



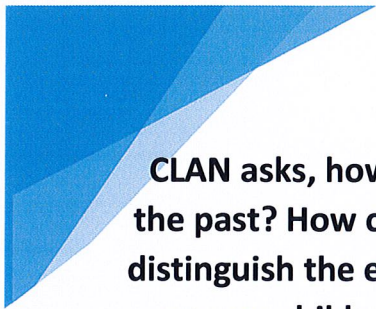
## CARE LEAVERS AUSTRALASIA NETWORK

CLAN is a National, Independent, Peak Membership Body which supports, represents and advocates for people who were raised in Australian Orphanages, Children's Homes, Foster Care & Other Institutions.

New South Wales Legislative Council

General Purpose Standing Committee No. 2

Inquiry into Child Protection



**CLAN asks, how has the Welfare System learnt from the mistakes of the past? How can FACS look after children now, if they are still yet to distinguish the errors made in the past? CLAN believes the only way to ensure children in today's Child Protection system are adequately cared for, is by changing what hasn't worked in former years, and be more invested in the best interests of the children. We feel that the inquiry into Family and Community Services has been long overdue, and are stunned that this is the first inquest. CLAN are hopeful that our experiences and understandings of Care Leaver issues will be taken in to consideration when reviewing the decisions being implemented on children in today's Child Welfare system.**

CLAN is a support, advocacy, research and training organisation for the 500,000 plus people who grew up in Australia's 800 plus Orphanages, Children's Homes and Foster Care. Care Leavers still carry the burden of unresolved issues from their past – the loss of their parents, siblings and extended family, loss of identity, the shame and stigma, and feeling like an outsider in society. Many left the 'Care' system with little preparation for adulthood or parenthood and the severe scars of physical, sexual and emotional abuse.

### **CLAN's Mission**

- To listen, hear, believe and acknowledge Care Leaver experiences.
- To raise awareness about the abuse, neglect and trauma they suffered and the ongoing past of their treatment.
- To advocate and campaign for justice and redress for all Care Leavers.
- To advocate for an independent redress scheme that all churches, charities and governments must contribute to.
- To support all Care Leavers and their families through free face to face or telephone counselling.
- To provide assistance in obtaining records, and immediate or ongoing services where needed.
- To document and preserve the history and personal stories of Care Leavers through a National Orphanage Museum.

CLAN would like to thank the NSW Legislative Council for the opportunity to respond to the inquiry into child protection. Whilst CLAN may not be representative of those currently in Child Protection, we speak for those who have left the 'Care' system and hope that the inquiry can lead to awareness and result in learning from their experiences and the mistakes of the past, to ensure that children currently in 'Care' will not be destined to the same legacy of use, abuse, neglect and lifelong disadvantage.

Over the years, the capacity and effectiveness of systems, procedures and practices to notify, investigate and report child abuse and young people at harm have failed in their reliability. Care Leavers have an extensive and complicated history of child abuse, and it is evident that at times, child protection was unreliable. Many Care Leavers were split from their families due to financial instability and were charged with being a neglected child, however the love and treatment of these children was not a concern. This traumatic removal from their families to be placed in a Children's Home or in Foster Care where abuse was imminent, proved that children were being removed from happy families, to be placed in a more dangerous environment that lacked loving and nurturing relationships. CLAN identifies that positive intervention would have been, and will continue to be, the most effective interference for Child Protection Agencies. If Child Protection is to intervene with a family, it is paramount that the intervention will better the child's current situation, not worsen it. CLAN feels that more support to those families that are financially struggling is important, and efforts to keep a family together is crucial, providing the environment is safe for a child.

In instances where Child Protection Agencies are required to investigate a household, CLAN feels the effectiveness of these investigations are best done by having inspections at random. The history of Care Leavers shows high incidences where children were ill-treated, despite many visits or inspections by Child Protection workers, the abuse and neglect was not recognised. CLAN feels that these inspections would be most effective if they were conducted without warning to the families, to ensure no concerns or alarming behaviours go unrecognised.

