

Since 1877
Berry Street
We never give up

CSO Forum – Engaging with the Royal Commission into Institutional Respones to Child Sexual Abuse

Overview

Presentation Summary

- Acknowledgements
- Historical context for the Royal Commission
- Responding to past maltreatment - Berry Street's approach
- Understanding our own practice
- Royal Commission – an opportunity for restorative justice



Since 1877
Berry Street
We never give up

Historical Context - Child Savers and Rescuers, Baby Farmers and Cruelty Men



Photo source: Brotherhood of St Laurence collection, as published in Family Matters

Historical Context - Child Savers and Rescuers, Baby Farmers and Cruelty Men

- Pre-legislation 1850 to 1864 – **Child Savers and Rescuers**
  - Concerned with the escalating numbers of delinquent, destitute and uncontrolled children on the streets and the implications for a 'decent and moral society'
  - Unregulated institutions operating with access to government funds – NGO's seen as the solution to child welfare problems

- 1864 – **Neglected and Criminal Children's Act**
  - Licenses child savers, including Selina Sutherland
  - Focus broadens to protecting children from harm as well as protecting society from children who are not raised properly



Since 1877
Berry Street
We never give up

Historical Context - Child Savers and Rescuers, Baby Farmers and Cruelty Men

- **1874 – Amended Neglected and Criminal Children's Act**
  - Industrial schools & Reformatory schools
  - 7 Anglicans for every Catholic
  - Children – regardless of social status – require protection
  - Boarding out children to private homes increases

- **1874 – NSW Royal Commission** describes children's institutions as " a legalised gateway to hell" Foggarty, John. " Some aspects of the early history of child protection in Australia" . Family Matters 2008 No.78 page 57.

- Child Protection systems undermine children's "visibility, voice, personal identity and capacity for self protection" Evans, Caroline. 'Poor wand'rers': Tasmania's street children and social policy in the 1890's. [online]. Tasmanian Historical Studies, Vol. 6, No. 1, 1998: 60-74



Since 1877
Berry Street
We never give up

Responding to past maltreatment - Berry Street's approach

- *At Berry Street nothing is more important than ensuring that clients, whose connection to Berry Street stems from some personal experience of harm, abuse, neglect or trauma, are not subjected to any form of subsequent harm that best practice in service provision would have prevented.* (Berry Street Excellence Framework)



Since 1877
Berry Street
We never give up

Responding to past maltreatment - Berry Street's approach

- **Complaints Policy and Procedure** are framed by, provide for an enable:
  - A human rights approach and commitment to procedural fairness
  - Support and access to counselling and assistance during the complaints process
  - Complaints viewed as opportunity for organisational learning and development
  - Complaints can be brought forward by people other than the victim
  - Confidentiality - but not secrecy; complainant is free to speak with whomever they wish about the process
  - Complaints hearing and management by either senior Berry Street person (Deputy CEO) or Independent person
  - No expectation that complaint is 'settled' – complainants are not expected to enter into any particular undertakings
  - Complainants can return should further issues emerge
  - Criminal matters to be reported to Police
  - Governance and oversight from the Berry Street Board
  - Reparations based on Van boven Principles



Since 1877
Berry Street
We never give up

Utilising the Royal Commission as opportunity for restorative justice

- Active monitoring of the work of the Royal Commission
- Review of Berry Street's current and historical practices
- Ongoing assessment and review of complaints policies and procedures
- External review of Berry Street as a *Child Safe Organisation*
- Investment in Heritage Service, management of past client records and future management of current records
- Development of policy responses to Royal Commission *Issues Papers* including support for reparations and redress schemes
- Royal Commission is a standing item at Berry Street Board and Board, Quality and Risk Committe, and Public Policy and Advocacy Committee
- Support for the work of the CECFW



Since 1877
Berry Street
We never give up

- **Societies for the Prevention of Cruelty to Children**

  - Case of Mary Ellen Wilson as referred to by Commissioner – 10 year old child in New York - case for animal cruelty successfully pursued – cruelty to animals was an offence – cruelty to children was not
  - 1874 New York Society for the Prevention of Cruelty to Children
  - 1883 Society for the Prevention of Cruelty to Children (Liverpool)
  - UK Prevention of Cruelty to and Protection of Children Act 1889
    - Included a charter of 8 key aspects of cruelty such as failing to provide reasonable food, clothing and shelter
  - 1889 Irish Society for the Prevention of Cruelty to Children
    - *The Cruelty Men*



Children's Rights and Child Welfare

- International **Save the Children** Fund
  - Save the Children in partnership with the International Red Cross present Children's Rights petition to League of Nations in Geneva in 1924
- 1924 Geneva Convention on Children's Rights agreed by League of Nations
- 1959 UN Declaration on the Rights of the Child
- 1989 UN Convention on the Rights of the Child
- Ratified by Australia in 1990 and in force from 1991
- UN CROC – Optional 3rd Protocol – Australia still hasn't signed



Since 1877
Berry Street
We never give up

Summary and Conclusion

- In child welfare systems children and young people have been the **villains , the victims and the vilified** – rarely have they had a voice

- Children's status has improved from being a form of property controlled by their parents to the acknowledgement that they have human rights

- Child welfare system has thus far failed to embed children's rights, as outlined in the UN CROC in legislation, policy and practice

- Child welfare legislation in Victoria after 150 years still provides little or no accessible rights and protections for children and young people in care



Summary and Conclusion

• Children and young people must have power within the system – the right, the authority and opportunity to say no and must be ***Seen, Heard and Respected***

•Reforms to current systems need to focus on

- **Empowerment** - children and young people protect themselves
- Detailed **application of the UN CROC and signing the optional 3rd protocol**
- **Transparency** - building into the care system mechanisms for children and young people to be whistleblowers, make complaints and raise concerns
- Children and young people having **the right to say no** to proposals that fundamentally impact upon them, eg changing placements/residential care units, contact arrangements or placement with siblings, changes to school



Seen, Heard and Respected

Children's Rights



Photo Source: UN Photo Library
http://www.un.org/en/events/humanrightsday/udhr60/photos.shtml



Since 1877
Berry Street
We never give up

More Information:

Julian Pocock
Director Public Policy and Practice Development
Email: jpocock@berrystreet.org.au
Phone: 0407 041 059

Berry Street policy: http://www.berrystreet.org.au/PastClients



Since 1877
Berry Street
We never give up