, undertakings to not repeat past mistakes and a financial payment.

Berry Street's processes are managed confidentially but are not secret in that there is no obligation on the complainant to keep secret that they have made a complaint, the nature of the complaint or how Berry Street has responded. All complainants are advised that they should also consider making formal complaints to the police and that they will suffer no adverse treatment from doing so. Our process does not attempt or aim to come to a 'settlement' in that we ask for no particular undertakings from the complainant and complainants are free to come back to Berry Street at any time and seek further redress.

Berry Street's approach as authorised and monitored by the Board of Berry Street is based on the following guiding principles:

- Allegations are seen as an opportunity to learn
- Any person who has been a service user at any time has the right to make a complaint about any aspect of their service experience, including a complaint involving allegations of abuse
- All complaints will be taken very seriously and will be addressed in the shortest time practicable
- The process will provide natural justice and procedural fairness for all people involved
- The process will be as open, transparent and accountable as possible, while respecting rights to privacy and confidentiality
- The process will reflect a commitment to address past grievances and, wherever possible, provide a pathway towards reconciliation
- Staff and independent contractors will maintain confidentiality & best practice record-keeping
- The concerns expressed by the person making the complaint will be addressed and managed in a compassionate, thoughtful, respectful and productive manner, which embraces the organisational Values of Courage, Integrity, Respect, Accountability and Working Together.
- The process will be responsive to the needs of the complainant when appointing the designated person and/or investigator (e.g.: it will consider complainants' gender, culture, language, accessibility needs, etc)

With each instance of a complaint being received and investigated Berry Street learns more. More about our own history, about our failures and successes, about the adult lives of children we have cared for and more about the resilience, determination and dignity of people that have suffered abuse or maltreatment. This is the gift that complainants give to Berry Street when they have the courage to raise painful issues of childhood abuse and neglect. Our part is to treat people with respect and dignity and provide full and fair reparations commensurate with any harm that has occurred.

Berry Street has provided recommendations under section 5 of this submission in relation to improving policies and procedures for responding to complaints from adult care leaver across all OOHC agencies in Victoria.

Attached to this submission are our policies and procedures for responding to complaints from adult care leavers as follows;

- Berry Street Policy: Complaints - Adult Care Leavers
- Berry Street Procedure: Complaints - Adult Care Leavers

Berry Street would be pleased to present to the committee and provide additional information regarding how we respond to complaints from adult care leavers.

5. Reparations for Adult Care Leavers Maltreated in Care

The attached Berry Street policy and procedure for responding to complaints from adult care leavers outline our support for providing reparations to adults that have suffered some form of abuse or maltreatment whilst in our care.

Within our policy and procedures we define reparations as measures taken by Berry Street where a complaint is upheld in order to acknowledge and remedy the harm caused to the victim or victims. Berry Street is guided by the van Boven Principles, *Principles and Guidelines on the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law*, (United Nations Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities E/CN.4/Sub.2/1996/17) Available at <http://www2.ohchr.org/english/law/remedy.htm>

Under those principles reparations includes acknowledgement, apology, offers of support and assistance, undertakings to not repeat past injustices and offers of financial compensation.

At present within the child and family welfare sector the practice of providing reparations for adult care leavers is dealt with at the level of individual agencies, government and non-government. Whilst Berry Street feels confident in our own approach to reparations, a sector wide reparations process, consistent with the van Boven principles, would benefit all adult care leavers including former clients of Berry Street.

The reality is that the adequacy of the current response to an adult who suffered abuse in care is an accident of history. The response people receive today is by and large determined by the same agency that failed them in their duty of care in the first place. Clearly larger agencies with a stronger financial position, the resources to maintain client records for generations and the capacity to carefully investigate allegations are more likely to provide full and fair reparations to an aggrieved adult care leaver than an agency that lacks those resources.

It is critical to acknowledge that in relation to adults that suffered childhood maltreatment whilst in care with non-government agencies that those agencies were providing a service on behalf of the State. The State has some culpability in relation to the abuse of children in care. In Berry Street's view the State has a responsibility to ensure justice and procedural fairness for all adult care leavers seeking redress for harm suffered whilst in care. The adequacy of the response to adult care leavers seeking redress should not be determined by the preparedness and capacity of individual agencies to respond. The authority and resources of the State were mobilised to place children in care and the authority and resources of the State should be mobilised to ensure full and fair reparations for adults that suffered maltreatment whilst in care.

Berry Street recommends that the State government establish a reparations process and scheme for all adult care leavers in Victoria. The development of the reparations process and scheme could be led by the Victorian Human Rights Commission and a tripartite working group consisting of representatives of care leavers, government representatives and non-government agency representatives.

Such a model could potentially provide for the investigations of allegations of abuse and maltreatment in care to be managed through a reparations board or scheme rather than being handled entirely by individual OOHC agencies.

In the interim there is considerable work that could be done to produce, and have adherence to, best practice policies and procedures for responding to complaints from adult care leavers and for requiring all OOHC agencies to provide reparations consistent with the van Boven principles.

Recommendation Seven: Statewide Reparations Scheme

That the State government establish a reparations process and scheme for all adult care leavers in Victoria by the end of 2014. That the development of the reparations process and scheme be led by the Victorian Human Rights Commission and a tripartite working group consisting of representatives of care leavers, government representatives and non-government agency representatives.

Recommendation Eight: Complaints from Adult Care Leavers: Development of Model Complaints Processes and Reparations Arrangements

That representatives of care leavers, Victorian Human Rights Commission, Department of Justice, Department of Human Services, Victorian Aboriginal Child Care Agency and Centre for Excellence in Child and Family Welfare collaboratively establish model policies and procedures for responding to complaints from adult care leavers and for providing reparations consistent with the van Boven principles.

Recommendation Nine (a): OOHC Agencies: Mandatory Requirements for Complaints Processes and Reparations

That all current and former providers of OOHC in Victoria be obliged to establish detailed policies and procedures for responding to complaints from adult care leavers and for providing reparations consistent with the van Boven principles.

Recommendation Nine (b): OOHC Agencies: Mandatory Requirements a Condition of Registration

That the State government enforce the above obligation through Part 3.3 Community Services Section 48 Conditions of Registration of the Children, Youth and Families Act 2005

6. Summary Recommendations

Recommendation One: Royal Commission into the Impact of Child Abuse Involving Religious Personnel

That the State government establish a Royal Commission to inquire into the abuse and maltreatment of children by personnel of religious organisations; and that the Royal Commission report on

- the prevalence of this form of child abuse and maltreatment,*
- the impacts, (including social, psychological, health and economic) on individuals, their families and the Victorian community; and the*
- the optimal arrangements for a systematic approach to restorative justice and reparations for victims of such abuse and maltreatment*

Recommendation Two: Obligations on Clergy to Report Abuse

That the Victorian Crimes Act 1958 be amended so that personnel, staff and volunteers of religious organisations that suspect that a child or young person under the age of 18 has been or is being abused must report this to the Police or Child Protection. This would apply to issues disclosed to a priest during confession.

Recommendation Three: Licensed Children's Services: Child Safe Organisations

That Victorian Children's Services Regulations be collaboratively reviewed with key stakeholders in the children's services sector to develop mandatory requirements for the establishment of policies, procedures and training in relation to child safe organisations and robust complaints processes for responding to allegations of child maltreatment.

Recommendation Four: Early Learning and Care Services: Child Safe Practice Standards

That the Victorian Department of Education and Early Childhood Development and AECQA collaboratively develop with key stakeholders detailed requirements and practice standards for the establishment of policies, procedures and training in relation to child safe organisations and robust complaints processes for responding to allegations of child maltreatment.

Recommendation Five: Agencies Engaged in Child Related Work: Child safety policies and complaints processes

That the Working with Children Act 2005 be amended to introduce a provision that it is an offence for an agency to seek to engage staff or volunteers in child related work unless the agency has, to the satisfaction of the Secretary of the Department of Justice, developed and implemented a child safe organisation policy and complaints processes for responding to allegations of child maltreatment.

Recommendation Six: Responding to Child Maltreatment: Practice Standards and Resources

That the Department of Justice, Department of Human Services and the Victorian Child Safety Commissioner collaboratively develop standards, templates, training and resources relating to the

form and content of child safety policies and complaints processes for responding to allegations of child maltreatment.

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That the State Government establish a reparations process and scheme for all adult care leavers in Victoria by the end of 2014. That the development of the reparations process and scheme be led by the Victorian Human Rights Commission and a tripartite working group consisting of representatives of care leavers, government representatives and non-government agency representatives.

Recommendation Eight: Complaints from Adult Care Leavers: Development of Model Complaints Processes and Reparations Arrangements

That representatives of care leavers, Victorian Human Rights Commission, Department of Justice, Department of Human Services, Victorian Aboriginal Child Care Agency and Centre for Excellence in Child and Family Welfare collaboratively establish model policies and procedures for responding to complaints from adult care leavers and for providing reparations consistent with the van Boven principles.

Recommendation Nine (a): OOHC Agencies: Mandatory Requirements for Complaints Processes and Reparations

That all current and former providers of OOHC in Victoria be obliged to establish detailed policies and procedures for responding to complaints from adult care leavers and for providing reparations consistent with the van Boven principles.

Recommendation Nine (b): OOHC Agencies: Mandatory Requirements a Condition of Registration

That the State government enforce the above obligation through Part 3.3 Community Services Section 48 Conditions of Registration of the Children, Youth and Families Act 2005

List of Attachments:

1. Berry Street Child Safety and Wellbeing Policy
2. Berry Street Code of Conduct
3. Berry Street OOHC Practice Manual - Responding to Abuse and Quality of Care Concerns
4. Berry Street Policy: Complaints - Adult Care Leavers
5. Berry Street Procedure: Complaints - Adult Care Leavers
6. Profile of Berry Street
7. Berry Street Public Policy and Advocacy Agenda

Approved by:	Board of Directors:	<input checked="" type="checkbox"/>
	CEO:	<input checked="" type="checkbox"/>
	Director of Services:	<input checked="" type="checkbox"/>
	Exec Management Team:	<input checked="" type="checkbox"/>
Date of Approval:	EMT 06/05/09 Board 29/05/09	
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Previous Versions	n/a	

1. Background and context

Child safety and well-being is the concern of everybody. This is especially true for individuals, community groups, and community service organisations that routinely work with children and young people as part of their core business and where a recognised duty of care exists. These organisations possess a legal and moral duty to ensure safety, health, education and well-being of all who come within the ambit of their responsibilities. This includes taking all reasonable and practical steps to prevent emotional, physical and sexual abuse as well as neglect. For these providers, there is a particular need to ensure that their organisational structures, procedures, and processes are amenable to child-safety and well-being.

Berry Street has a long standing history of promoting children's rights to safety, health, education and well-being. The consolidation of Berry Street as a child-safe organisation does not rest solely with one individual, or program area, but with *all* stakeholders. Child safety in Berry Street's context is the collective product of a range of stakeholders including our Board of Directors, executive and senior staff, program workers, volunteers, carers, and children and young people themselves. While there are no fail-safe guarantees, as an organisation Berry Street takes responsible steps towards minimising the chances of an incident that could jeopardise the safety and well-being of a child. Prevention is clearly the best protection; a child-safe organisation takes responsibility to protect children and young people from physical, sexual, emotional, psychological and cultural harm as well as from neglect. In a child-safe organisation, this collective responsibility is embedded and integrated within the organisational culture including service delivery policies, principles, procedures, and day-to-day practices - this is what Berry Street is striving for.

Fundamental to child-safety is the building of an *Open, Aware, Transparent, and Listening* organisation; an organisation that *openly* discusses child abuse and harm, child safety and

well-being, potential risks and preventative measures, and is proactive in implementing sound policies and procedures that provide the basic building blocks for safety. *Awareness* is another key foundation for a child-safe organisation: awareness of the problems, risks, attitudes, and behaviours that potentially put children and young people in danger and which jeopardise their well-being. An organisation should also be proactive, rather than reactive, in developing, implementing and reviewing policies and procedures that address child safety in a deliberate and considered manner. *Transparency* refers to the reasons underlying decisions and the willingness of an organisation to be scrutinised against those decisions. A *Listening* organisation is one which actively consults with and seeks input from a range of stakeholders to ensure that the programs and services it provides are appropriate to the needs of users; are effective and efficient; are safe; and provides the opportunity to critically review the quality of service delivery.

2. Purpose and scope

This is an organisation-wide policy. It applies to all aspects of Berry Street's business and all persons involved in the governance, administration, development and service delivery of Berry Street. Adherence is mandatory for all personnel including paid staff and volunteers. It specifies the elements necessary to enable Berry Street to maintain vigilance for the protection of children and young people in our care.

Berry Street has a firm and unswerving commitment to child safety and well-being. We are dedicated to meeting our moral, ethical, professional and legal duty to protect children and young people from the risk of abuse and to promote child safety and well-being. This includes all children and young people who are currently receiving services and those who will receive services into the future. Berry Street supports the rights of the child and will act uncompromisingly to ensure that a child-safe environment is maintained at all times. Berry Street is also committed to the rights and well-being of paid staff and volunteers and encourages their active participation in the development and maintenance of a child-safe organisation. At Berry Street we expect our staff to enact the values of the organisation on a day-to-day basis whilst carrying out their work. These are *Integrity, Courage, Respect, Accountability* and *Working Together*.

The objectives of this Child Safety and Well-being Policy are:

- 2.1 To ensure the safety and well-being of all children and young people who receive services through Berry Street.
- 2.2 To demonstrate Berry Street's organisational commitment to child safety and well-being.
- 2.3 To describe the provisions of this policy in clear terms which are understandable by all stakeholders including personnel and service users.
- 2.4 To reinforce Berry Street's commitment to sound personnel recruitment, selection, and screening processes in order to ensure that paid and volunteer staff pose no danger to children and young people in their care.
- 2.5 To reinforce Berry Street's Code of Conduct in relation to establishing and maintaining guidelines on appropriate behaviours and clear boundaries between staff and service users regarding acceptable and unacceptable actions.
- 2.6 To provide a working environment that provides structures which support and encourage personnel to perform their jobs at an optimal level.

The objectives are further articulated and met through implementation of other specific Berry Street policies and procedures as referenced throughout this Policy.

3. Definitions

<i>Carer/s</i>	Any individual or family providing any element of home based care for Berry Street clients (Foster Care, Kinship Care, One to One, Lead Tenant, etc). Carers may be paid or unpaid.
<i>Children & Young People</i>	Refers to people under the age of 18 years.
<i>Duty of Care</i>	A legally enforceable expectation that one's behaviour will meet expected standards that are appropriate to the situation and the professional setting. All Berry Street staff members (paid or volunteer), in any given set of circumstances, are required to fulfil a standard of conduct that ensures no harm is caused to others.
<i>LAC</i>	'Looking After Children' practice framework for children and young people in out-of-home care.
<i>Negligence</i>	In law relating to torts (civil wrongs), negligence is comprised of three parts (elements). Firstly, there must exist a recognised duty of care between the parties. Secondly, that the duty of care was breached. Thirdly, that harm was caused as a direct result of that breach. It must also be established that the harm caused was reasonably foreseeable (a foreseeable risk).
<i>Participants</i>	Anyone who takes part in an organisation or activity.
<i>Risk Foreseeable</i>	In the law of negligence, where harm to another could have been foreseen by a "reasonable person" as a result of one's actions and failure to exercise due care.
<i>Safety</i>	Refers to the protection of all aspects of a child and young person including physical, emotional, mental, and sexual safety.
<i>Service Users</i>	Children, young people and families accessing services and programs.
<i>Staff</i>	All people who are provide services including paid staff and volunteers.
<i>Well-being</i>	Includes all aspects of a child and young person's health status, not simply an absence of sickness. Refers to an individual's physical, psychological, emotional, spiritual, mental, and cultural health. Well-being is the embodiment of all these aspects and provides individuals with the vitality necessary for active living, to achieve goals, and to interact with others in positive and mutually supportive ways.

4. Policy provisions

This Child Safety and Well-being Policy provides Berry Street with a strong foundation for a consistent, organisation-wide approach across various service areas and types of engagement.

4.1 Transparency

4.1.1 Decision making

The specific reasons behind decisions should be clear to all involved stakeholders including service users and carers and should reflect Berry Street's vision, values, principles of service delivery and duty of care obligations. Berry Street is committed to providing reasonable opportunity for service users, carers and staff to be consulted and have input into major decisions in relation to policy, service delivery processes and outcomes. An inclusive approach will be adopted by Berry Street to ensure all parties' views are canvassed prior to taking major decisions.

4.1.2 Feedback

Berry Street recognises that the children and young people who use our services are the experts of their own experience and is committed to hearing the voices of the children and young people with whom we work. The Youth Empowerment & Participation Project (YE&PP) is part of this commitment and is intended to improve Berry Street's capacity to provide opportunities for young people to be heard on issues that affect their lives and to play an integral role in solution-building where gaps and issues are identified.

To fully embed a robust and responsive feedback system requires broad commitment from all levels of the organisation. It also requires the development of child and youth-friendly mechanisms for the solicitation, interpretation and implementation of feedback. While the initiatives developed through the YE&PP are expected to support and build on the good practice already happening on the ground throughout Berry Street programs and services, this level of culture change will also require innovation and creativity.

The YE&PP is and will continue to consult with young people to develop an embedded approach to youth participation and consultation. It also seeks to involve them in the implementation of such a framework, because their feedback on our services is key to maintaining effective and relevant services to support their needs.

4.1.3 Complaints

All crises and/or complaints about service delivery are handled in accordance with established reporting and investigation processes. Berry Street refers to the various programmatic requirements enforced by funders, including the Department of Human Services, for complaint resolution which includes ensuring a balance between:

- The rights of the child to be heard, to be protected and to be supported;
- The right of the child and their family to have their concerns acted upon and resolved;
- The legal requirements for the organisation to report suspects crimes to the Police for investigation;
- The legal requirements of mandated professionals to notify DHS of protective concerns regarding children under 17 years of age; and
- The moral duty of all people to notify DHS of protective concerns regarding children under 17 years of age.