The adequacy and reliability of the safety and risk assessment tools used by Child Protection services have been unsuccessful for many Care Leavers in the past. One of the most concerning factors for Care Leavers was the ease of adults being allowed to 'Care' for children without undergoing any background checks. This is where the vulnerability of children was often taken advantage of and they were subjected to many forms of abuse. Child Protection Agencies can learn from these mistakes of the past and modify the way we approach child safety and provide them with caring and nurturing environments. Once a child is in Care, it is essential that the child's safety is monitored and checks are frequently conducted. Additionally, all necessary working with children checks and procedures should be stringently followed and completed as well as providing more training to assist those in need. Checks never existed for Care Leavers, nor did regular check-ups by Caseworkers. It is evident that having these checks in place will ensure children are never subjected to the dangers that they once were in the past.

Whilst the mandatory reporting guide has been implemented for today's reporting of abuse, this was not available to Care Leavers who were subjected to abuse in the past. The reporting guide evidently has its inconsistencies. At CLAN we have found that when reporting abuse, the guide may deem an issue as not reportable when, in-fact there is great cause for concern. For example, in a recent report to Child Protection by one of our mandatory reporters, there were grave concerns for a child's safety and wellbeing, however after a lengthy report process they declined to investigate. For both mandatory and non-mandatory reporters this results in a loss of confidence in the reporting system. Perhaps there is a way each case can be independently reviewed, if Child Protection agencies feel there is cause for concern but not to immediately intervene, they may be capable of providing additional background checks, even on those who have their biological children in their Care. Whilst the electronic online reporting system is useful, a concern may be conveyed as not to be actioned, whereas when speaking to a child protection worker they may consider it of concern because they can grasp more of a scope on what is occurring. We believe there needs to be stricter inquiries in to reported abuse, as in the past for many Care Leavers reporting was never successful, and we can learn from this to ensure a genuine concern is never disregarded.

CLAN believes the adequate support, training, monitoring and auditing of carers are fundamental factors in ensuring children are in safe environments. These factors have been often ignored in Care Leaver history and may be the interventions necessary to prevent and cease the mistreatment of children. Firstly, we feel that there needs to be more of an inquest in to relatives of children whom may take the children in to their Care. Often an uncle/aunt or even grandparents will become the primary carers for children when they are removed from their parents/guardians. It is still vitally important that despite these carers being relatives, that they too undergo all necessary checks to ensure the children are entering a safe environment. In Care Leaver history, it was all too common that children were taken from their parents and placed in much more devastating situations with their relatives due to a lack of checks and investigations. It is important that we are strict with these checks, despite the fact that people may feel a sense of alienation. The child must be the most important concern in these situations and if an individual is reluctant to undergo checks then there may be good reason for this.

Furthermore, CLAN believes there should some form of a penalty to individuals and organisations that fail to create a child safe environment, which results in enabling child abuse to take place. Intervention and knowledge is the key in ensuring that child abuse is prevented. In many cases in the past, organisations and individuals were aware of abuse, and reporting was scarce. It is evident in many situations where abuse was known to be occurring, but nothing was done. These sorts of situations need to be treated more seriously rather than just frowned upon. There needs to be serious consequences and penalties for failure to report child abuse. Whether these take the forms of fines, stripping of accreditation, or even funding being revoked, something needs to be in place to motivate organisations to act responsibly and always in the best interests of the child. We need an

independent organisation to review situations that may arise in the child welfare sector which makes all organisations as well as those employed as staff or carers liable. Perhaps it would be mandatory for a Care Leaver to be instated on a panel such as this to ensure the independence and transparency of its workings. Additionally, adequate training for all carers of children in the welfare system may also help to identify warning signs or early abuse signs of children who have been abused. This training may be best to ensure early intervention, preventing current and years of possible abuse.

There seems to be a noticeable gap in the structure and interaction between services, especially government and non-government organisations. One of CLAN's biggest concerns is the lack of support given to Care Leavers who wish to access their records. Whilst this is an issue relevant to Care Leavers, it also seems prevalent in current situations of those who are still in the Care system or whom have left, noting difficulties in accessing their information. Records are often considered a personal recount of events and provide a crucial timeline of family history that should be easily accessible to those who were in the Child Welfare System. For many Care Leavers, records can provide them with identity awareness and their sense of belonging. An issue we currently face is denied access for adopted Care Leavers to access full death certificates of their birth parents. We find this disgusting, as for many this is vital information to piece together their pasts and to know where they come from. For others, their records may be vital evidence in a criminal abuse case or a compensation claim. CLAN believes a solution to this major concern may be resolved by appointing an Ombudsman in charge of reviewing records and approving the release, with no redactions.