Complaints mechanisms are outlined for all clients and families in the Berry Street Service Charter and the Berry Street Client Complaints and Feedback Procedure.

4.1.4 Privacy and confidentiality

Berry Street is committed to protecting client privacy and confidentiality at all times and to ensuring that all health and personal information collected, stored, used, disclosed and destroyed by Berry Street complies with all relevant legislation including the Information Privacy Act 2000 (Vic), the Health Records Act 2001 (Vic) and the Privacy Act 1988 (Cwth). Berry Street has detailed policy and procedures to ensure that only authorised staff have access to personal information and that it remains confidential and only used for appropriate purposes and in accordance with the policy.

Privacy and confidentiality apply to all personal information held by Berry Street, whether it is information or an opinion about any individual whose identity is apparent or can be reasonably ascertained from that information or opinion. This includes information collected from people over the telephone, through mail, personal contact or over the internet. Berry Street and the people working within the organisation are obliged to comply with all relevant privacy legislation. Berry Street may disclose personal information to other service providers if necessary to provide client services.

4.2 Rights & Responsibilities

All those involved in Berry Street's endeavours have a responsibility to observe the human rights of all parties involved, with reference to the *United Nations Convention on the Rights of the Child (1989)*, the *Victorian Charter of Human Rights and Responsibilities*, which applies to all Victorians, and the *Charter for Children in Out of Home Care* which provides a framework for the specific needs and rights of children and young people residing in a placement outside of their family.

In order to uphold the rights and responsibilities of the children and young people who come into contact with Berry Street, as an organisation we endeavour to:

- 4.2.1 Welcome children, young people, their families and/or carers
- 4.2.2 Recognise that children and young people are vulnerable
- 4.2.3 Recognise and respond to children and young people with special needs including those with a disability
- 4.2.4 Actively encourage the participation of Aboriginal children and young people
- 4.2.5 Recognise and respond to the particular needs of children and young people from diverse cultural, linguistic and religious background
- 4.2.6 Encourage children and young people to participate in decision making
- 4.2.7 Encourage children and young people to give feedback to Berry Street about their experiences when involved with our services
- 4.2.8 Carefully recruit, train and manage our staff and volunteers
- 4.2.9 Ensure our commitment to child safety is clear and shared by all
- 4.2.10 Educate our staff, carers and volunteers about child safety

4.3 Aboriginal Cultural Competence¹

Berry Street makes a clear and strong commitment to striving for Aboriginal cultural competence as an organisation and as individuals operating within all aspects of the organisation. We acknowledge that there is much which underpins the concept of culture and its impact on everyone living in Australia; but it has particular relevance for Indigenous people who live in the dominant culture that is different to their culture, and their experience is one of managing a life in two cultures.

Berry Street sees itself on a journey towards cultural competence, a journey embarked on in partnership with our Indigenous clients, families, staff and colleagues in Aboriginal Community Controlled Organisations (ACCOs). Berry Street is extremely grateful for our ongoing partnership with the Victorian Aboriginal Child Care Agency particularly, and the work they have done to help us understand and implement a framework of cultural competence through the Aboriginal Cultural Competence Framework (DHS & VACCA, 2008) and the Respectful Partnerships Project (MacKillop Family Services, Berry Street and VACCA, 2009 - in print).

4.3.1 Aboriginal self-determination and respectful partnerships

Berry Street endeavours to support and complement ACCOs' service provision as the sector moves towards Aboriginal self-determination in relation to decision made regarding Aboriginal children. Organisationally, this will be reinforced through our Berry Street Aboriginal Plan. In practice, this means we will always seek to work in partnership with ACCOs when delivering services to Aboriginal children, young people, families and communities.

4.3.2 Cultural respect

Cultural respect means the attitudes and values of individuals, which collectively may be interpreted as the organisational culture of an organisation. As such:

- Berry Street strives to value and promote the uniqueness and strengths of Aboriginal culture
- Berry Street recognises the diversity of Aboriginal communities and respects and seeks to understand the local Aboriginal communities where we work and with whom we engage, particularly the communities and cultures of the Aboriginal children and families with whom we work directly.
- All those involved in Berry Street's endeavours (board members, executive, managers, staff, carers and volunteers) are educated and supported to be positive and respectful towards Aboriginal people.

4.3.3 Cultural responsiveness

Cultural responsiveness means the ability and skills of individuals (staff, carers and volunteers) to work effectively across-cultures and provide services that meet the needs of Aboriginal people. As such:

- Berry Street provides all staff and carers with Cultural Knowledge and Awareness Training
- Berry Street is developing Aboriginal practice training for direct service staff

¹ This section draws heavily on the conceptual framework outlined in the Aboriginal Cultural Competence Framework (DHS & VACCA, 2008)

4.3.4 Cultural safety

Cultural safety refers to the service/organisational environment and client experience. In consideration of this Berry Street:

- Publicly acknowledges traditional ownership of land on all office buildings
- Displays Aboriginal and Torres Strait Islander flags in all office buildings
- Seeks locally appropriate Welcome to Country/Acknowledgement of Country at organisational events
- Seeks to establish a specific Indigenous Youth Advisory mechanism to inform and hear the experience of Indigenous young people in our services

4.3.5 Cross-cultural practice and care

The aim of promoting cultural awareness, commitment to Aboriginal self-determination, cultural respect, cultural responsiveness and cultural safety is to provide services for Aboriginal children that promote their best interests, using the lens of culture in all assessments and planning concerning the needs of children.

4.4 Human Resource Management

4.4.1 Recruitment

The recruitment, selection and screening of all people engaged in child-related activities are a critical dimension in the development and maintenance of a child-safe organisation. Berry Street has a comprehensive approach to screening staff, carers, mentors and volunteers which includes motivational interviewing, Criminal Records Checking, Working with Children Checking, professional and/or personal reference checks, proof of identity and qualifications and pre-employment injury/disease declarations. For paid staff, this pre-employment checking is accompanied by an intensive first 3 months' orientation and supervision, including a formal probationary review.

It is mandatory for all new staff, carers, mentors and volunteers to undergo these selection and screening processes, which are further detailed in the following policies and procedures:

- Staff Recruitment Policy
 - Flowchart Recruitment Process
- Recruitment Checks Policy
 - Criminal Records Checks - Carers
 - Criminal Records Checks - Staff
 - Criminal Records Checks - Volunteers
 - Working with Children Checks - Carers
 - Working with Children Checks - Staff
 - Working with Children Checks - Volunteers

4.4.2 Code of Conduct

Berry Street's Code of Conduct provides a guide for appropriate behaviours for all employees and contractors. It establishes clear boundaries to direct the professional behaviour of staff and describes acceptable and unacceptable behaviours in the context of work settings. It is mandatory that all staff read and fully comply with the Berry Street Code of Conduct.

4.4.3 Foster Carers Charter

The Berry Street Foster Carers' Charter identifies the expectations of, and obligations Berry Street has to, our volunteer foster carers. The Foster Carers' Charter that acknowledges:

- The unique and critical role volunteer foster carers have in the lives of the vulnerable children and young people for whom they provide care.
- Volunteer foster carers are valued partners in the planning and provision of care and have a right to be treated accordingly.
- The care experience, and outcomes for children and young people, can be enhanced by clearly articulating what Berry Street members of a care team can expect of each other.

This Charter compliments the Berry Street Staff Code of Conduct. It is designed to help carers understand their rights, responsibilities and obligations in ensuring that standards of care are met. The Charter also provides guidance if carers are faced with an ethical dilemma or conflict of interest in their role as a carer.

The Berry Street Foster Carers' Charter supports the organisation's commitment to the Charter for Children in Out of Home Care (DHS & Child Safety Commissioner 2007) and our legal requirements such as Privacy and Equal Opportunity. It complies with the Registration Standards for Community Service Organisations (DHS 2007) and takes into account Berry Street's own policies, procedures and practice frameworks.

4.4.4 Supervision and support

Experience shows that inappropriate behaviours are more likely to emerge in organisations that do not have regular, formal staff supervision practices and performance monitoring. Quality staff supervision is a hallmark of good human service management practice and indicative of a mature and child-safe organisation. Solid staff support and supervision structures/processes are a central feature of Berry Street's commitment to child-safety. It is a mandatory part of a staff member's work with Berry Street. Staff support and supervision are closely linked with initial orientation and induction processes undertaken when a new staff member commences with Berry Street.

Support for home based carers as defined and committed to in the Berry Street Foster Carers' Charter (2009) is:

"The variety of ways in which Berry Street provides support and development to each carer. This process is designed to ensure accountability of both worker and carer, and provide carers with education appropriate to their role, personal support and mediation. These elements may be demonstrated through a variety of activities including:

- *Regular telephone contact*
- *Visits to carers' homes*
- *Caregiver Reviews*
- *Placement reviews*
- *Quality of Care reviews*
- *Group training*
- *Care teams*
- *After hours telephone support*

Carers can expect that workers will support them with children and young people's behaviour management, crisis management, care planning, access visits, etc."

4.5 Client Interaction

4.5.1 Client Contact

A specific Procedure in relation to appropriate physical contact between clients and staff/carers is currently under development and due for completion at the end of 2009. 'Physical contact' includes, but is not limited to: physical contact intended to restrain a young person (which is also viewed on a continuum from diffusion to restraint); physical contact involved in an activity (such as sport); physical contact as a display of affection or comfort; and physical contact that may be construed as 'therapeutic'. Details of this Procedure will be included in this Policy when this work is completed.

4.5.2 Behaviour Management

Berry Street endeavours at all times to provide carers and staff with the information and support necessary to develop an understanding of a client's history so as to be in a position to provide adequate and appropriate behavioural management. Clients who have identified behavioural difficulties and demonstrate significant risk taking behaviour will be supported by the development of a Crisis Management Plan, supported by the care team for each individual young person.

4.6 Service Environments

4.6.1 Education

Berry Street believes that our children and young people have the right to the highest quality education & training and that this will restore hope and trust to their lives. Our education staff strive to ensure that children and young people have the most appropriate education to meet their needs at any particular time in their lives. We will ensure that this is provided in a safe, non-violent, supportive environment where they are respected and encouraged to learn at their own pace.

4.6.2 Mentoring

Berry Street believes that our children and young people should have opportunities to form strong supportive relationships with members of their local community. We do this through providing mentoring opportunities both from within Berry Street and in partnership with other specialist organisations. Berry Street's mentors are screened, trained and supported to ensure the safety and well-being of children and young people and matched appropriately with children and young people to provide the best possible opportunity for forming healthy, active, pro-social and normative relationships.

4.6.3 Case management

Berry Street's practice approach to case management is outlined in the ***Foundations for Practice Intervention - Case Management***. At Berry Street, case management is underpinned by principles of individualised service delivery, involving collaborative processes of assessment, planning, facilitation and advocacy for options and services to meet an individual client's needs. Berry Street case managers work with, and on behalf of, children and young people to achieve resolution and life improving change which is lasting and meaningful for children and young people.

At Berry Street, we believe our case management impacts at both systems and client levels:

- At a systems level, case management is a strategy for coordinating the provision of services to children and young people and ensuring that there are adequate and appropriate services available.
- At a client level, case management is a child-centred, goal oriented and responsive process for assessing the need of an individual, developing realistic plans from this assessment, and partnering the child or young person in achieving their goals for these plans.

4.6.4 Outreach

Outreach is the practice of working within the community and the child or young person's environment. It is a conscious effort by Berry Street staff to take their work into the physical and service environment in which the child or young person operates. For Berry Street staff, outreach work is proactive, assertive and planned; a deliberate intervention to assist in ensuring children and young people are safe (which may include a reactive response to crisis or critical incidents) and we understand their broader environment.

4.6.5 Family violence

The Family Violence Service prioritises assessing the level of risk of violence to women and children and provides safety planning for when there is a possibility of ongoing risk. The Service promotes children and adolescents accessing direct support to address their experiences of violence; facilitates parents to gain the support they require in understanding and dealing appropriately and effectively with the impact of violence on their children; and supports other organisations to increase their capacity to work with children affected by violence.

4.6.7 Community development initiatives

Berry Street works within communities to facilitate activities which foster community connection. These activities may involve the general public in largely 'uncontrolled' environments. Berry Street remains aware during these events of our duty of care to keep children who are participating safe. Key adults recruited by Berry Street for these events have clear criminal records checks (eg: a volunteer supervising a community arts project) or otherwise approved to be supervising children (eg: school teachers supervising children at a Community Reading Day).

4.6.8 Client recreational activities & overnight stays

In working with children and young people across our services, Berry Street seeks to maximise social and recreational opportunities through attendance at overnight camps, excursions and trips that involve activities. These experiences provide children and young people with meaningful learning opportunities and create lasting memories, as well as increasing skill development and a sense of adventure.

Berry Street's Client Recreational Activities and Overnight Stays Procedure articulates Berry Street's commitment to children safety and well-being in all aspects of the preparation, planning and delivery of camps, overnight stays and trips that involve activities. This procedure aims to provide a concise and consistent framework to ensure

legal and moral responsibilities are met where Berry Street clients are attending camps or activities organised by our staff.

4.7 Care Environments

Every child and young person needing care outside of their family has the right to feel safe, to experience a stable placement and be provided with opportunities and environments which promote their healthy development.

4.7.1 Pre-placement information

No placements will take place until Managers are satisfied that all reasonable information has been received and assessed in order to ensure the safety of the child or young person prior to placement ². This includes referral information, appropriate LAC documentation, an assessment of appropriate placement requirements (matching, specific training, staffing, resourcing, etc).

4.7.2 Placement matching

Berry Street recognises the seriousness of placing children and young people in out of home care and the significant responsibilities Berry Street assumes by providing such placements. We believe that the process of finding the carer whose skills, qualities, experience and circumstances are most compatible with the needs of the child or young people is critical to determining the quality of care and success of the placement. The Procedure - Home Based Care Matching Process (revised 2009) sets out the framework and process for matching children and young people with home based carer.

4.7.3 Children in engaging in community activities

Workers will also take all reasonable steps to ensure that community activities that children in residing in Berry Street placements take part in are appropriately supervised and managed (eg: Scouts, sporting clubs, weekend camps, etc).

4.7.4 Placement of Indigenous children and young people

Berry Street endorses, supports, and endeavours to enact the Aboriginal Child Placement Principle (ACPP) (DHS, 2002) which governs the practice of Child Protection workers when placing Aboriginal children and young people in out of home care. The ACPP states:

- *Removal of any Aboriginal child from their community and family environment by any welfare or government authority or other persons must be a last resort.*
- *In the event, after consultation with a community controlled Aboriginal welfare organisation, of separation or removal of a child from its family being unavoidable, then the courts or authorities will have regard to the direction of the Aboriginal Child Care Agencies and the following criteria:*
 - a) *The child must be placed within the extended family or relatives*
 - b) *If the above is not feasible or possible after consultation with the community's child/welfare organisation, the child may be placed with:*

² This applies to all placements with the exception of emergency placements. Critical information for an emergency placement may be obtained over the phone from the referral source, however in this circumstance written information should be provided as soon as practical.

- i. *an Aboriginal family from the local community and within close geographical proximity to the child's natural family;*
 - ii. *as a last resort the child may be placed, after consultation with the local ACCA, with a non-Aboriginal family living in close proximity to the child's natural family*
 - iii. *any non-Aboriginal placement must ensure the maintenance of the child's culture and identity through contact with the child's community.*
- *When a child is to be placed outside his/her natural family then the order of priority of placement should be:*
 - a) *A member of the child's extended family*
 - b) *Other members of the child's Aboriginal community who have the correct relationship with the child in accordance with Aboriginal customary law*
 - c) *Other Aboriginal families living in close proximity*

This order of priority of placement is to be followed in the absence of good cause to the contrary at all times.

4.7.5 Placement of children and young people from a CALD background

Berry Street staff will respect and be responsive to the cultural needs of children and young people when placing them in Out of Home Care. The cultural needs of the child/young people will be discussed by the Care Team and plans will be made to ensure these needs are met. Cultural needs include:

- Dietary requirements
- Traditions and customs
- Language
- Community connection and involvement
- Festivals and celebrations
- Gender roles

Berry Street will work with cultural community groups to assist in providing appropriate supports for clients. Berry Street will also actively promote respect of cultural diversity and will not accept discrimination of any kind.

The Cultural Diversity Guide (DHS 2004) is used as a guide by Berry Street to prompt practice development and service planning.

4.8 Community Development

4.8.1 Community education & advocacy

Berry Street takes a leadership role in advocating to Government and the community to ensure policy and program development promotes children's safety and well-being. Berry Street actively makes public comment through the media, submissions to public enquiries, participates in key governmental committees at local, State and Federal levels and partners in research which actively focus on and enhance child safety and well-being.

4.8.2 Working with communities to promote child safety & well-being

Berry Street takes opportunities to actively work with local communities to promote child safety and well-being (eg: Murrindindi Safe & Caring Communities Project; Early Learning is Fun - ELF™; Latrobe City Happening Families).

4.9 Information Technology

4.9.1 Internet access

All children and young people in Berry Street's programs have the right to safe and secure access to the internet. Berry Street recognises the importance of the internet for our children and young people to be able to learn, connect socially, and have access to information and facilities that their peers have.

4.9.2 Security

Berry Street staff in out of home and education settings will provide appropriate supervision and monitoring of children and young people's internet access and use. This may include: using the internet with a young person (eg. outreach tutors working with the young person on the internet at all times); remaining close by while young people use the internet (eg. in residential units having the computer in the lounge room where staff can monitor use).

4.9.3 Learning platform

Berry Street will work towards the development and roll out of a Berry Street learning platform which provides secure access to a limited range of internet sites.

5. Authorities and accountabilities

All staff will be introduced and educated about this Policy through Berry Street's in-house education processes and staff supervision. There will also be robust checks and balances to ensure it is being implemented as intended.

6. Specification of related Berry Street and other relevant documentation

6.1 Berry Street Policies, Procedures, Guides/Tools and other Berry Street Documents

- 6.1.1 Privacy Policy
- 6.1.2 Risk Management Policy
- 6.1.3 Recruitment Policy
- 6.1.4 Recruitment Checks Policy
- 6.1.5 Staff Supervision Policy
- 6.1.6 Information Technology Policy
- 6.1.7 Client Behaviour Management Procedures
- 6.1.8 Camps & Overnight Activities Procedures
- 6.1.9 Client Contact Procedures
- 6.1.10 Staff Code of Conduct
- 6.1.11 Foster Carers' Charter

- 6.1.12 Criminal Record Check Procedure
- 6.1.13 Working with Children Check Procedure
- 6.1.14 Home Based Care Matching Procedure

6.2 Federal legislation and frameworks

- 6.2.1 Family Law Act
- 6.2.2 Privacy Act (2000)

6.3 Victorian legislation and frameworks

- 6.3.1 Information Privacy Act (2000)
- 6.3.2 Aboriginal Child Placement Principle
- 6.3.3 Charter for Children in Out of Home Care
- 6.3.4 Child Safety & Wellbeing Act (2005)
- 6.3.5 Child, Youth & Families Act (2005)
- 6.3.6 Disability Act (2006)
- 6.3.7 Education Act (2007)
- 6.3.8 Looking After Children
- 6.3.9 Registration Standards for Community Service Organisations
- 6.3.10 Victorian Charter of Human Rights and Responsibilities (2007)
- 6.3.11 Working with Children Act (2005)

6.4 Other key documents

Creating Safe Environments for Children, Organizations, Employees and Volunteers
National Framework.

Office of the Child Safety Commissioner (Victoria)

United Nations Convention on the Rights of the Child

INTRODUCTION

Berry Street Victoria (BSV) is a diverse organisation encompassing stakeholders with varying backgrounds, responsibilities and beliefs. I am therefore, very pleased that we have developed a Code of Conduct that clearly identifies a standard of behaviour that has been agreed as acceptable by a broad majority of our staff and endorsed by our Board of Directors. It is a critical document for this organisation, applying to all relationships, and clearly articulating what we expect of each other.

This Code of Conduct outlines the standard of behaviour expected of all employees of BSV. It is designed to help you understand your responsibilities and obligations, and provide guidance if you are faced with an ethical dilemma or conflict of interest in your work.

The Code of Conduct supports the organisation's legal requirements such as Occupational Health and Safety, Privacy and Equal Opportunity. It also takes into account the policies, procedures and practice guidelines that apply across the organisation.

All staff will be given a copy of this Code when you begin working for BSV and will sign off on their understanding.

THE PURPOSE OF THE CODE

BSV is a dynamic work environment. We call on our staff to make judgements every day, many of which have serious consequences. The Code of Conduct is a tool to guide us in making these judgements and to reflect on the learnings about judgements made. It takes into account the spirit of the law, our culture, our Values and the expectations of the community.

The Code of Conduct has been developed to assist us to evaluate our own decisions and to direct us towards appropriate ways of relating to colleagues, clients and external parties throughout the community.

This Code of Conduct has also been developed in line with the 5 core Values of the organisation. Its intention is to promote the practical application of these Values into the day to day work of each person within the organisation.

I believe that our staff generally live our Values in their everyday actions. I hope this Code will allow us to reflect on how we already do this and to see opportunities to reach greater heights.

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HOW TO USE THE CODE

A Code of Conduct cannot cover every situation. If you are unsure of the appropriate action to take in a particular situation, discuss the matter with your colleagues, supervisor or manager.

We do, however, hope that the Code of Conduct will assist us to have clear and honest discussions across all parts of BSV.

This document should be read in its entirety when a person begins employment with BSV. We would then expect it to be discussed and referred to as part of the development of a supervision agreement and then as required. As for all BSV policies and procedures all staff are expected to regularly review and be familiar with the Code of Conduct.

This document also has great value as a starting point for self evaluation or reflective learning and staff are encouraged to use it as a starting point when faced with a dilemma.

Regular reviews will be undertaken of the Code of Conduct using all available feedback mechanisms. It is critical that this document remains relevant and in line with the values of the organisation.

YOUR COMMITMENT TO THE CODE

Once you have read the Code of Conduct and understand the contents, please sign the last page and return it to Human Resources. This page will be retained on your file.

If there is anything you do not understand, please discuss this with your supervisor.

Sandie de Wolf
Chief Executive Officer
Berry Street Victoria

COURAGE

Definition: mental or moral strength to venture, persevere and withstand danger, fear or difficulty

Our Values

- To be the best we can be.
- Never give up and maintain hope.
- Believe that change is possible.
- Have the strength to be part of the solution.
- Be prepared to question and challenge ourselves and others about the way things are done.
- Advocate for change when the children and families with whom we work are not getting a “fair go”.

Where we see people demonstrating Courage every day

A young woman had been with a residential care program for more than 12 months. She had a mild intellectual disability and continued to abscond from her placement regularly. Our staff kept the lines of communication open. They continued to call her when she had run away and to engage with her when she came back for “clean clothes”. Eventually, they would find she would stay for something to eat, then for a shower and with perseverance and understanding our people have managed to keep her in placement. It takes Courage to persist.

A staff member who had been doing the same job for 5 years applied for a new position outside of her area of expertise. It takes Courage to strive for our best.

For many years staff meetings have been undertaken using the same agenda. Times had changed, there were new practice challenges, even the needs of the staff had changed. When a group of staff questioned the usefulness of the meeting a new format was developed and some exciting new work began to emerge. It takes Courage to ask “why”.

What Does that Mean Practically?

Each of us may face a situation where we make a choice between what is easy and what is right. BSV requires its employees to do what is right.

Tell it how it is!

It takes Courage to be honest when giving feedback. It takes Courage to disagree with another person’s opinion.

BSV believes that each employee’s opinion is important and for that reason the organisation expects every staff member to state their point of view. It is important to note that whilst all opinions are valued, the organisation may still need to move in a direction that is not in line with the views of some employees. BSV also believes that it is only with the identification of learning that we can improve. We have an expectation that all employees will question what we do and how we do it and will tell us about the impact of changes.

BSV requires this to be done in a sensitive manner. You must:

- Aim to provide feedback respectfully
- Be objective, basing your argument on logic that you can share with others
- Offer alternatives
- Remain calm
- Accept the outcome after you have had input and then support the required actions

Hear What's Being Said!

Receiving feedback can be confronting. However, it is one of the few opportunities we have to assess how others perceive us. When receiving feedback, BSV has an expectation that employees will:

- Listen to what is being said
- Remain objective
- Consider the information
- Seek clarification on what is being said, utilise reflective practice.

Co-operative Learning Environments

BSV recognises that there are many different ways that people learn. In the spirit of enabling all staff the opportunity to gain the most possible from experience on the job and professional development, we have the following organisational expectation:

- We will be open-minded when considering new ideas
- We will accept the role of both being learners and teachers, sharing our experience with others
- We will take information and ideas back to the workplace and try it out in a practical way.

Advocacy

As an organisation, and as individuals, we have a responsibility to protect and advocate for our clients who are vulnerable. How we do this will differ according to our roles within the organisation.

BSV expects that all employees will:

- Assertively represent the best interests of our clients
- Notify more senior staff if the message is not being heard
- Advocate within the bounds of BSV policy, including seeking approval before speaking to the media or other external bodies.

Taking Action

There are times where doing nothing is the best way to manage a situation and there are other times where a decision and action are required.

It is important that we all recognise that doing nothing is a choice and has consequences like any other choice we make. It takes Courage to face a problem and make a decision on the next step to best resolve it.

INTEGRITY

Definition: moral soundness; honesty; freedom from corrupting influence or motive

Our Values

- Expect a personal and organisation commitment to honesty.
- Be true to our word by doing what we say we will do.
- Ensure fair and inclusive decision-making processes.

Where we see people demonstrating Integrity every day

A manager needed to make a change to rosters so he discussed the needs of the organisation with the staff and clients who would be impacted and worked out something to suit everyone. It takes Integrity to be fair.

A worker was faced with an aggressive and difficult to manage client. As part of an attempt to manage this behaviour the staff member did some things he later regretted. During an investigation in to the problems the staff member reflected on his own practice and told the truth about his own shortcomings. It takes Integrity to tell be honest with yourself and others. BSV was then able to put additional supports in for that staff member.

One of our clients in an education program threatened a worker saying that the young person would tell others that the worker had abused them unless the worker did what the young person asked. The worker reported the threat immediately and did not do what had been requested because they believed it to be morally wrong he knew it was wrong. It takes Integrity to do the right thing.

What Does that Mean Practically?

Integrity is all about using our moral compass to help make day to day decisions. It is about being true to yourself and the organisation and not joining in gossip. Most of the time this does not present problems. However we all face occasions where we consider doing something other than what we know to be right. BSV requires all employees to act with Integrity in all professional dealings whether they be with clients, colleagues or external stakeholders.

Privacy and Confidentiality

Much of the information BSV collects is sensitive and it places the highest priority on ensuring that its information is kept confidential and secure. There are important legal obligations which protect the privacy and security of personal information that you may handle.

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In particular, personal information held on clients, parents, carers, other staff should:

1. Never be discussed with, or released to, any person within BSV or to any external agency or individual except:
 - For the purpose for which it was collected and on a need to know basis;
 - Where authorised by the client, parent, carer, employee or service provider or their authorised representative;
 - Where required by law.
2. Never be used for any purpose other than for the purpose which governed the collection of the information (or a purpose incidental to or connected with that purpose);
3. Be stored securely and not misused.

Conflict of Interest

As an employee of BSV, you must ensure that you are, and are seen to be, fair and equitable in your dealings with clients, employees of BSV and other individuals and organisations.

A conflict of interest occurs when your personal, financial or other interests conflict with the performance of your official duties. You must always avoid situations where there is, or may appear to be, a conflict of interest.

Some examples are where you have a:

- Personal interest in the person on whose case you are working;
- Financial interest in a company with which you deal in an official capacity;
- Second job and information about BSV's clients or employees would be useful in that job.
- A private relationship with someone who reports to you.

It is not possible to define all potential areas of conflict of interest. If you are in doubt as to whether a conflict exists, raise the issue with your supervisor or the Director – Human Resources.

BSV expects that any financial and other private interests should be disclosed to your supervisor or manager if they create, or appear to create, a conflict with the proper performance of your duties.

This disclosure also extends to members of your immediate family.

External Representation

Public comment includes public speaking engagements, comments on radio and television and expressing views in letters to the newspapers or in books, journals or notices where it

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might be expected that the publications or circulation of the comments will be spread to the community at large.

Comments made on behalf of BSV must be authorised by the Chief Executive Officer. Individuals should refrain from public comment which is critical of the operation or management of BSV.

You should obtain prior approval before addressing or chairing seminars or gatherings of people where the invitation is based upon your position in the organisation.

Any statements not representative of BSV and made by you in external forums should be expressed to be your personal views and not representative of BSV.

Gifts

Any fee or gifts received for any seminar participation or public speaking engagement will be passed on to BSV, unless specifically exempted in writing from this requirement (refer BSV Gifts Policy).

This also applies to gifts or other offerings from suppliers or other corporate contacts.

RESPECT

Definition: to show consideration or thoughtfulness in relation to somebody or something.

Our Values

- Care about each other.
- Be open to listening to each other's point of view.
- Acknowledge the importance of each person's heritage, traditions, identity, needs and aspirations.
- Recognise the contributions, achievements, journeys and stories of those who have gone before us.
- Recognise and celebrate achievements.

Where we see people demonstrating Respect every day

Two administration staff disagreed about which of two tasks was more urgent. The two staff called a private meeting and worked together, reaching an outcome that both could support. It takes Respect to keep disagreements between the people involved.

A team celebrated the success of a clinician in transitioning a long term client out of the program. It takes Respect to recognise the meaningful achievements in our work.

A team of staff dealing with a large family group of a particular faith undertook to assist them to celebrate the holy days surrounding their religion.

They worked hard to understand what was required and were willing to listen and learn from the family as part of the process. It takes Respect to be prepared to learn from all people we meet.

What Does that Mean Practically?

Respect describes the way we act when we value another person or group. It is the way in which we show consideration for someone's point of view as well as their feelings.

Equal Opportunity

We are committed to ensuring that BSV provides an environment free from unlawful discrimination, harassment, vilification, victimisation and bullying (together referred to as "prohibited conduct").

We all have a responsibility to ensure that our behaviour does not offend or threaten others. Workplace harassment is a form of workplace discrimination. It consists of behaviour which is, or is reasonably perceived to be, offensive, abusive, belittling or threatening.

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It can be indirect, unintentional or deliberately directed at an individual or a group of people (refer to BSV Equal Opportunity & Bullying Policy).

We believe that all people are entitled to be treated in a just and equitable manner. BSV requires all staff to act in a way so that the justice and equity of our processes is visible to all.

Valuing Difference

We do not all come from the same background. We don't not all have the same set of experiences which have helped to shape our opinions. It is these very differences which lead us to rich learnings and debate on a variety of topics. Things which some people are passionate about will seem less important to others.

In the interests of finding the best solution to any given problem, BSV requires its staff to consider the viewpoints of others. The following points may help to be objective:

- What is important about this decision for me?
- What is important to other parties?
- Is there a point of compromise?
- Are there any parts of what I am hearing from others that I can accept?

Sometimes we will not be clear about why another person is acting in a specific way. Whilst we have the right to discuss this with the person themselves, they also have the right to privacy and may choose not to discuss it with anyone other than their supervisor. No BSV employee has the right to discuss personal matters regarding another employee with anyone. BSV does not accept gossip.

History, Heritage and Culture

As an organisation we embrace the history, heritage and culture of those with whom we work and share a community. BSV has an expectation that all staff will demonstrate tolerance and a willingness to learn about others.

BSV also has an expectation that its staff will, wherever possible, accept and not offend the traditions of other cultures as it pertains to our roles.

There may be instances where we do not recognise the cultural significance of our behaviour. When those issues become apparent, BSV expects staff to apologise and endeavour to rectify the situation.

Supervision

Supervision is the tool that BSV chooses to use to build a reflective culture, where learning through reflection is encouraged and supported. BSV has a strong commitment to supervision because we believe it is critical to the health, wellbeing and development of

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each employee and the quality of our services to our clients. All BSV staff are required to attend and actively participate in supervision. This means that both parties will:

- Be prepared before coming to supervision with the things you want to discuss and a clear idea about what outcomes you are seeking
- Demonstrating a willingness to consider new ideas or information
- Being objective about the issues that might be raised
- Accepting responsibility for your part in success, problems and solutions
- Being prepared to learn from mistakes

ACCOUNTABILITY

Definition: responsible to somebody else or to others, or responsible for something, capable of being explained.

Our Values

- Be responsible for our own actions.
- Be prepared and able to explain why we do things.
- Constantly look at how we can improve, both individually and as an organisation.
- Use knowledge and experience of what works.
- Ask people what they think about what we do.
- Ensure that all our resources and assets are used in the best possible way.
- Recognise our responsibilities in our neighbourhoods and communities.

Where we see people demonstrating Accountability every day

A case manager made a specific decision regarding a woman and her children with whom she was working. The supervisor was not comfortable with the decision and raised it in supervision. The case manager openly discussed their rationale and reasons for making the decision thus allowing the supervisor to better understand what had happened. Accountability is about being open and transparent in our processes including our thinking.

As part of a process of appraisal a manager asked her staff for feedback on her own performance and how she could assist the staff member to reach their potential. Accountability means being open to feedback.

A project worker responsible for the delivery of a community program had done a great job in most areas but had found one part of the community to be unresponsive to the program. As a result the program had not met its objectives. The worker spent time reflecting on the changes required both programmatically and for the worker to reach an improved outcome next time. This was written up in the evaluation. Accountability means learning from experience and looking for opportunities to improve.

What Does that Mean Practically?

Accountability is all about accepting responsibility for our actions. It requires each of us to be answerable for what we do. We must accept that whilst we endeavour to get things right, we must also step up and take responsibility when things go wrong. It is only with this approach that we can move away from blame and towards a solution to any given problem.

All staff have a responsibility to implement and administer the policies and programs of BSV. You may hold views on particular matters that differ from those of BSV, but such

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views must not interfere with the performance of your duties.

BSV expects you to:

Fulfil the responsibilities and duties outlined in your position description.

- Take advantage of development and training opportunities and use and share the knowledge and skills you gain (refer to the BSV Staff Development and Training Policy).
- Take personal responsibility for remaining informed on matters relating to your duties and conditions of employment (including issues of conduct).
- Observe relevant occupational health and safety requirements, and act to remove or bring to the attention of your supervisor any situation which is, or may be, a health or safety hazard (refer to the BSV Occupational Health and Safety Policy).
- Notify your manager of any situations that you are aware of that breached policy, procedure or practice guidelines and may put the organisation or the client at risk.

With Accountability there should also be recognition of achieving best outcomes. BSV expects all staff to recognise those employees everyone who directly contributes to the success of any particular piece of work.

Duty Of Care

In doing your work you are expected to exercise a duty of care. This means we will all be judged by what is considered to be reasonable behaviour in the circumstances. All of us owe a duty of care which is in part determined by the position description and the particular situation. Duty of care includes clients, families, caregivers, and to certain groups of people living in the community with respect to the service being provided.

Financial Matters

BSV spends a significant amount on our services and programs and has many different sources of funds. This means that we have a special obligation to ensure we are financially responsible.

BSV, therefore, requires that in all financial matters, including the handling of money, there is full accountability in relation to any advice or transaction in which you may be involved. If you have financial responsibilities, observe the BSV policy and procedures and all relevant legislative, regulatory and agency requirements.

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Assets – Physical and Intellectual

Staff may only use the facilities and other resources of BSV to carry out the functions of the organisation. We also expect that all assets (eg buildings and cars) will be maintained and cared for properly.

BSV retains the copyright of work produced by you during your employment. You retain the copyright of the work only if approved by BSV, or if you can demonstrate that you did not use BSV's time, name, information or resources in producing the work.

Your Details

BSV expect that each employee will notify BSV of changes to their personal circumstances. This includes changes of address, changes that might impact on the validity of criminal records checks and other pieces of information that might impact upon a person's ability to fulfil a particular role. eg loss of driver's licence.