Additionally, CLAN finds it essential that children in Child Protection be provided with an independent advocate, separate from FACS or other Child Protection Agencies. This would fill the gap in the services, as a child may feel more inclined to speak up about something that is bothering them, keeping it independent from the organisations. Having trusted adults that a child can feel comfortable disclosing information to may be of the utmost importance in preventing abuse in the first instance, and if not further instances. This leads us to the importance of counselling for children in the Care system. CLAN is adamant that mandatory counselling for all children in the system be compulsory. The removal from family can take a huge emotional toll on children, and the support provided to them both in and out of Care is vital. Counselling support services can assist children to deal with the drastic emotional changes and adapt to the variations in their living situations. Many children suffer with a lack of identity and need support through this time. Furthermore, it will make ALL children in Care less vulnerable to perpetrators. Having a professional monitor a child's progress and subsequent behaviour will assist to identify early warning signs of a child being groomed, being dealt with inappropriately or in the worst case scenario having already been abused. Children must be aware of their rights and the support services which are available to them and have easy access to these services.

CLAN also feels that a parent/caregiver that has had a child taken also receives similar support. There is an evident cycle of disadvantage and increased vulnerability of these

families who have been through the Care system. Therefore CLAN also recommends that appropriate assistance is provided to those parents who lose their child to the child welfare system, in the form of support and counselling. It is important that these parents receive this assistance so as not to repeat the same mistakes with their next child which is often the case. The more children we have in the Care of stable parents the less likely they are to end up abused in the child welfare system.

CLAN is confident that targeted prevention and early intervention programs would be extremely beneficial to reduce risk and harm to children, both in and out of Care. The history of Care Leavers can be useful in reviewing the impact that leaving Care has on an individual's future. Whilst there seems to be very little research, CLAN feels that it is of the utmost importance that it is documented whether the child has had a relative in Child Protection before them. The intergenerational effect of being in the Child Protection system is well documented anecdotally, but continues to be disregarded in any formal research. CLAN have been pushing to have the number of Care Leavers with a child or grandchild in Care quantitatively studied. Thus far there are no numbers apart from CLAN's limited research with our own members through our surveys to give us an idea of how widespread the intergenerational effects of being placed in Child Protection are. Therefore, we propose that there is a question on any intake or notification form routinely completed by caseworkers and other workers within the child welfare system, regarding a child's familial history of being in Child Protection. CLAN would also like to see this sort of information gathered about the perpetrators also. We must ensure though that this information is not used to label children, to pass judgement on their backgrounds or to penalise children in any way. CLAN feels that by obtaining these statistics and information we may be better equipped to intervene and target specific areas to ensure the cycle is stopped.

Consequently, CLAN finds there is a lack of support systems which are readily accessible for Care Leavers upon leaving, and whilst in Care. It is also evident there is a gap in the support networks, for example CREATE is an organisation who supports young people up to the age of 25. Who will help these people after 25 years of age? The issues they struggle with may require life-long support. CLAN believes we need to work towards eliminating this gap in the services, to ensure all people who leave the system are given the best opportunity at life, and avoid the chance of their consequent generation ending up in the Child Protection system. CLAN is confident that we can be the organisation that eliminates this gap, as we currently have a number of clients in their late 20's and early 30's receiving support and dealing with the after effects of the Care system. CLAN is working hard at filling this gap, however unfortunately we are not funded adequately to complete this work.

Finally, early intervention and prevention can be addressed with educating children and young people. Educating children in Care about sexual abuse, grooming, and other warning signs to watch out for may help to prevent some instances of abuse. Children in the child welfare system should also be provided with a folder with information outlining their rights, as well as support services which is age appropriate and written in simple English. CLAN also believes that all children in Child Protection (age appropriate) should be provided with a mobile phone. For many children in Care they may not have access to a telephone without

asking a guardian and may not be able to speak privately about sensitive issues. These mobile phones should have important numbers like abuse report hotlines, kids helpline, case workers numbers and other support services relevant to children in Care stored in the phones.

CLAN is hopeful that our responses provide some insight in the effects that Child Protection Agencies have had on Care Leavers in the past and how it continues to affect them throughout their lives. CLAN does not want to see the mistakes of the past repeated for the children currently in the child welfare system, or for those who will be part of it in the future.

Thank you for allowing us the opportunity to provide our submission in relation to Child Protection.

## **CARE LEAVERS AUSTRALASIA NETWORK**

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