WORKING TOGETHER

Definition: the shaping, forming, or forging of a co-operative environment and team.

Our Values

- Expect that friendliness, support, humour and care are visible as we go about our work.
- Work with our clients, each other and our colleagues to share knowledge, ideas, resources and skills.
- Provide opportunities for people to get together, to have fun, to learn from and challenge each other to get better results.
- Encourage effective communication processes and enable active participation.

Where we see people Working Together every day.

One member of a team had been working particularly hard, doing extra hours and encouraging and supporting others as the team worked towards a goal. The rest of the team spoke to the supervisor and the team arranged a thankyou for the individual. Working Together is all about recognising the efforts of others.

A new person joined a team. Morning tea was organised and a welcome sign was on the desk. At the morning tea the new person had an opportunity to get to know others. Working Together is about taking time to be friendly and caring.

A worker with 20 years of experience working with young people shared his wisdom and experience in a team meeting, allowing others the opportunity to benefit from his experience. He then brought in a book that he had found helpful for others to read. Working Together is about sharing knowledge and resources.

One Resi unit was having a difficult day with several clients facing problems at the same time. Another unit was quiet with only one young person at home. A staff member at the quiet unit agreed to go and help out at the busy unit making life better for both the staff and clients at the other “stressed” unit. Working Together is about helping others.

What Does that Mean Practically?

Working together is simply a phrase to describe all of the things we do to make a supportive, inclusive and constructive work environment.

BSV has an expectation that, wherever possible, employees will assist each other in their day to day duties. There is a strong emphasis on teamwork within the organisation. This means that if it will not adversely impact upon your ability to deliver a time critical core duty, and if you have the skills, that you will assist others, even if the task is not listed in your position description. Eg Answering an unattended phone.

We do this understanding that there will be a time when you require similar help to meet your own deadlines or responsibilities.

Complaints Process

Whilst BSV endeavours to create a harmonious work environment, there may be times when problems occur. Should you wish to make a complaint, you should speak to your supervisor/manager who will direct you on how to proceed. Our complaints processes operate depending on the nature of the complaint. However, there are some common points:

- All serious complaints will be investigated
- All of those involved in a complaint will have the opportunity to respond, or put forward their perceptions of fact
- Both the complainant and respondent will be notified of an outcome
- The organisation will look for learnings as a result of all complaints and seek to address the root causes if applicable.

BSV expects all staff to raise complaints, whether they be grievances, disputes or otherwise, without malice.

When part of an investigation, BSV requires employees to:

- Notify the investigator of all relevant facts, whether directly asked or not
- Keep all details confidential

Communication Processes

BSV expects that all employees will communicate in a manner that supports the work and the organisation. This means:

- Attending relevant meetings and participating in a positive manner
- Sharing information with others that may assist them to better perform their role.

BSV uses a variety of means to communicate with staff. These include the Berry Street Banner, newsletters, postings to noticeboards, supervision, the Intranet and team meetings. BSV expects all staff to keep abreast of the information provided, including policies and procedures.

Communication is a two-way street. BSV expects staff to notify their manager or supervisor if they require additional information to be able to fulfil their role

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Misconduct

Misconduct allegations are perhaps the most serious of complaints made. (See the BSV Disciplinary Policy and Procedure).

With serious misconduct allegations, BSV may decide to stand down an employee while the investigation happens. This means that you would be instructed not to come to work while the investigation is carried out, but you would be available for the purposes of the investigation.

If you are stood down, you will not be permitted to have contact with other staff. This does not mean that they believe you to be guilty, it is simply a precaution to protect the integrity of the investigation.

Dress Standards

Staff are required to maintain a professional image and to dress in a manner which enables them to comply with occupational needs, safety requirements and is appropriate for the performance of their role.

Some of our workplaces for example eg, Residential Services and the BEST Centre, require close toed shoes. Additional guidelines regarding dress standards apply to specific work areas. These are located at the work sites involved.

Understanding that our staff and clients come from varying have different experiences and backgrounds, BSV requires all staff to dress in a manner that is not offensive to others and respects the diverse backgrounds from which people come.

Employee Responsibility: Because it would be impossible to define every example of what is permitted and not permitted, it is the responsibility of staff to exercise good judgment when choosing clothing, taking into consideration the day's business activities and business needs when making their selections.

Supervisor's Responsibility: It is the responsibility of supervisors to lead by example and to counsel staff on acceptable attire; to provide direction on the dress expectations for your work unit; and to provide direction on situations where alternative attire is required.

Leaving the Organisation

Once you have left BSV for other employment, you should not use confidential information obtained during your employment to advantage your prospective employer or disadvantage BSV in commercial or other relationships with your prospective employer.

Should you be contacted by a client after leaving the organisation, or should you require an opportunity to finalise your relationship with a specific clients please contact your manager or a representative of BSV.

Questions and Answers

What should you do when you witness someone breaking a policy or procedure?

You should report the breach of policy. In most instances you should report it to your supervisor. If this is not appropriate you should choose another supervisor or manager within the organisation.

The BSV Equal Opportunity and Anti-Bullying Policy has a section on Victimisation. Victimisation is not accepted within the organisation and this policy outlines our commitment to protect employees who notify us of breaches in policy and procedure.

What do I do if I am charged with a criminal offence?

All employees are required to undergo a Criminal Records Check and Working with Children Check prior to commencement of employment. Any criminal offence of which you have been found guilty, either prior to commencing, or during your employment at BSV must be reported to the Chief Executive Officer. If you are charged with any criminal offence punishable by imprisonment during your employment, you must immediately advise the Chief Executive Officer. You must also advise your manager if you lose your Driver's Licence.

How should I interact with the children, young people and families with whom I work?

Always act in the best interests of clients and be responsive to their needs. Treat clients fairly, with respect, empathy, courtesy and understanding.

Give accurate and consistent information in a way that is easy to understand. Protect and respect client's privacy and keep information they give you confidential. If you must report something a client has told you, you should always tell them of that obligation.

Be punctual for appointments and meetings and return phone calls in a timely manner. Take pride in what you do and continually strive to offer services of the highest quality. Wherever possible, identify and communicate your ideas about improvements to policies, systems and procedures to achieve optimal effectiveness, efficiency and responsiveness.

How should I treat colleagues when I don't like them?

Recognise and respect the views of other staff. Foster a team environment, build on each other's strengths and share in successes and challenges of all team members. This is everyone's responsibility regardless of role.

Be professional in your dealings with other employees. Remember you do not have to like everyone but you do have to be able to work with them. Discussion should never be

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abusive, personal or derogatory. Be aware of your position and power and its possible impact on others.

Should I buy gifts for clients?

In some instances this is not appropriate behaviour. Buying gifts, including food, for our clients creates problems for other staff and clients because it may be viewed as favouritism and it may blur boundaries. You should discuss with your supervisor any intent to provide a gift.

When the Code is Breached

Unethical conduct and other behaviour in breach of this code conduct will not be tolerated.

You should, however, always comply promptly with lawful directions given by managers and supervisors.

If you have grounds for complaint arising out of such directions or other behaviour, whether ethical or otherwise, you should follow the BSV Dispute Settling and Grievance Procedure (included in your Letter of Employment and available on the Intranet). This procedure encourages you to raise the issue directly with the person, if possible, in the first instance.

If a staff member is proven to have breached the Code of Conduct then disciplinary action including dismissal may occur.

In particular, the following will not be tolerated and will result in dismissal:

- Purchasing, supplying, and/or using any form of illicit substance with young people and families with whom we work (refer to Substance Use Policy);
- Engaging in sexual relationships with young people and / or the members of families with whom we work;

Purchasing and/or supplying stolen property, or property that is reasonably suspected of being stolen, from the young people and families with whom we work.



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I, _____
(write name)

Understand the Code of Conduct. I have had the opportunity to ask any questions regarding the document. I agree to meet the standards outlined in this document. I understand that a breach of the code of conduct, may lead to disciplinary action.

Signed: _____

Date: ____ / ____ / ____

OOHC Practice Manual (Extract)

The following is an extract of the Berry Street OOHC Practice Manual

Allegations of Abuse in Care and Quality of Care Concerns

Any person, including a child or young people in OOHC themselves, has the right to raise concerns they have about the quality of the care they receive. They may bring these concerns to the attention of Berry Street workers, DHS, the police, parents or anyone else. These may be 'minor' or quite serious concerns about abuse and neglect, and when raised, must go through a screening process so that the next steps to be taken can be determined. DHS takes all allegations of abuse and quality of care concerns seriously, and requires that they are investigated and reported in line with the **DHS Guidelines for responding to Quality of Care Concerns in Out of Home Care**.

In the case of residential workers, CSOs like Berry Street can use their own internal processes for dealing with certain issues related to quality of care. However, because DHS has a duty of care to all children and young people in OOHC, they have a vested interest in knowing when concerns have been raised. CSOs therefore need to use their professional judgment in deciding when to refer an issue to the DHS for a joint response. However, all concerns regarding possible physical or sexual abuse, neglect or poor quality of care that require an incident report must be referred within 24 hours to the DHS Child Protection unit manager for screening to decide the appropriate response. Incident reporting categories are covered later in this section.

Once a concern has been raised, the Child Protection unit manager will consult with the CSO, the DHS Manager Placement and Support and the regional DHS Quality of Care Coordinator to decide the best course of action, including whether to investigate the allegations. In cases involving an Aboriginal child, the Aboriginal Child Specialist Advice and Support Service will also be consulted. If the concerns involve a child under 3, a specialist infant protective worker may also be consulted. If an allegation is made relating to sexual or physical abuse or serious neglect, Child Protection are required to report these to the police immediately, as per the *Protecting Children — Protocol between Department of Human Services and Victoria Police 1998*).

In terms of how decisions are made regarding allegations of abuse in care, the usual practice is to convene an Investigative Planning Group (IPG), made up of the Child Protection unit manager, the CSO and the Quality of Care Coordinator. It might also include the DHS Regional Program and Service Advisor (PASA) and/or relevant CSO Human Resources representative. The IPG will meet within 3 working days of the concern being raised, unless immediate action is required. The group is responsible for:

- Screening and deciding on action to be taken
- Deciding whether allegations are substantiated or unsubstantiated
- Making recommendations for managing a worker through support/supervision or any discipline to be taken.

The guiding principles for responding to allegations of abuse in care or quality of care concerns are that:

- The most important factor to consider is what is in the best interests of the child
- Children will be listened to and heard and will be supported and given information in ways that they can understand

OOHC Practice Manual (Extract)

- Workers/carers will be treated fairly, honestly and with respect, including being kept informed and offered support through investigation and review processes
- Parents will be told about concerns for their child's welfare
- Child Protection and the CSO will work cooperatively and collaboratively as partners
- Decision making, investigation and formal care review processes will be well informed, clearly communicated and timely.

Any previous quality of care concerns or allegations, or assessments or actions taken by the employer relating to the worker or carer will also be considered.

Once concerns have been raised about abuse or quality of care, there are four possible outcomes:

1. **Take no further action** – when it can be clearly established that the report is inaccurate or there is no basis for concern.
2. **Recommend that concerns are managed via support and supervision by the CSO** – where there is no need for a formal review or investigation but concerns still need to be addressed, so the CSO will manage the situation by providing support and supervision to the worker/carers.
3. **Recommend a Formal Care Review** – When it is clear that there is a serious or repeated concern about possible poor quality of care where the child's stability or safety is a risk, but no allegation of abuse or neglect has been made, the CSO can recommend a Formal Care Review. The aim is not to disrupt placement, so the worker or carer may continue in their role, however in some cases this will not be possible.

Workers/carers will be able to respond to concerns in an interview process with a support person and may also be supported through the process with counselling, including through the EAP. Once the review is complete, the outcomes and recommendations will be discussed with the worker/carers who will also be provided with information about disputes/complaints procedures.

In some cases, an action plan will be developed that sets out concerns and how these are to be dealt with, including tasks, roles, responsibilities and timelines. Plans are reviewed regularly and workers/carers will be assessed after three months to decide if they are unable to continue to provide care, or need a further three months to make improvements.

4. **Conduct an investigation into allegations of possible abuse or neglect** –where allegations are made about sexual or physical abuse, or serious neglect. Such an investigation is led by Child Protection, and may result in a police investigation.

Within 24 hours of an allegation of abuse or neglect being made, an assessment will be made about whether there is an immediate risk of harm to the child or young person, which may mean the child or young person is removed, or arrangements are made for the removal of the worker/carers that allegations have been made against. This can also occur any time before, during or after a review or investigation.

In the case of residential workers, the unit is considered the child's or young person's home, so the worker may be removed in preference to moving the child or young person. Options may include

OOHC Practice Manual (Extract)

moving the worker to another unit, giving them other duties that do not require them to provide care, or temporarily standing them down pending a review or investigation.

The worker/carer will be told there is going to be an investigation and an interview will be arranged with them, with a support person present if needed.

Child Protection also has to take into account any risk to other children and young people in the person's care, including the worker/carer's own children or any other children or young people in their permanent care.

There are two possible outcomes when an investigation occurs:

- The investigation finds the allegation is unsubstantiated, meaning there may be no further action, or a formal care review will take place

OR

- The allegation is substantiated meaning decisions have to be made about the ongoing placement and the suitability of the carer/worker to continue in their current role.

Care workers/carers will be supported throughout the investigation process, including being given information on complaints procedures, debriefing, counselling and any further steps to be taken.

In all cases where quality of care concerns have been raised and/or investigated, the employer has the ultimate responsibility of deciding the future of the carer/worker's employment status. However, if after an investigation, the IPG has serious concerns about a carer/worker, they will provide the CSOs regional director with a report to assist in considering whether the carer/worker has the capacity to care appropriately. Once a decision has been made, the employer will advise the regional Quality of Care Coordinator of the action that will be taken so that the investigation process can be completed.

Useful resources and contacts

Further information/relevant policies for guiding initial responses to concerns raised in relation to children and young people in residential care include:

- **Incident reporting — departmental instruction March 2008**, which explains management and reporting requirements for incidents involving departmental clients
- **Responding to allegations of physical or sexual assault — departmental instruction September 2005**, which sets out the management and reporting requirements relating to allegations of physical or sexual assault for clients in OOHC, including residential care
- **Guidelines for responding to quality of care concerns in out of home care**, which provides guidance to CSOs about how to respond to allegations or concerns with fairness and equity.

These documents are all available on the DHS website, dhs.vic.gov.au

Protecting Children — Protocol between Department of Human Services and Victoria Police 1998)

1. Background and context

Separating children and young people from their family, friends and community is always a major disruption in the lives of those children and young people and can cause long-term grief, pain, anger and loss.

Child welfare authorities and Courts responsible for separating children and young people, and the agencies and carers that accept responsibility for caring for them, have a particular duty of care towards these children and young people. That duty of care includes making every effort to nurture those children and young people, maintaining positive family connections and protecting them from any further harm. When the distress of separation from family is exacerbated by further maltreatment whilst in care the child's sense of betrayal is compounded and the impact is likely to be profound and life-long.

Through the advocacy efforts of adults who have lived through childhood separation from family, only to be subjected to further harm while in care, the community is more aware of these issues. In recognition of the profound harm caused to many children and young people whilst in State care and for our part in those child welfare practices, Berry Street has made two formal apologies: an apology to Aboriginal and Torres Strait Islander families and communities impacted by the forced removal of their children, the *Stolen Generations*; and an apology to Australians who experienced harm in institutional care as children, the *Forgotten Australians*. These apologies are available on our website (www.berrystreet.org.au).

Berry Street believes that all children should have a good childhood. Wherever children have experienced maltreatment, abuse or neglect they must be given every form of support and assistance to heal, recover, have their experiences acknowledged and be provided with opportunities to realise their full potential. Berry Street knows and advocates that the impacts of childhood trauma can last a life time. We accept our responsibility to support and assist any adult, who as a child or young person in our care, suffered some form of maltreatment, neglect or abuse, during their time in our care.

2. Purpose and scope

This Policy outlines the broad considerations applicable when Berry Street receives an allegation of maltreatment, abuse or neglect from or about a person and their time in our care. It sets out in broad terms how we will respond to complaints and allegations of maltreatment, abuse or neglect against current or former employees and current or former volunteers of Berry Street from people who were in the care of Berry Street and our founding agencies¹ from 1877.

The detailed process for responding to an allegation of maltreatment, abuse or neglect is outlined in the Berry Street Procedure: Complaints - Adult Care Leavers. Allegations relating to current Berry Street employees or carers or volunteers of Berry Street may also come under the

¹ Berry Street Inc; Berry Street Child and Family Care; Berry Street Babies' Home and Hospital; The Foundling Hospital and Infants Home; The Victorian Infant Asylum and Foundling Hospital; The Victorian Infant Asylum; Sutherland Child, Youth and Family Services; and Sutherland Homes for Children; Lisa Lodge (from July 2012)

scope of the Victorian Department of Human Services processes for complaints regarding abuse in care or quality of care concerns.

3. Definitions

- Abuse:** Berry Street accepts and relies upon the definition of child abuse and neglect and child maltreatment as published by the Australian Institute of Family Studies August 2012, (copy attached), and as accessed at:
<http://www.aifs.gov.au/cfca/pubs/factsheets/a142091/index.html>
In summary that definition states that child abuse and neglect and child maltreatment include any:
- (a) sexual abuse or sexual misconduct against, with or in the presence of a child;
 - (b) physical abuse;
 - (c) neglect;
 - (d) emotional maltreatment; and
 - (e) witnessing and experiencing family violence.
- Adult Care Leavers** Any person who had been in the care of Berry Street and/or any of our founding agencies² from 1877
- Allegation:** Refers to any claim made about an act or acts of abuse as defined above.
- Child** A person under the age of 18
- Complaint:** A registered expression of dissatisfaction with the service, lodged verbally or in writing by a complainant or their representative. A complaint may be related to a specific episode, occurrence or failure in provision of service that has resulted in an impact on an individual or group. A general expression of concern is not a complaint.
- Complainant:** Is a person making a complaint to Berry Street about a past or current employee, foster carer or volunteer of Berry Street. The complainant may or may not be the victim. Where the complainant is making the complaint on behalf of the victim they will need to demonstrate that they have the authorisation of the victim to make the complaint.
- Confidentiality:** Berry Street will protect and respect the privacy of complainants and other parties involved in any process or investigation carried out under this policy. Complainants are under no obligation to keep their complaint secret or confidential and Berry Street acknowledges that they may disclose allegations to the Police or other parties at any time
- Berry Street's undertakings in relation to confidentiality include:
- keeping the fact that an allegation has been made and a process commenced confidential from anyone who does not have a clear need to know about the process
 - ensuring that written and spoken information is protected from being shared with unauthorised persons, or used for a purpose other than that for which it was provided
 - advising the complainant when information they have provided may be made available to other persons on a "need to know" basis, including to current or former employees

² Berry Street Inc; Berry Street Child and Family Care; Berry Street Babies' Home and Hospital; The Foundling Hospital and Infants Home; The Victorian Infant Asylum and Foundling Hospital; The Victorian Infant Asylum; Sutherland Child, Youth and Family Services; and Sutherland Homes for Children; Lisa Lodge (from July 2012)

and volunteers, so that the complaint can be properly considered

- where information is provided to a person or persons about whom an allegation is made this will not include the identity of the complainant unless the complainant authorises this disclosure
- in some instances, including where Berry Street believes a child or young person is currently at risk of abuse or maltreatment, information will be referred to the Police and/or other statutory authorities

All materials and reports arising from any inquiry remain the property of Berry Street. The complainant will be entitled to receive a copy of the findings of the investigation report, but these should not contain information that breaches the privacy rights of other people. This policy will not override any legal requirement for the use or release of any material.

De-identified information:

Copies of reports, records, files and information in which the individual identify of people has been protected by redacting or blacking out the names of individuals or other information about them that might enable them to be identified.

Designated Person:

Is the person appointed by the CEO to manage the process. They are responsible for ensuring that the process is as supportive as possible for the complainant, keeps to agreed timeframes and considers what implications should be drawn from the complaint for current practice in Berry Street. He/she is specifically responsible for;

- meeting the complainant and clarifying their complaint and the outcome they are seeking,
- making appropriate support available to the complainant to assist them during the process, and
- appointing any independent assessors, mediators and counselors that may be required.

The Designated Person will be the **DEPUTY CEO/DIRECTOR OF SERVICES**, unless the CEO makes a determination otherwise on a specific case by case basis.

Investigator:

This is the person appointed by the CEO to investigate the complaint, inquire into allegations made in the complaint and prepare a report with findings on the complaint.

**Past employee/
Volunteer:**

Refers to a person who previously worked for Berry Street, a volunteer who previously volunteered or a person who was previously a foster carer.

Procedural Fairness:

Refers to a specific group of common law principles that are designed to ensure that a person is given a fair hearing before a decision is made that might adversely affect their livelihood or status.

In general, procedural fairness refers to two broad principles:

- (a) An adequate opportunity must be given to a person to present their case before a decision is reached that might adversely affect them. This includes providing reasonable notice and time to

prepare, sufficient information about the matter to be decided to enable the person to prepare their case.

- (b) The investigation must be free from bias as well as the appearance of bias.

Reparations:

The measures taken by Berry Street where a complaint is upheld in order to acknowledge and remedy the harm caused to the victim or victims. Berry Street will be guided by the van Boven Principles, *Principles and Guidelines on the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law*, (United Nations Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities E/CN.4/Sub.2/1996/17) Available at <http://www2.ohchr.org/english/law/remedy.htm>

Victim:

The person that the complainant alleges has suffered as a result of the alleged act or acts of abuse as defined above. In most instances the complainant is likely to be the victim of the alleged abuse, neglect or maltreatment. The victim may be seeking any of the following; a hearing to be acknowledged and believed; help to recover (eg counselling); assurances that such behaviour does not reoccur, an apology from Berry Street and/or accused individuals or financial compensation.

4. Policy provisions

- 4.1 Any client of Berry Street has the right to make a complaint about any aspect of their service experience. In particular, we encourage any care leavers who have concerns about their care to raise them with us.
- 4.2 Care leavers who raise allegations of a criminal act will be advised of their right to also make a formal complaint to the Police
- 4.3 All complaints will be taken very seriously and will be addressed in the shortest time practicable.
- 4.4 Where Berry Street believes that a complaint should be upheld, the response from Berry Street will include some form of reparations.
- 4.5 Reparations may include but will not be limited to:
- 4.5.1 Acknowledging any failures in Berry Street's duty of care
 - 4.5.2 Developing and providing a formal apology in a format and in a manner agreed with the complainant.
 - 4.5.3 Assistance with access to support services.
 - 4.5.4 A financial payment
 - 4.5.5 Remedial actions to prevent the re-occurrence of any acts of abuse against Berry Street clients
- 4.6 The process used by Berry Street will:
- 4.6.1 Be based on principles of procedural fairness for all parties.
 - 4.6.2 Be as open and transparent as possible, while respecting rights to privacy and confidentiality.
 - 4.6.3 Take a person-centred, rather than legal approach.
 - 4.6.4 Reflect a commitment to address past grievances and provide a pathway toward recovery and healing.

- 4.6.5 Ensure staff and independent contractors maintain confidentiality and appropriate record-keeping.
- 4.6.6 Consider the complainant's expressed wishes, gender, culture, language and accessibility throughout the process.
- 4.7 Where a crime appears to have been committed, the complainant will be encouraged to report it to the Police.

5. Authorities and accountabilities

5.1 Board of Directors

The Berry Street Board of Directors is responsible for determining the most appropriate response to the complaint and any reparations offered.

5.2 Chief Executive Officer

The Chief Executive Officer is ultimately accountable for ensuring that complaints from adult care leavers are handled in accordance with this Policy and its Procedures and that the Board of Directors are informed of these and any recommendations from investigations.

5.3 Deputy CEO/Director of Services is responsible for:

- 5.3.1 Acting as the *Designated Person* in accordance with this Policy and its Procedures in handling all complaints from adult care leavers.
- 5.3.2 Providing annual, de-identified and aggregated statistics to the Executive Management Team and Board of Directors regarding complaints from adult care leavers. The Board of Directors may deal with any review of de-identified and aggregated reports via its Quality and Risk Management Committee.

5.4 The Executive Officer is responsible for maintaining a register and file system of all complaints from adult care leavers.

6. Specification of related Berry Street and other relevant documentation

6.1 Berry Street Documents

- Berry Street Procedures - Complaints from Adult Care Leavers (2012)
- Berry Street Policy - Handling Misconduct Allegations (2003)
- Berry Street Guidelines for Investigators of Misconduct Allegations (2003)
- Berry Street Privacy Policy

6.2 Public Records and Reports

- Senate Committee Report - Community Affairs Reference Committee - Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children (2004)

7. Policy & Procedure Review

- 7.1 The *Berry Street Policy - Complaints from Adult Care Leavers*, *Berry Street Procedure - Complaints from Adult Care Leavers* and all other relevant Berry Street policy and procedures will be reviewed at least every three years.
- 7.2. An audit of all investigations into complaints from adult care leavers including access to de-identified investigation reports will be conducted not less than every 5 years commencing with a first audit in 2013.

8. Approval and revisions table

8.1 Approval

Approved by:	Board of Directors:	<input checked="" type="checkbox"/>
	CEO:	<input checked="" type="checkbox"/>
	Deputy CEO:	<input checked="" type="checkbox"/>
	Exec Management Team:	<input checked="" type="checkbox"/>
Date of Approval:	October 17, 2007	
Effective Date:	November 1, 2007	
Accountable Officer:	Chief Executive Officer	
Current incumbent:	Sandra de Wolf	
Contact Details:	Richmond Office 03 9429 9266 sdewolf@berrystreet.org.au	
Berry Street File Name:	Policy - Governance - Complaints - Adult Care Leavers	

8.2 Revision/modification history

Revised Date:	September 2012
Version:	Three
Review Date:	November 2013
Current title:	POLICY - Complaints - Adult Care Leavers September 2012
Summary of changes:	
Approved/rejected:	
Approval authority:	CEO

APPENDIX 1

Apology to Australians who experienced harm in institutional care³ as children from Berry Street Victoria

On behalf of Berry Street Victoria and our founding agencies⁴, we apologise unreservedly for any physical, psychological, sexual or social harm that may have occurred to children and young people in our care.

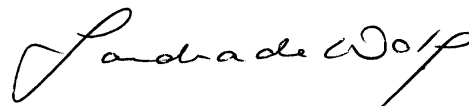
The Senate Inquiry into children in Institutional Care (Forgotten Australians, August 2004) highlighted a number of cases where children suffered at the hands of caregivers. The Inquiry painted a disturbing picture of life for many children who lived in Institutional Care.

Berry Street Victoria welcomes the Senate Inquiry and its recommendations that provide a basis on which governments at all levels, and care providers, may move forward together by acknowledging past wrongs and addressing them appropriately.

Berry Street Victoria is dedicated to learning lessons from the past, and we re-commit ourselves to ensuring that everybody involved in delivering service and care to children and young people, will work together so that the mistakes of the past are not repeated. We are committed to working with governments, other organisations and care leavers to respond to the issues which have been identified by the Inquiry.



Mary Clark
President



Sandie de Wolf AM
Chief Executive Officer

August 2006



For more information, please refer to the "Information for Adult Care Leavers" Sheet, which can be obtained through our Heritage & Background Information Service on 03 9429 9266 or heritage@berrystreet.org.au.

³ Institutional Care refers to: "orphanages, large children's homes, training schools, dormitory or group cottage homes, juvenile detention centres or other forms of out of home care such as foster care" *Forgotten Australians Senate Committee Report, August 2004, p. 8.*

⁴ *Berry Street Inc; Berry Street Child and Family Care; Berry Street Babies' Home and Hospital; The Foundling Hospital and Infants Home; The Victorian Infant Asylum and Foundling Hospital; The Victorian Infant Asylum; Sutherland Child, Youth and Family Services; Sutherland Homes for Children; and Lisa Lodge*

APPENDIX 2

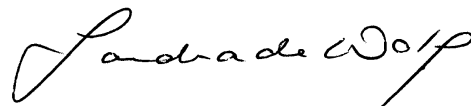
Apology to the Aboriginal and Torres Strait Islander Communities from Berry Street Victoria

On behalf of Berry Street Victoria, we apologise to the Traditional Owners of the land, the Aboriginal and Torres Strait Islander peoples of Australia, for the injustices suffered as a result of European settlement and the forced removal of children from their families, communities and land. We deeply regret the effect that the policies and practices of the past had, and continue to have, on the identity, dignity and spirit of Indigenous Australians.

We also affirm our desire for reconciliation and for a better future for all people. We are committed to building a future that is respectful of, values and embraces the heritage and culture of Aboriginal and Torres Strait Islander peoples and provides justice and equality for all.



Mary Clark
President



Sandie de Wolf AM
Chief Executive Officer

August 2006



FOR MORE INFORMATION CONTACT:

Berry Street Heritage & Background Information
Central Office

Phone: 03 9429 9266

Email: heritage@berrystreet.org.au

Address: 1 Salisbury Street, Richmond, Vic, 3121

APPENDIX 3

Detailed Definition of Child Maltreatment, Abuse and Neglect

In this policy, the terms "child abuse and neglect" and "child maltreatment" are used interchangeably. Berry Street accepts the definition of Child maltreatment provided by the Australian Institute of Family Studies as at June 2012. In the application of this policy and related procedures Berry Street may seek advice and make reference to the detailed definitions of child abuse and neglect and child maltreatment available through the Australian Institute of Family Studies.

See: <http://www.aifs.gov.au/cfca/pubs/factsheets/a142091/index.html>

Child maltreatment, abuse and neglect refers to any non-accidental behaviour by parents, caregivers, other adults or older adolescents that is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm to a child or young person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e., neglect) and commission (i.e., abuse) (Bromfield, 2005; Christoffel, et al., 1992).

For the purposes of this policy child abuse and neglect and child maltreatment includes:

- (a) sexual abuse or sexual misconduct against, with or in the presence of a child;
- (b) physical abuse;
- (c) neglect;
- (d) emotional maltreatment; and
- (e) witnessing and experiencing family violence.

The following material is summarised from “*What is child abuse and neglect?*” Australian Institute of Family Studies (AIFS) June 2012

Physical abuse

Physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. A person does not have to intend to physically harm the child to have physically abused them (e.g., physical punishment that results in bruising would generally be considered physical abuse). Depending on the age and the nature of the behaviour, physical force that is likely to cause physical harm to the child may also be considered abusive (e.g., a situation in which a baby is shaken but not injured would still be considered physically abusive). Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning.

Emotional maltreatment

Emotional maltreatment refers to a parent or caregiver's inappropriate verbal or symbolic acts toward a child and/or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Emotional maltreatment may include:

- *rejecting*: the adult refuses to acknowledge the child's worth and the legitimacy of the child's needs;
- *isolating*: the adult cuts the child off from normal social experiences, prevents the child from forming friendships, and makes the child believe that he or she is alone in the world;
- *terrorizing*: the adult verbally assaults the child, creates a climate of fear, bullies and frightens the child, and makes the child believe that the world is capricious and hostile;
- *ignoring*: the adult deprives the child of essential stimulation and responsiveness, stifling emotional growth and intellectual development;
- *corrupting*: the adult "mis-socializes" the child, stimulates the child to engage in destructive antisocial behaviour, reinforces that deviance, and makes the child unfit for normal social experience.

Neglect

Neglect refers to the failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing (Broadbent & Bentley, 1997; Bromfield, 2005; WHO, 2006).

Neglectful behaviours may include:

- *physical neglect*: characterised by the caregiver's failure to provide basic physical necessities, such as safe, clean and adequate clothing, housing, food and health care;
- *emotional (or psychological) neglect*: characterised by a lack of caregiver warmth, nurturance, encouragement and support (note that emotional neglect is sometimes considered a form of emotional maltreatment);
- *educational neglect*: characterised by a caregiver's failure to provide appropriate educational opportunities for the child; and,
- *environmental neglect*: characterised by the caregiver's failure to ensure environmental safety, opportunities and resources. (Dubowitz, Pitts, & Black, 2004)

Sexual abuse

Although some behaviours are considered sexually abusive by almost everyone (e.g., the rape of a 10-year-old child by a parent), other behaviours are much more equivocal (e.g., consensual sex between a 19-year-old and a 15-year-old), and judging whether or not they constitute abuse requires a sensitive understanding of a number of definitional issues specific to child sexual abuse.

Child sexual abuse may include:

- the use of a child for sexual gratification by an adult or significantly older child/adolescent (Tomison 1995):
- any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards (Broadbent & Bentley 1997)
- sexually abusive behaviours can including the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts,

voyeurism, exhibitionism and exposing the child to or involving the child in pornography (Bromfield, 2005; US National Research Council, 1993).

Berry Street understands that unlike the other maltreatment types, the definition of child sexual abuse varies depending on the relationship between the victim and the perpetrator. For example, any sexual behaviour between a child and a member of their family (e.g., parent, uncle) would always be considered abusive, while sexual behaviour between two adolescents may or may not be considered abusive, depending on whether the behaviour was consensual, whether any coercion was present, or whether the relationship between the two young people was equal (Ryan, 1997).

Berry Street accepts that different definitions apply for each category of perpetrator: adults with no familial relationship to the child, adult family members of the child, adults in a position of power or authority over the child (e.g., carer, teacher, doctor), adolescent or child perpetrators, and adolescent or child family members.

Adults with no familial relationship to the child

Any sexual behaviour between a child under the age of consent and an adult is abusive.

Family members of the child

Any sexual behaviour between a child and an adult family member is abusive. The concepts of consent, equality and coercion are inapplicable in instances of intra-familial abuse.

Adults in a position of power or authority over the child

Sexual abuse occurs when there is any sexual behaviour between a child and an adult in a position of power or authority over them (e.g., a carer or teacher). The age of consent laws are inapplicable in such instances due to the strong imbalance of power that exists between children and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated.

Adolescent or child perpetrators

Sexual abuse is indicated when there is non-consensual sexual activity between minors (e.g., a 14-year-old and an 11-year-old), or any sexual behaviour between a child and another child or adolescent who - due to their age or stage of development - is in a position of power, trust or responsibility over the victim. For example, any sexual activity between a 9-year-old and a 15-year-old would be considered abusive as the age difference between the two children leads not only to marked developmental differences, but also disparities in their levels of power and responsibility within their relationship. Another example of abuse due to an imbalance of power would be sexual activity between two 15-year-olds, where one suffers an intellectual disability that impairs their ability to understand the behaviours that they are engaging in. Normal sexual exploration between consenting adolescents at a similar developmental level is not considered abuse.

Adolescent or child family members

Sexual abuse occurs when there is sexual activity between a child and an adolescent or child family member that is non-consensual or coercive, or where there is an inequality of power or development between the two young people. Although consensual and non-

coercive sexual behaviour between two developmentally similar family members is not considered child sexual abuse, it is considered incest, and is strongly proscribed both socially and legally in Australia.

Witnessing and experiencing family violence

The witnessing of family violence has been broadly defined as "a child being present (hearing or seeing) while a parent or sibling is subjected to physical abuse, sexual abuse or psychological maltreatment, or is visually exposed to the damage caused to persons or property by or family member's violent behaviour" (Higgins, 1998, p. 104).

Berry Street accepts that children and young people in care can be subjected to a similar form of harm as described above where they are present while a carer, sibling or other children in care is subjected to physical abuse, sexual abuse or psychological maltreatment, or is visually exposed to the damage caused to persons or property by or family member's or carers violent behaviour.

PROCEDURE

Complaints - Adult Care Leavers

1. Background and context

Separating children and young people from their family, friends and community is always a major disruption in the lives of those children and young people and can cause long-term grief, pain, anger and loss.

Child welfare authorities and Courts responsible for separating children and young people, and the agencies and carers that accept responsibility for caring for them, have a particular duty of care towards these children and young people. That duty of care includes making every effort to nurture those children and young people, maintaining positive family connections and protecting them from any further harm. When the distress of separation from family is exacerbated by further maltreatment whilst in care the child's sense of betrayal is compounded and the impact is likely to be profound and life-long.

Through the advocacy efforts of adults who have lived through childhood separation from family, only to be subjected to further harm while in care, the community is more aware of these issues. In recognition of the profound harm caused to many children and young people whilst in State care and for our part in those child welfare practices, Berry Street has made two formal apologies: an apology to Aboriginal and Torres Strait Islander families and communities impacted by the forced removal of their children, the *Stolen Generations*; and an apology to Australians who experienced harm in institutional care as children, the *Forgotten Australians*. These apologies are available on our website (www.berrystreet.org.au).

Berry Street believes that all children should have a good childhood. Wherever children have experienced maltreatment, abuse or neglect they must be given every form of support and assistance to heal, recover, have their experiences acknowledged and be provided with opportunities to realise their full potential. Berry Street knows and advocates that the impacts of childhood trauma can last a life time. We accept our responsibility to support and assist any adult, who as a child or young person in our care, suffered some form of maltreatment, neglect or abuse, during their time in our care.

2. Purpose and scope

This procedure outlines the way Berry Street responds when we receive an allegation of maltreatment, abuse or neglect from or about a person who had been in our care during their childhood.

It sets out how we will respond to complaints and allegations of maltreatment, abuse or neglect from people who were in the care of Berry Street and our founding agencies¹ from 1877. These complaints may implicate current or former employees, carers, contractors, consultants or volunteers of Berry Street. Allegations relating to current employees, carers or volunteers may also come under the scope of the Victorian Department of Human Services policy in relation to allegations of abuse in care or quality of care concerns.

¹ Berry Street Inc; Berry Street Child and Family Care; Berry Street Babies' Home and Hospital; The Foundling Hospital and Infants Home; The Victorian Infant Asylum and Foundling Hospital; The Victorian Infant Asylum; Sutherland Child, Youth and Family Services; and Sutherland Homes for Children; Lisa Lodge (from July 2012)

3. Definitions

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In summary that definition states that child abuse and neglect and child maltreatment include any:
- (a) sexual abuse or sexual misconduct against, with or in the presence of a child;
 - (b) physical abuse;
 - (c) neglect;
 - (d) emotional maltreatment; and
 - (e) witnessing and experiencing family violence.
- Adult Care Leavers** Any person who had been in the care of Berry Street and/or any of our founding agencies² from 1877
- Allegation:** Refers to any claim made about an act or acts of abuse as defined above.
- Child** A person under the age of 18
- Complaint:** A registered expression of dissatisfaction with the service, lodged verbally or in writing by a complainant or their representative. A complaint may be related to a specific episode, occurrence or failure in provision of service that has resulted in an impact on an individual or group. A general expression of concern is not a complaint.
- Complainant:** Is a person making a complaint to Berry Street about a past or current employee, foster carer or volunteer of Berry Street. The complainant may or may not be the victim. Where the complainant is making the complaint on behalf of the victim they will need to demonstrate that they have the authorisation of the victim to make the complaint.
- Confidentiality:** Berry Street will protect and respect the privacy of complainants and other parties involved in any process or investigation carried out under this procedure. Complainants are under no obligation to keep their complaint secret or confidential and Berry Street acknowledges that they may disclose allegations to the Police or other parties at any time
- Berry Street's undertakings in relation to confidentiality include:
- keeping the fact that an allegation has been made and a process commenced confidential from anyone who does not have a clear need to know about the process
 - ensuring that written and spoken information is protected from being shared with unauthorised persons, or used for a purpose other than that for which it was provided
 - advising the complainant when information they have provided may be made available to other persons on a "need

² Berry Street Inc; Berry Street Child and Family Care; Berry Street Babies' Home and Hospital; The Foundling Hospital and Infants Home; The Victorian Infant Asylum and Foundling Hospital; The Victorian Infant Asylum; Sutherland Child, Youth and Family Services; and Sutherland Homes for Children; Lisa Lodge (from July 2012)

to know” basis, including to current or former employees and volunteers, so that the complaint can be properly considered

- where information is provided to a person or persons about whom an allegation is made this will not include the identity of the complainant unless the complainant authorises this disclosure
- in some instances, including where Berry Street believes a child or young person is currently at risk of abuse or maltreatment, information will be referred to the Police and/or other statutory authorities

All materials and reports arising from any inquiry remain the property of Berry Street. The complainant will be entitled to receive a copy of the findings of the investigation report, but these should not contain information that breaches the privacy rights of other people. This policy will not override any legal requirement for the use or release of any material.

De-identified information:

Copies of reports, records, files and information in which the individual identify of people has been protected by redacting or blacking out the names of individuals or other information about them that might enable them to be identified.

Designated Person:

Is the person appointed by the CEO to manage the process. They are responsible for ensuring that the process is as supportive as possible for the complainant, keeps to agreed timeframes and considers what implications should be drawn from the complaint for current practice in Berry Street. He/she is specifically responsible for;

- meeting the complainant and clarifying their complaint and the outcome they are seeking,
- making appropriate support available to the complainant to assist them during the process, and
- appointing any independent assessors, mediators and counselors that may be required.

The Designated Person will be the **DEPUTY CEO/DIRECTOR OF SERVICES**, unless the CEO makes a determination otherwise on a specific case by case basis.

Investigator:

This is the person appointed by the CEO to investigate the complaint, inquire into allegations made in the complaint and prepare a report with findings on the complaint.

**Past employee/
Volunteer:**

Refers to a person who previously worked for Berry Street, a volunteer who previously volunteered or a person who was previously a foster carer.

Procedural Fairness:

Refers to a specific group of common law principles that are designed to ensure that a person is given a fair hearing before a decision is made that might adversely affect their livelihood or status.
In general, procedural fairness refers to two broad principles:

- (a) An adequate opportunity must be given to a person to present their case before a decision is reached that might adversely affect them. This includes providing reasonable notice and time to prepare, sufficient information about the matter to be decided to enable the person to prepare their case.
- (b) The investigation must be free from bias as well as the appearance of bias.

Reparations: The measures taken by Berry Street where a complaint is upheld in order to acknowledge and remedy the harm caused to the victim or victims. Berry Street will be guided by the van Boven Principles, *Principles and Guidelines on the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law*, (United Nations Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities E/CN.4/Sub.2/1996/17) Available at <http://www2.ohchr.org/english/law/remedy.htm>

Victim: The person that the complainant alleges has suffered as a result of the alleged act or acts of abuse as defined above. In most instances the complainant is likely to be the victim of the alleged abuse, neglect or maltreatment. The victim may be seeking any of the following; a hearing to be acknowledged and believed; help to recover (eg counselling); assurances that such behaviour does not reoccur, an apology from Berry Street and/or accused individuals or financial compensation.

4. Procedures

4.1 Receiving Complaints

- 4.1.1 Complaints may be received verbally or in writing.
- 4.1.2 Reception or other frontline staff receiving telephone calls from former clients of Berry Street, Sutherland Homes or Lisa Lodge wishing to make a complaint should transfer or refer the caller to the **Heritage Information & Support Worker**.
- 4.1.3 The **Heritage Information & Support Worker** will listen to the person, explain and provide written information on the complaints process and gather some initial information in order to verify if the person was a former client in care with Berry Street, Sutherland Homes or Lisa Lodge.
- 4.1.4 If the person making a complaint of past abuse is not a former client in care of Berry Street, Sutherland Homes or Lisa Lodge the **Heritage Information & Support Worker** will assist them by making appropriate referrals for support and assistance.
- 4.1.5 If the person is a former client the **Heritage Information & Support Worker** will refer the matter in writing to the **Designated Person** (the Deputy CEO/Director of Services or as determined by the Chief Executive Officer). In referring the matter to the **Designated Person** the **Heritage Information & Support Worker** will provide a written briefing to summarise the situation and as far as possible remove the need for the complainant to re-tell things they have already shared with the **Heritage Information & Support Worker**. The briefing should include the allegations being made against past employees/volunteers, any other matters the complainant has raised, any support or assistance Berry Street is providing to the complainant and details of relevant files or records Berry Street holds relevant to the complaint.

- 4.1.6 The **Designated Person** will advise the Chief Executive Officer within 24 hours of receiving any complaint regarding allegations of past abuse. The CEO is responsible for informing the Board and the **Designated Person** is responsible for notifying the insurer in a timely fashion.
- 4.1.7 The **Designated Person** will, within 3 working days of receiving the written referral, contact the complainant, arrange to meet with the complainant and provide a copy of this procedure and explanatory information about the procedure.
- 4.1.8 The **Designated Person** will meet with the complainant, and any support person the complainant wishes to bring, to discuss;
- the **Designated Person's** understanding of the complaint and allegations,
 - the Berry Street procedure for investigating and responding to complaints,
 - what support the complainant has or wants while the complaint is being investigated which may include a counselor from Berry Street or from another agency,
 - their views on who should be appointed as the investigator including if this should be the **Designated Person**, someone else from within Berry Street or an external independent person,
 - any particular requests regarding the investigator such as their gender or cultural background, and
 - that the complainant has the right to report the matter to the Police and other authorities at any time and that they will not be adversely treated by Berry Street should they decided to do so.
- 4.1.9 The **Designated Person** will encourage the complainant to outline their complaint in writing if they haven't already done so. A support person may assist with, or write this, as long as it is signed by the complainant. The **Designated Person** will acknowledge in writing, receipt of the written complaint.
- 4.1.10 Taking into account the expressed wishes of the complainant the investigator will be appointed by the CEO.
- 4.1.11 The complainant is entitled to have a support person present throughout the process. The role of the support person is to assist the complainant during the process and, at their request, be present at any discussions involving the complainant. The support person cannot formally represent the complainant unless he/she has the authority in law (eg: signed authority from the complainant or as a legally appointed guardian). The support person can ask clarifying questions during any discussions to assist the complainant to engage in and understand the process.
- 4.1.12 If the complainant seeks counselling to deal with past abuse and requests nothing more, and the **Designated Person** does not think any further investigation is required, then Berry Street may:-
- Refer the person to the Victim's of Crime Assistance
 - Make a contribution towards the costs of counselling. Generally, this would be a maximum of 25 sessions or \$3,000.
- 4.1.13 If at any point the complainant decides that they no longer wish to proceed with the complaint the Designated Person will refer them to an appropriate organisation or service. This could include Open Place, VANISH, CLAN, the Police, a solicitor, the Ombudsman's Office or the Victorian Department of Human Services. The complainant will be informed that Open Place is a support service

managed, governed and operated by Berry Street and that Open Place staff are employed by Berry Street.

- 4.1.14 Complainants are free to come back to Berry Street at any time to seek a formal investigation and reparations.
- 4.1.15 Berry Street may proceed with an investigation after a complaint is withdrawn where it deems appropriate including where it holds concerns for the welfare of any current or former clients or other persons.

4.2 Complaint Investigation

4.2.1 If the complainant is seeking other responses from Berry Street apart from counselling, an investigation of the complaint will take place.

4.2.4 The **Designated Person**, or appointed investigator, will develop an investigation plan, which will include the following:

- the allegations and issues to be investigated,
- people and organisations to be interviewed and/or notified of the allegation,
- other evidence and information that should be obtained,
- arrangements for information sharing to keep all parties informed whilst protecting the privacy of all parties and ensuring the confidentiality of the process,
- a timeframe for completing the investigation, and
- arrangements for providing the complainant with a copy of the investigation findings.

Where possible the complainant should approve the investigation plan. The investigation plan will be signed off and authorised by the CEO.

4.2.5 The investigation should be completed within a three month period unless Berry Street and the complainant approve an extension.

4.2.6 Where the **Designated Person** considers it to be appropriate and it is possible to contact the person(s) about whom the allegation is made, that person or persons will be given an opportunity to respond to any allegation concerning them. This includes the **Designated Person** providing sufficient information to be able to respond to the complaint, time to prepare a response and the opportunity to provide written information to and/or meet with the investigator with a support person present.

4.2.7 Where the person or persons against whom the allegation is made is a current employee, carer, volunteer, contractor or consultant of Berry Street the CEO may at their discretion initiate action under Berry Street's *Policy on Handling Misconduct Allegations (2003)*, *Guidelines for Investigators of Misconduct Allegations (2003)* and/or *Disciplinary Policy and Procedure (2000)*.

4.2.7 The investigator will make a full written report on the complaint at the end of their investigation outlining the process, a summary of events and their findings. The complainant will be entitled to receive a copy of the investigators findings regarding their complaint.

4.2.8 The investigator may separately advise Berry Street on possible implications for other past or current clients arising from their investigation.

4.2.9 The **Designated Person** will arrange to meet with the complainant to discuss the investigators findings.

- 4.2.10 The *Designated Person* will provide to the CEO a full copy of the investigator's report and advise on any possible implications for other clients, past or current.

4.3 Berry Street Determination

- 4.3.1 The CEO will provide a de-identified copy of the investigators report to the Board along with their own summary recommendations. Summary recommendations may include but are not limited to;
- if the investigation has been handled internally, and the CEO thinks external scrutiny is advisable, external advice that the Board seek before they reach their conclusions
 - reparations (see 4.3.3) to be provided by Berry Street
 - referral to the Police
 - implications for other past or current clients
 - implications for current practices at Berry Street

The Board will determine the course of action and record its reasons.

- 4.3.2 Acknowledging that childhood trauma from abuse, neglect and maltreatment can have life-long consequence Berry Street may offer some form of reparations to assist the complainant(s) in their current circumstances. Reparations may include financial and non-financial assistance and the Board may take advice as to the amount and terms of any financial component, including advice from the Berry Street insurer.
- 4.3.3 The CEO will inform the *Designated Person* of Berry Street's response.
- The *Designated Person* will then present and discuss this response with the complainant and their support person.
 - The complainant will be informed of their right to a review process and that they have one month to request a review.
 - If the complainant is satisfied, the *Designated Person* will implement the response and implementation of the response should commence as soon as possible.

4.4 Berry Street Implementation of Determination

- 4.4.1 Where a formal expression of regret or apology is to be made, this will take place in a way that is sought and desired by the complainant and suitable and acceptable to Berry Street. This may include a written expression of regret or apology and/or a formal meeting. The meeting may be with the CEO and/or the person or persons, contractor or consultant about whom the allegation was made and/or a Board representative. The formal expression of regret or apology will take into account the specific complainants current circumstances.
- 4.4.2 Where some form of financial assistance has been recommended by the Berry Street Board this will be offered to the complainant.
- 4.4.3 No complainant will be required to give any undertakings in return for any reparations offered by Berry Street and Berry Street will not seek to impose upon them any obligation of confidentiality or silence concerning the complaint, the issues and circumstances which led them to make the complaint or the reparations provided.
- 4.4.4 The *Designated Person* will ensure that information about the complaint or allegation and the outcome will be kept on the complainant's file and any existing

file of the person or persons, contractor or consultant about whom an allegation was made.

4.5 Criminal or civil investigation

- 4.5.1 If the complaint involves allegations of a criminal offence, the complainant will be strongly urged to refer the matter to the Police.
- 4.5.2 Whether or not the complainant wishes to refer the matter to the Police, there will be times when Berry Street will need to refer the matter to the Police, and we will inform the complainant about this. Berry Street may also seek advice from appropriate authorities, including the Police.
- 4.5.3 If the matter is referred to the Police, or the complainant decides to engage in civil litigation, at any time before or during Berry Street's internal process, legal and Police advice should be obtained about whether, or to what extent, the internal complaint process should cease. Berry Street may continue to look into issues of a broader or systemic nature and may continue to offer support to the complainant.
- 4.5.4 When Berry Street becomes aware of a criminal or civil process, or the likelihood of such a process, the CEO will inform the Board.
- 4.5.5 The CEO and the President of the Board will jointly make a decision as to how the matter will be managed.
- 4.5.6 Berry Street's internal process may be re/activated by the *Designated Person* once legal action has ceased, at the complainant's request.

4.6 Complaint Review Process

- 4.6.1 A review of the process or the outcome is available for complainants who are not satisfied with Berry Street's response.
- 4.6.2 A complainant may request a review by writing to the CEO within one month of the meeting with the *Designated Person* presenting Berry Street's intended response.
- 4.6.3 The review will be undertaken by a person or persons appointed by the CEO.
- 4.6.4 The review will be conducted expeditiously.
- 4.6.5 The reviewer/s will have authority to interview any staff concerned and will have access to all relevant documentation.
- 4.6.6 At the completion of the review, the CEO will inform the Board of the outcome.
- 4.6.7 The CEO will also provide a written report to the person who requested the review.
- 4.6.8 As soon as convenient, the *Designated Person* or CEO (at the request of the complainant) will discuss with the complainant the outcome of the review and implementation of any recommendations.

4.7 Record-keeping, Access to information & Data Collection

- 4.7.1 Acting in accordance with Privacy legislation, Berry Street will provide the complainant with full access to, and copies of, any information and records that contain information about them and their time in Berry Street's care.

- 4.7.2 Staff and independent contractors engaged as part of the investigation process will maintain best practice record-keeping. Any information accessed or generated by independent contractors engaged as part of the investigation process will remain the property of Berry Street.
- 4.7.3 Information about the complaint or allegation and the outcome will be kept on the complainant's file and any existing file of the person or persons, contractor or consultant about whom an allegation was made.
- 4.7.4 Berry Street will fully co-operate with any criminal investigation including preserving and providing all related written information Berry Street has on file.

4.8 Evaluation and feedback

- 4.8.1 At the conclusion of the complaint process the *Designated Person* will seek feedback from the complainant and other relevant persons about their experience of the process and how it might be improved.
- 4.8.2 The *Designated Person* will consider whether the investigation and determination could inform current practice and make recommendations to the CEO accordingly.
- 4.8.3 Aggregated and de-identified data regarding allegations and investigations initiated under this procedure will be made available to external parties as deemed appropriate by the CEO.

5. Authorities and accountabilities

5.1 Board of Directors

The Berry Street Board of Directors is responsible for determining the most appropriate response to the complaint and any reparations offered.

5.2 Chief Executive Officer

The Chief Executive Officer is ultimately accountable for ensuring that complaints from adult care leavers are handled in accordance with Berry Street Policy and Procedures. This includes that the Board of Directors are informed of any complaints from adult carer leavers and that Board recommendations in response to specific complaints are implemented.

5.3 Deputy CEO/Director of Services is responsible for:

- 5.3.1 Acting as the *Designated Person* in accordance with this Policy and its Procedures in handling all complaints from adult care leavers.
- 5.3.2 Providing annual, de-identified and aggregated statistics to the Executive Management Team and Board of Directors regarding complaints from adult care leavers. The Board of Directors may deal with any review of de-identified and aggregated reports via its Quality and Risk Management Committee.

5.4 The Executive Officer is responsible for maintaining a register and file system of all complaints from adult care leavers.

6. Specification of related Berry Street and other relevant documentation

6.1 Berry Street Documents

- Berry Street Policy - Complaints from Adult Care Leavers (2012)

- Berry Street Policy - Handling Misconduct Allegations
- Berry Street Guidelines for Investigators of Misconduct Allegations
- Berry Street Privacy Policy

6.2 Public Records and Reports

- Senate Committee Report - Community Affairs Reference Committee - Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children (2004)

7. Policy & Procedure Review

- 7.1 The *Berry Street Policy - Complaints from Adult Care Leavers*, *Berry Street Procedure - Complaints from Adult Care Leavers* and all other relevant Berry Street policy and procedures will be reviewed at least every three years.
- 7.2 An audit of all investigations including access to de-identified investigation reports will be conducted not less than every 5 years commencing from 2015.

8. Approval and revisions table

8.1 Approval

Approved by:	CEO:	<input checked="" type="checkbox"/>
	Deputy CEO:	<input checked="" type="checkbox"/>
	Exec Management Team:	<input checked="" type="checkbox"/>
Date of Approval:	October 17, 2007	
Effective Date:	November 1, 2007	
Accountable Officer:	Chief Executive Officer	
Current incumbent:	Sandra de Wolf	
Contact Details:	Richmond office 03 9429 9266 sdewolf@berrystreet.org.au	
Berry Street File Name:	Policy - Governance - Complaints - Adult Care Leavers	

8.2 Revision/modification history

Revised Date:	September 2012
Version:	Three
Review Date:	November 2013
Current title:	PROCEDURE – Complaints - Adult Care Leavers September 2012
Approval authority:	CEO

APPENDIX 1

Detailed Definition of Child Maltreatment, Abuse and Neglect

In this policy, the terms "child abuse and neglect" and "child maltreatment" are used interchangeably. Berry Street accepts the definition of Child maltreatment provided by the Australian Institute of Family Studies as at June 2012. In the application of this policy and related procedures Berry Street may seek advice and make reference to the detailed definitions of child abuse and neglect and child maltreatment available through the Australian Institute of Family Studies.

See: <http://www.aifs.gov.au/cfca/pubs/factsheets/a142091/index.html>

Child maltreatment, abuse and neglect refers to any non-accidental behaviour by parents, caregivers, other adults or older adolescents that is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm to a child or young person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e. neglect) and commission (i.e. abuse) (Bromfield, 2005; Christoffel, et al., 1992).

For the purposes of this policy child abuse and neglect and child maltreatment includes:

- (a) sexual abuse or sexual misconduct against, with or in the presence of a child;
- (b) physical abuse;
- (c) neglect;
- (d) emotional maltreatment; and
- (e) witnessing and experiencing family violence.

The following material is summarised from "What is child abuse and neglect?" Australian Institute of Family Studies (AIFS) June 2012

Physical abuse

Physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. A person does not have to intend to physically harm the child to have physically abused them (e.g., physical punishment that results in bruising would generally be considered physical abuse). Depending on the age and the nature of the behaviour, physical force that is likely to cause physical harm to the child may also be considered abusive (e.g., a situation in which a baby is shaken but not injured would still be considered physically abusive). Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning.

Emotional maltreatment

Emotional maltreatment refers to a parent or caregiver's inappropriate verbal or symbolic acts toward a child and/or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Emotional maltreatment may include:

- *rejecting*: the adult refuses to acknowledge the child's worth and the legitimacy of the child's needs;
- *isolating*: the adult cuts the child off from normal social experiences, prevents the child from forming friendships, and makes the child believe that he or she is alone in the world;
- *terrorizing*: the adult verbally assaults the child, creates a climate of fear, bullies and frightens the child, and makes the child believe that the world is capricious and hostile;
- *ignoring*: the adult deprives the child of essential stimulation and responsiveness, stifling emotional growth and intellectual development;

- *corrupting*: the adult "mis-socializes" the child, stimulates the child to engage in destructive antisocial behaviour, reinforces that deviance, and makes the child unfit for normal social experience.

Neglect

Neglect refers to the failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing (Broadbent & Bentley, 1997; Bromfield, 2005; WHO, 2006).

Neglectful behaviours may include:

- *physical neglect*: characterised by the caregiver's failure to provide basic physical necessities, such as safe, clean and adequate clothing, housing, food and health care;
- *emotional (or psychological) neglect*: characterised by a lack of caregiver warmth, nurturance, encouragement and support (note that emotional neglect is sometimes considered a form of emotional maltreatment);
- *educational neglect*: characterised by a caregiver's failure to provide appropriate educational opportunities for the child; and,
- *environmental neglect*: characterised by the caregiver's failure to ensure environmental safety, opportunities and resources. (Dubowitz, Pitts, & Black, 2004)

Sexual abuse

Although some behaviours are considered sexually abusive by almost everyone (e.g., the rape of a 10-year-old child by a parent), other behaviours are much more equivocal (e.g., consensual sex between a 19-year-old and a 15-year-old), and judging whether or not they constitute abuse requires a sensitive understanding of a number of definitional issues specific to child sexual abuse.

Child sexual abuse may include:

- the use of a child for sexual gratification by an adult or significantly older child/adolescent (Tomison 1995):
- any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards (Broadbent & Bentley 1997)
- sexually abusive behaviours can including the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism and exposing the child to or involving the child in pornography (Bromfield, 2005; US National Research Council, 1993).

Berry Street understands that unlike the other maltreatment types, the definition of child sexual abuse varies depending on the relationship between the victim and the perpetrator. For example, any sexual behaviour between a child and a member of their family (e.g., parent, uncle) would always be considered abusive, while sexual behaviour between two adolescents may or may not be considered abusive, depending on whether the behaviour was consensual, whether any coercion was present, or whether the relationship between the two young people was equal (Ryan, 1997).

Berry Street accepts that different definitions apply for each category of perpetrator: adults with no familial relationship to the child, adult family members of the child, adults in a position of power or authority over the child (e.g., carer, teacher, doctor), adolescent or child perpetrators, and adolescent or child family members.

Adults with no familial relationship to the child

Any sexual behaviour between a child under the age of consent and an adult is abusive.

Family members of the child

Any sexual behaviour between a child and an adult family member is abusive. The concepts of consent, equality and coercion are inapplicable in instances of intra-familial abuse.

Adults in a position of power or authority over the child

Sexual abuse occurs when there is any sexual behaviour between a child and an adult in a position of power or authority over them (e.g., a carer or teacher). The age of consent laws are inapplicable in such instances due to the strong imbalance of power that exists between children and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated.

Adolescent or child perpetrators

Sexual abuse is indicated when there is non-consensual sexual activity between minors (e.g., a 14-year-old and an 11-year-old), or any sexual behaviour between a child and another child or adolescent who - due to their age or stage of development - is in a position of power, trust or responsibility over the victim. For example, any sexual activity between a 9-year-old and a 15-year-old would be considered abusive as the age difference between the two children leads not only to marked developmental differences, but also disparities in their levels of power and responsibility within their relationship. Another example of abuse due to an imbalance of power would be sexual activity between two 15-year-olds, where one suffers an intellectual disability that impairs their ability to understand the behaviours that they are engaging in. Normal sexual exploration between consenting adolescents at a similar developmental level is not considered abuse.

Adolescent or child family members

Sexual abuse occurs when there is sexual activity between a child and an adolescent or child family member that is non-consensual or coercive, or where there is an inequality of power or development between the two young people. Although consensual and non-coercive sexual behaviour between two developmentally similar family members is not considered child sexual abuse, it is considered incest, and is strongly proscribed both socially and legally in Australia.

Witnessing and experiencing family violence

The witnessing of family violence has been broadly defined as "a child being present (hearing or seeing) while a parent or sibling is subjected to physical abuse, sexual abuse or psychological maltreatment, or is visually exposed to the damage caused to persons or property by or family member's violent behaviour" (Higgins, 1998, p. 104).

Berry Street accepts that children and young people in care can be subjected to a similar form of harm as described above where they are present while a carer, sibling or other children in care is subjected to physical abuse, sexual abuse or psychological maltreatment, or is visually exposed to the damage caused to persons or property by or family member's or carers violent behaviour.

Berry Street Information for Adult Care Leavers

Since 1877 Berry Street has cared for Victoria's most vulnerable children, young people & their families. We are proud of our history & the contribution made to improve the life opportunities of many of these children & young people.

Berry Street acknowledges that it would be naïve to expect, over such a long & proud history, that every aspect of the care provided by this agency has constantly met every need of every child, & that no child in our care has ever been subjected to abuse. As the current custodians, the Board of Directors, Managers and Staff accept that in our many years of operation harm has occurred to some children and young people in our care.

For this we deeply and most sincerely apologise.

Learning from Past Practice & Policy

Berry Street believes it is imperative that harmful aspects of past practice & public policy, which gave rise to inappropriate removal, abuse, neglect, unsafe, improper or unlawful treatment of children, are never repeated.

We believe it is important to review & reflect on the past in order to inform current & future practice & policy making. While our models of care have changed & our clients often present different challenges today, it is important to revisit & understand the courage, self-sacrifice & commitment of people who set up places of refuge for babies & children in the past. The women who established the Victorian Infant Asylum, Sutherland Homes for Children and Lisa Lodge, set the groundwork for Berry Street to care for children & young people today.

Berry Street acknowledges the significant impact of past abuse on a victim, their families, friends & relationships as well as the impact on those accused, their families & communities. A complaint of abuse may raise medical, psychological, spiritual, legal & practical questions.

Our motto at Berry Street is that *we never give up*. This means that we will support victims of past mistreatment and abuse through the provision of a compassionate, open, responsive & constructive investigation and, wherever possible, reconciliation service.

Berry Street has a process for responding to allegations of past abuse. The Berry Street Board of Directors and staff are committed to the guiding principles below.

GUIDING PRINCIPLES

In responding to any allegation, the guiding principle will be to address past grievances and provide a pathway to reconciliation.

- Allegations are seen as an opportunity to learn
- Any person who has been a service user at any time has the right to make a complaint about any aspect of their service experience, including a complaint involving allegations of abuse
- All complaints will be taken very seriously and will be addressed in the shortest time practicable
- The process will provide natural justice and procedural fairness for all people involved
- The process will be as open, transparent and accountable as possible, while respecting rights to privacy and confidentiality
- The process will reflect a commitment to address past grievances and, wherever possible, provide a pathway towards reconciliation
- Staff and independent contractors will maintain confidentiality & best practice record-keeping
- The concerns expressed by the person making the complaint will be addressed and managed in a compassionate, thoughtful, respectful and productive manner, which embraces the organisational Values of *Courage, Integrity, Respect, Accountability and Working Together*.
- The process will be responsive to the needs of the complainant when appointing the designated person and/or investigator (eg: it will consider complainants' gender, culture, language, accessibility needs, etc)

BERRY STREET CONTACT:

Heritage Information & Support Worker
Richmond Office
(See contact information below)

We can provide support for:
Accessing records
Family searches
Allegations / complaints
Counselling / support

Berry Street seeks to work in partnership with appropriate organisations to ensure the best possible services for current and former clients. Whilst we have developed internal processes, we understand that individuals may prefer not to approach us directly to raise concerns. For assistance please contact:

VANISH:

📍 Level 3, 100 Franklin St,
Melbourne ☎️ 1800 334 043
✉️ vanish@vicnet.net.au

OPEN PLACE:

📍 Suite 1/8 Bromham Place,
Richmond ☎️ 1800 779 379
✉️ www.openplace.org.au

CLAN:

☎️ 1800 008 774



FOR MORE INFORMATION CONTACT:

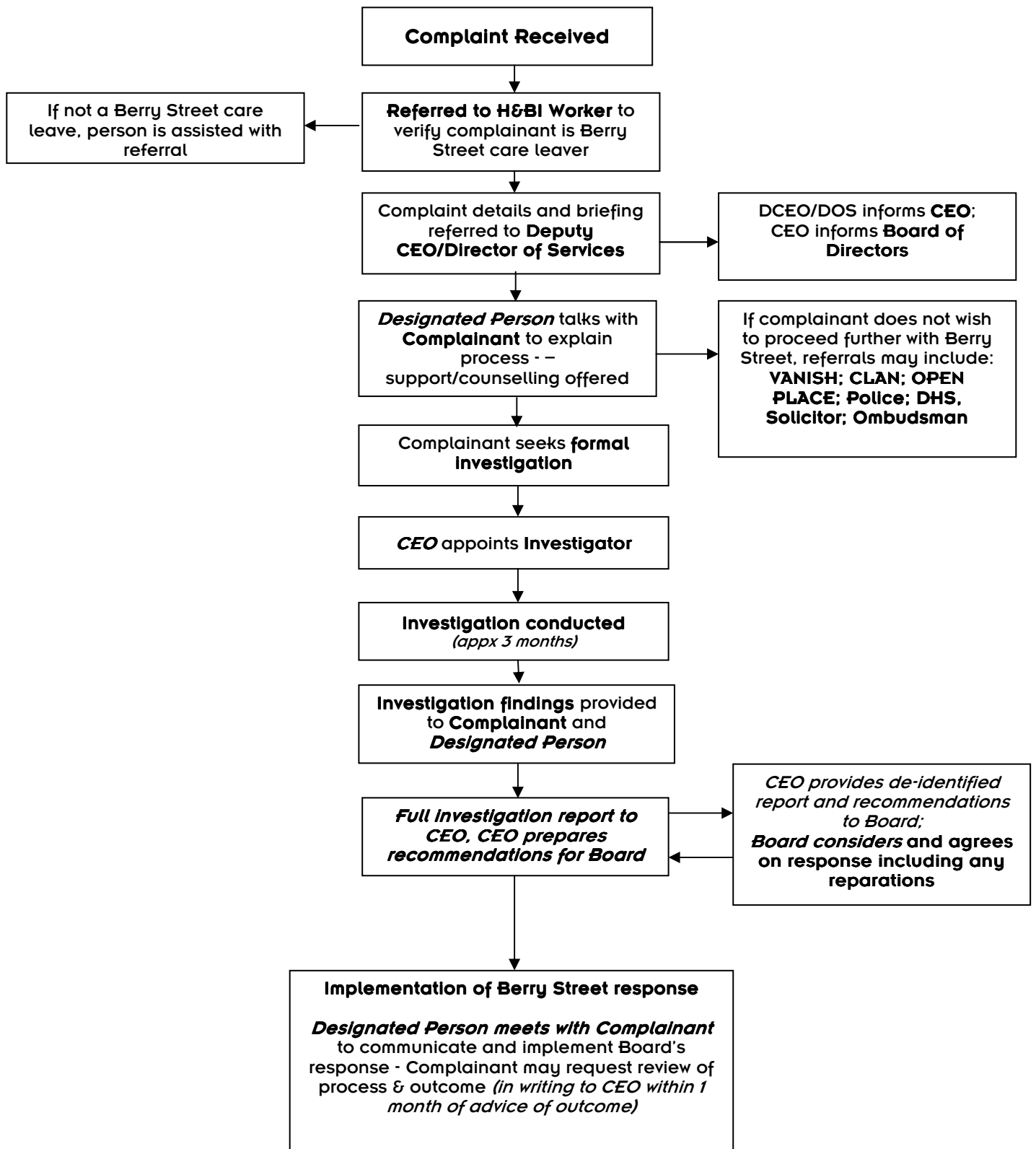
BERRY STREET Heritage & Background Information Service
Richmond Office

☎️ 03 9429 9266 ✉️ heritage@berrystreet.org.au

📍 1 Salisbury Street, Richmond Vic 3121

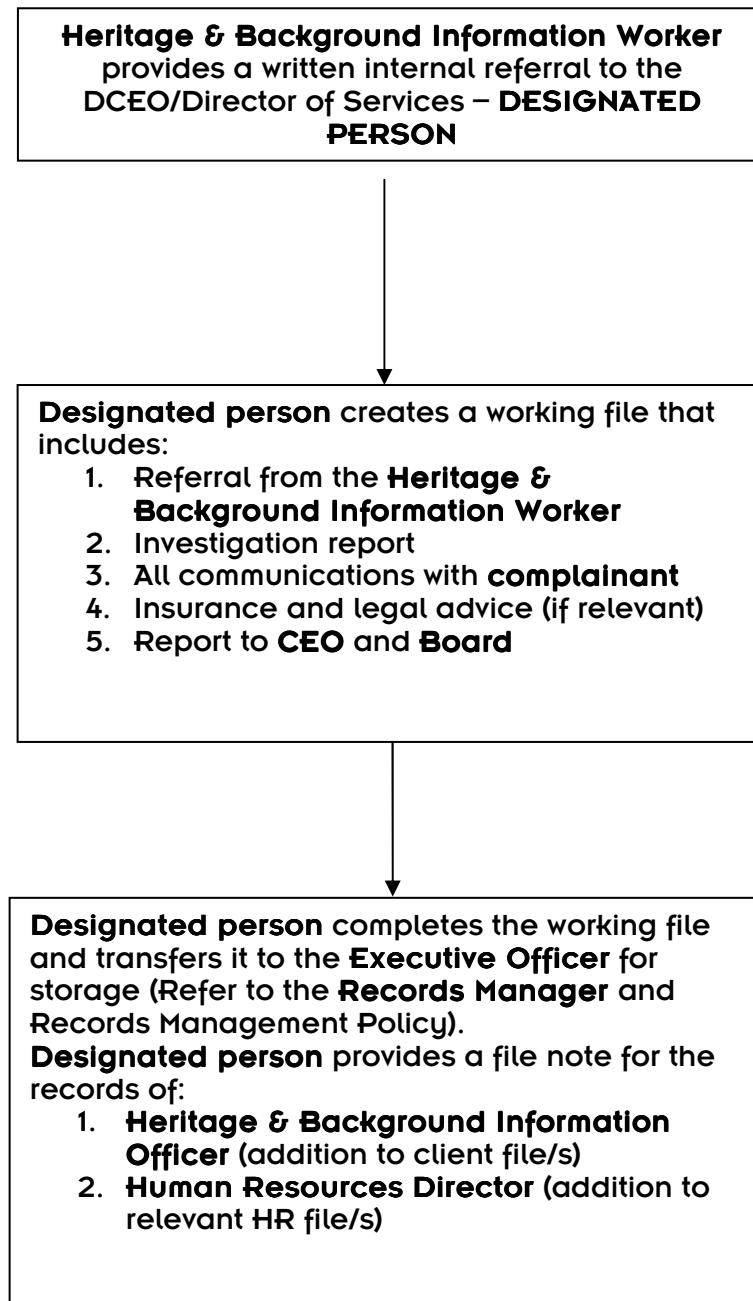
APPENDIX 3

PROCESS for Responding to Complaints from Adult Care Leavers



APPENDIX 4

INFORMATION MANAGEMENT PROCESS for Responding to Complaints from Adult Care leavers



Attachment Six - Profile of Berry Street

PROFILE OF BERRY STREET

Established in 1877 as the Victorian Infant Asylum, Berry Street chooses to work with children, young people and families with the most challenging and complex needs, including those for whom we are often the last resort.

These children and young people have suffered great distress and significant harm growing up in families where violence, chronic neglect, substance abuse, mental illness, and poverty have prevented them from having a good childhood. Incorporated under the Associations Incorporation (Amendment) Act 1997 with a voluntary Board of Directors, Berry Street is now the largest independent not for profit child and family welfare organisation in Victoria.

VISION AND VALUES

The Berry Street believes *all children should have a good childhood - growing up in families and communities where they feel safe, nurtured and have hope for the future*. The Strategic Plan 2007-10 (available at www.berrystreet.org.au) includes a statement of beliefs and assumptions, the context within which we operate and our 5 values (and what they mean to us) of:

- Courage,
- Integrity,
- Respect,
- Accountability,
- Working Together.

Berry Street provides an extensive range of services for children, young people and families across rural, regional and metropolitan Victoria. We work from 20 offices and a further 34 worksites, with the majority of services in the Gippsland, Hume, North & Western Metropolitan and Southern Metropolitan regions. Berry Street employs approximately 550 (EFT) staff and has the support of over 250 volunteer caregivers and in excess of another 200 other volunteers. The budget for 2010/11 is more than \$53 million. Our greatest challenges today arise from the dreadful impact on children and their families of domestic violence, substance abuse, mental illness, poverty and unemployment.

Today we are the largest independent child and family welfare organisation in Victoria, providing an extensive range of services across metropolitan, regional and rural Victoria, to many thousands of people each year. Incorporated under the Associations Incorporation Act, Berry Street is an independent, Not-for-Profit Public Benevolent Institution with Deductible Gift Recipient and Income Tax Exemption status. Our voluntary Board of Directors has responsibility for governance and stewardship of Berry Street's good name and resources.

Berry Street Services

RESIDENTIAL CARE

Berry Street's residential care program is often the 'last resort' for young people whose traumatic childhood means they can't safely live at home or in foster care. Across Victoria, care is provided by rostered staff in small-scale group houses for up to four young people.

FOSTER & KINSHIP CARE

When children can't live safely at home because of serious child abuse, neglect and family violence, the first preference is that they go to relatives (Kinship Care). Accredited volunteer foster carers also provide care for children and young people in their own homes (Foster Care). Our professional staff ensure these carers are properly screened, assessed and supported, as well as working directly with the children and ensuring they get the help they need to recover.

THERAPEUTIC

Through clinical services and counselling programs, including Take Two, we work intensively with the distressed child or young person, their family, carer and other services, to help them recover from their trauma.

EDUCATION, TRAINING & EMPLOYMENT

Too many of the young people with whom we work are either excluded from, or have dropped out of, school. We run an independent school with a number of campuses, and an extensive range of other education support and training programs. We strive to: maintain the participation of those who are at risk of disengaging from mainstream school; re-engage young people who are excluded from education or training; and promote pathways for young people into employment.

YOUTH

We know that adolescence is a 'window of opportunity' to help young people recover from traumatic childhoods and prepare them for a successful adulthood. Our youth services include case management, outreach, leaving care, life skills, mentoring, and accommodation.

FAMILY

Our family services support parents to better care for and nurture their children and help resolve conflict between parents and their adolescents. We also play a lead role in the delivery of services for families experiencing family violence: we help women keep themselves and their children safe; and we provide contact services for parents who cannot manage safe access arrangements for their children.

COMMUNITY

Our community work includes two key approaches. Firstly, we deliver programs in local geographic communities, with a focus on the early years, financial inclusion and capacity building in rural communities. Secondly, we engage with particular groups within the community, with a significant emphasis on supporting Forgotten Australians, Aboriginal children and their families, and new arrival groups. We place a high value on working in partnership with and for these communities.

Public Policy & Advocacy Agenda

Overview

Since 1877 Berry Street has had a commitment not just to the provision of social services but to social change. We have sought to transform communities through the recognition of children's rights, the empowerment of Women, the prevention of poverty, child abuse and neglect and through the promotion of social inclusion. Empathy for families as they confront hardships beyond their control and the challenge of raising children has driven us to move beyond the 19th and early 20th century approach of 'child rescue' to a focus on supporting family and community well-being.

Recognising that families don't conform to a nuclear (or other) model but are formed and change through a web of relationships and interactions, we respect all families for their uniqueness. Appreciating that the development of children and young people is supported through the active involvement of women and men we promote inclusive practice and support women and men to care for their children. Dialogue with Aboriginal and Torres Strait Islander people's has helped us see the harm of past policies of child and family separation, led us to apologise for this harm and motivated us to advocate for the full development of Aboriginal community based services. Learning the lessons of the generational harm done to children in institutional care has seen us embrace the Forgotten Australian's and stand with them to have this harm acknowledged and their rights and needs met.

Over the past decade growth and diversification of our service profile means we are now working with more families, in more ways and in more places than ever before. Shifting patterns of urban development, regional decline, entrenched unemployment in particular locales and growing income inequality heighten the need to tackle the root causes of child abuse and neglect. The continuing story of Australia as a culturally complex nation of Indigenous peoples and migrants provides us with the opportunity and obligation to learn from a diversity of cultures about their approaches to raising children. Overlaying this climate change, the impact of technology on how we work and relate, increasing levels of substance dependency and gambling and a proliferation of violent images in all forms of media are shaping the context within which we work.

The intention of developing an agreed public policy and advocacy agenda for the organisation is to make a long term impact on the underlying causes of issues including child abuse, child neglect and family violence. We understand that the underlying causes include, but are not limited to poverty, unemployment, unresolved trauma (which may be intergenerational), homelessness and substance misuse. We know that these underlying causes are interconnected, complex and manifest themselves in complex ways including in behaviours amongst children, young people and adults that are harmful to them and those around them. We know that there are responses which can help alleviate the symptoms and support people to cope, heal and return to good health. But we also want to prevent the harm from occurring in the first place.

We will maximise the impact of our public policy and advocacy by utilising the combination of established evidence, our practice expertise, research and policy analysis and concentrating in areas where we can make a long term difference to children, families and communities.

Our experience in public policy tells us that pursuing long term change requires sustained focus, dedicated resources, evidence of what works and the discipline to avoid taking on too much and diluting our impact. We know from our direct work with families and children that their stories of success in overcoming challenges are a compelling but often overlooked part of the 'evidence base'. Hence evaluating our work with families and children, tracking outcomes from our services and documenting case studies will form a critical foundation for our public policy work.

Our challenge is to - learn from our involvement in the lives of families, children and communities and articulate a contemporary public policy agenda – to continue to advocate in the interests of vulnerable children and families and promote social change. Clearly there is no shortage of issues to pursue. We can't do it all but we can do some of it and some of it we are best placed to do than any other organisation.

Strengthening our commitment to social change

Making a stronger and strategic contribution to public policy reforms through research, evaluation, collaboration and advocacy is a central component of the 2011-2013 Berry Street Strategic Plan. Government, community, industry, business and philanthropic organisations all have a role in addressing the underlying causes of issues such as family violence, child abuse and neglect.

Berry Street supports the active and deliberate use of a children's rights framework within our work and in particular embedding the UN Convention on the Rights of the Child (CROC) in our services, practice, policy and advocacy. Working directly with children and young people who have been the victims of child abuse or child neglect, we always place children's interests first and take action to protect their rights. Children depend on others to do this for them and when the adults in their lives have failed to do so, children need advocates who will speak up on their behalf. Berry Street does this for individual children and young people within the child protection system. Doing so does not prevent us from holding concerns for the well being of families or from advocating for structural reforms that will ease the burden on families, support them to raise their children well and lessen the incidence child abuse and neglect.

A five point agenda for the next decade

Our public policy and advocacy agenda, with its overarching commitment to the rights of children, covers five broad areas. Over the next decade Berry Street is committed to pursuing social change across these five areas. They reflect the breadth of our direct work with children and families and a need to tackle complex social and economic policy issues at the highest level. They span issues relating to childhood, children's rights, family poverty, homelessness, education, violence, the negative consequences of colonisation on Aboriginal families, child abuse and child neglect. They are as follows:

- **Childhood Belongs to Children**

Berry Street believes every child should have a good childhood – this is their right. Childhood should be about the joys of discovery and play, developing friendships and time with family, learning and adventures, dreaming and creating, mucking up, falling over and getting up. It should be a time free from the burdens of adult life without it being a time when children are overly sheltered or contained. Children learn by taking risks, making mistakes and trying again.

Parents and families are increasingly anxious about the safety of their children and allowing them the freedom to explore their neighbourhood, to walk to and from school, to play outside or to spend time away from the constant supervision of adults. Whilst

concerns about child safety can see children withdraw from public spaces paradoxically parents are equally concerned about increasing 'screen time', children not exercising and children being exposed to other risks through the internet. Cyber bullying and the potential for children to be exposed to risks in the online world are issues of national prominence.

To some extent childhood has become a series of sporting, music and recreational activities as play has become a commodity rather than something kids and families just do. But a hectic childhood is not the same as a full childhood. Providing children with endless opportunities to participate whilst juggling all of life's other demands are often a recipe for family stress rather than healthy child development.

Our work in child welfare focuses on children at risk and protecting those children. There is a need to broaden our focus and understand that childhood is also at risk and needs protection. We shouldn't allow childhood to be eroded by commercialisation, the sexualisation of young children, particularly young girls and the inappropriate targeting of children by advertisers as a market to exploit. Childhood must belong to children.

Key Areas of Advocacy and Action

- Development of stronger regulatory framework to prevent the commercial exploitation of children through advertising and the sexual exploitation of children in the media or digital world
- Establishment of mandatory 'child friendly community' planning guidelines to ensure that urban and regional development in response to population growth creates the highest level of public amenity for children
- Provision of high quality early learning and care services and in-home support for vulnerable families with young children to ensure vulnerable children have the highest level of access to services and support in the early years

• Safety is not enough

As a community we want the best for all children. We want all children and young people to enjoy the best start in life, enabling them to grow, develop and thrive; to have time to play and explore their world safely, to benefit from education and opportunities to participate in sport, recreation and the creative arts; to form lifelong bonds with family and friends that will support and nurture them; to discover and develop their unique strengths and as young people to find their niche in the world from which they can shape and contribute to that world.

Children and young people who have experienced abuse and neglect have the same rights and needs as all other children and young people. But they confront bigger obstacles as they strive to reach their full potential. Many of these children and young people have unresolved trauma, chronic health issues and are moved from place to place and in and out of care. Their connections to friends, family and community have been broken, their education disrupted, their voices drowned out and their hopes for the future undermined. If left unresolved, the disconnectedness this creates impacts on the mental health and lifelong opportunities for children and young people.

Things that most children and young people can rightfully take for granted have been missing from their lives. Ensuring that children and young people who have experienced abuse and neglect are kept safe from further harm is a must. But it is not enough. Organising a roof over their head but nothing else is just another form of neglect. Berry Street has worked with and for vulnerable children for over 100 years. We, and many other agencies, have worked to keep roofs over the heads of these kids but more has to be done. As well as keeping children physically safe we have to ensure their rights to education, good health, opportunities and stable relationships are realised.

Key Areas of Advocacy and Action

- New models of foster and kinship care to ensure carers receive the financial and other supports that will enable them to meet all the needs of the children and young people in their care
- Support for young people leaving care (to age 25) to prevent youth homelessness
- Development of an 'education and service passport' for all children and young people who have been within the OOHC system to ensure they have lifelong priority access to all forms of public education and support services
- Development of therapeutic teaching and learning approaches that respond to and enhance the learning capacity of children affected by trauma, abuse or neglect.

• Two Ways Together – Supporting Aboriginal families and children

Currently Aboriginal families and children experience significantly higher levels of poverty, homelessness, chronic disease unemployment and as a consequence significantly reduced life-expectancy. These issues and the inter-generational trauma from the widespread separation of Aboriginal children from their families are driving the over representation of Aboriginal children in child protection.

Through dialogue with Aboriginal people Berry Street has come to a better understanding of the harm of past policies of child and family separation. In 2006 this led us to apologise for this harm and motivated us to advocate for the full development of Aboriginal community based services focused on supporting Aboriginal families and caring for and protecting children. By pursuing an approach that could be described as two ways together we will work with Aboriginal families and services, learn from their experiences, share our experiences and build a better child welfare support system for all children.

Key Areas of Advocacy and Action

- Development and enhancement of holistic universal community based Aboriginal child and family support services
- Support for Aboriginal early years services to develop, run and model best practice child development programs built around Aboriginal child rearing practices
- Effective implementation the Aboriginal Child Placement Principle, cultural support planning and family based decision making in child protection
- Establishment of an Aboriginal children's guardian position to drive child protection reforms that redress the over representation of Aboriginal children in child protection

• No Place for Violence

The prevalence of violence within our community is of increasing concern to Berry Street. There is no place for violence in our community – not in our families or homes, not on our streets or in our neighbourhoods, not in our workplace or services, on our sporting fields - and not in the lives of our children.

Violence is seeping its way into the lives of children and young people through their exposure to violent images in a variety of media. Normalising violence and portraying violence as the means to resolve issues undermines future relationships and erodes social cohesion. Racial violence and violence perpetrated against women and children are of particular concern to Berry Street. As a community we are failing boys and young men by not showing them non-violent ways to deal with the conflicts and stress that inevitably form part of every human life. Strong male role models that reject violence are all too often missing from the lives of young boys. Equally we fail girls and women if we don't show them that violence perpetrated against them in their family, their networks or community is not acceptable and not something they should ever endure.

Through our local services we see first-hand that family violence is at the heart of most child protection cases. We see the trauma it creates and the harm it does to children. We see women repeatedly being harmed and victimised through family violence and then neglected by inadequate legal and service responses. We know that the trauma of this violence can cause lifelong damage and create intergenerational cycles of violence. There is no place for violence and Berry Street is committed to using our influence to take a stand against violence in all areas of our work.

Key Areas of Advocacy and Action

- Therapeutic programs and support for children and young people who have experienced family violence including support for boys to develop into strong healthy men and fathers who reject the use of violence
 - Development of a long term public health approach to prevention of violence in all its forms and in all places
 - Expanded public and supported housing options for women, children and families who have been affected by family violence
 - Implementation of comprehensive sexual health and relationships education programs for children, young people and parents through schools and community based programs
 - Family violence, family law and child protection reforms to ensure that the rights of women to raise their children are not compromised by family violence or child protection interventions
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- **Fairness and Equity for Families**

Family poverty, unemployment and homelessness have been with us for a long time. By 1877, just 26 years after the colony of Victoria was formed, poverty, disease and homelessness had taken hold in a young colony. Women and children were particularly vulnerable. Concerned about the high rates of child mortality, the plight of unwanted babies and unsupported mothers a group of women formed Berry Street as an Infant Asylum and Babies' Home. Babies and mothers were given shelter and support. From the outset Berry Street chose not to judge these women but to stand up for them, for their children and for families - to make Victoria a better place for women, children and families. Berry Street took a stand against the tide of growing inequality and the prevailing ethos of treating single mothers with scorn and children as people without rights. Our work over many generations tells us that where there are children in poverty there are families in poverty and that where there are families in poverty there are impoverished communities. Communities that lack the resources to provide children and young people with opportunities to develop and thrive experience higher levels of child abuse, child neglect and family violence.

In 1877 poverty, unemployment, violence, substance abuse and homelessness were the prevailing threats to children's well being. Whilst today the broad picture for Victoria's children is vastly improved, these same issues threaten the well being of many children. Every Victorian family needs access to education and health services, a living income and safe and secure housing in order to raise their children well. We know that children who are born to vulnerable young mothers, who grow up with violence, whose parents are poorly educated, unemployed, homeless or have a mental illness or substance addiction, are at much higher risk of living in these circumstances as adults and evidence-based interventions are needed in breaking this cycle. We know that these issues wear away not just at the fabric of families but at community cohesion creating entrenched intergenerational pockets of disadvantage. This is why Berry Street pursues fairness and equity for families and communities.

Key Areas of Advocacy and Action

- Timely access to universal family support and parenting assistance programs for vulnerable families throughout Victoria
- Enhanced levels of support for families, children and young people in economically depressed urban, regional and rural areas to the essential services that underpin child development and family well-being.
- Priority access to housing assistance and mental health services for vulnerable families with children, including families at risk of child protection intervention
- Evidence informed welfare reforms that improve financial support to families and the financial management capacity of families without compulsory income management