



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.

**Submission to the QLD Government in response
to the:**

'Child Protection Reform Amendment Bill 2017'

To Whom It May Concern,

CLAN - Care Leavers Australasia Network is a national, independent, peak membership body which represents and advocates for those who were raised in Australia and New Zealand's Orphanages, Children's Homes, other Institutions and Foster Care. There were more than 500 000 children in Australia who grew up in 900 plus institutions. CLAN's main objective is to assist and support Care Leavers and their families through the wide variety of work we do including but not limited to advocacy, counselling, casework, records searching and publishing Care Leaver's stories.

CLAN would like to applaud the QLD government on their work in Child Protection Reform. In particular, CLAN are pleased to see the QLD governments introduction of 'Clause 71 – Providing information to persons who were in out of home care'. This reform is well overdue, not just in QLD but nationally as well. We would like to see other state governments following your example in providing more information to Care Leavers from **their own state ward records**. The notion that Care Leavers are not entitled to information that pertains to them contained in their own records is archaic. Everything and anything contained within their state ward records are relevant and important in establishing their history and identity. Furthermore CLAN firmly believe that a child's right to an identity outweighs an individual's right to privacy when the information is part of that child's identity and history.

The process of applying and receiving state ward and other Home records can be traumatising, however when Care Leavers information is withheld this trauma is exacerbated and has in many cases contributed to declining mental health and wellbeing. CLAN are aware that the QLD government has acknowledged this trauma and the difficulties that Care Leavers face regarding their identity and sense of self and have used this as the rationale for providing more information to Care Leavers.

CLAN also note there are exceptions and 'safeguards' which do prevent third party information being provided in certain circumstances. We ask that these exceptions are strictly adhered to and not used as an excuse to prevent Care Leavers from obtaining their information. There are many clauses and exceptions nationally which are used all too often to prevent Care Leavers from accessing more information, we have seen these exceptions used and abused and would strongly urge that anyone redacting records is held closely accountable and is made to justify if these exceptions are ever used.

CLAN would also like to question the process of how this information would be provided to the Care Leaver who has applied for their records. We note the use of the words 'chief-executive' and are currently unsure how this applies to the general process when a Care Leaver requests their records. CLAN strongly recommends that these reforms filter down to the general provision of records release and it is not something that is only provided on appeal or on review or through a different section of records. Once again, we would reiterate the re-traumatisation of Care Leavers going through this process and the need to make this as simple as possible for them to obtain all their information at once. We believe that if Care Leavers have to undergo two different processes to obtain extra information then this is contradictory to the aim of your reforms.

Finally, CLAN take issue with the current process and also the presentation of these documents when a Care Leaver currently receives their records.

Currently, QLD is the only state who require Care Leavers to have original identification documents certified and sent, in their application for their files.

Not only is this process difficult, especially for older Care Leavers but it can be very embarrassing having to get their documents certified and the JP asking them what they are needed for. Care Leavers also hold their original documents close to their heart as they do not have many documents concerning their identity. Sometimes the process to get something like a birth certificate can be extremely difficult with no information about your parents, or if your name and date of birth have been changed or recorded wrong by the Homes and Orphanages or child welfare system. Care Leavers do not want to part with original documents that were so hard to get and CLAN do not believe they should. There have been no issues with any other states who aren't as stringent with their identification requirements and CLAN demands that the QLD government change this process immediately if they genuinely have Care Leavers best interests in mind.

Furthermore, at the moment on the middle of every page in a QLD Care Leaver's file it states "IP release" making the document un-presentable and difficult to read. Many Care Leavers have literacy issues and having something written in the middle of every page only exacerbates this difficulty. Additionally, the photocopying quality is also very poor adding to an already painstaking experience. CLAN ask the QLD government to remedy these presentation issues if they are serious about making the process easier and the least traumatising for Care Leavers as it can be.

Once again we are welcoming the introduction of these reforms concerning Care Leavers records, and believe that if they are implemented correctly it will go a long way to providing Care Leavers with the information they need to understand their childhood history and give them a greater understanding of their identity. CLAN were recently part of, and a main contributor to a National Summit regarding Care Leaver records called 'Setting the Record Straight'. We have attached the Summit Report and the Summit Strategy Plan for your information. CLAN refer you to page 7 of the Summit Strategic Plan entitled 'Historical Justice'. CLAN endorse the recommendations made in the Summit Strategy Plan and urge the QLD government along with all other agencies who are responsible for recordkeeping and maintaining records to read this document.

Whilst CLAN are advocates and specialise in those that have left care, we would like to give quick comment to some of the other areas of your reform bill. CLAN have seen first-hand the long-term effects of a childhood in the care system. It is imperative that children's wellbeing and their best interests are paramount in the decision-making process. We recognise that this is one of your policy objectives and that you have acknowledged it is about more than the here and now but also the long term effects care can have on a child well into their adulthood and beyond.

CLAN know that children are traumatised from the moment they are taken away from their parents and placed into care. Children who are made state wards should be receiving counselling upon entering the care system and this should be an ongoing process. All workers who take part in the process of removing and placing children in care need to not only be trauma informed but also Care Leaver informed. Care Leavers didn't get the help they needed so we are asking the QLD government to learn from the mistakes of the past and from the experiences of Care Leavers.

In saying this it is our belief that children belong with their parents where it is possible and safe. CLAN urges the QLD government to support families to stay together wherever possible. If children do need to be removed from their biological parents, if and when their parents have done everything that has been mandated of them to do, the QLD government should support reunification. Of course, there will always be circumstances for a child's safety and best interests

that this can't occur. In these cases we are glad to see the QLD government is attempting to limit short term placements and to give vulnerable children the stability they so desperately need. Care Leavers often recall being abandoned by numerous carers and moved from one place to another, never having a chance to settle down or to attach to any one person (given that the person was not abusive and worth attaching too). This transience has had a huge effect on Care Leavers and for many has continued into their adult life. Not only do Care Leavers struggle to settle down and form attachments in relationships but many are constantly on the move never feeling at home or having a permanent place to call their home. Children in care need stability, they need long term placements and the system needs to deliver this to them in order to achieve the best long term outcomes possible.

CLAN are also pleased to see your focus on transitioning from care. For many Care Leavers, the day they turned 18 or 21 (depending on the era) they were left on their own, to their own devices never having been prepared or supported for a life of independence. Not to mention that this was made considerably harder when considering the mental health issues a lot of these children had and the lack of familial support, or any other support networks to be precise. Children should not be pushed out from care placements on an arbitrary date. It does not reflect their ability or their mental or emotional capacity. Transition is by very definition a process. It is not a sudden abandonment. Children need to be given time and linked to appropriate services. They need long term case management and support and possibly even counselling. Furthermore they need to be connected with practical assists like Housing and Centrelink, jobs and study options. Children should not be pushed out from care until all of these aspects have been addressed and until they are capable of living independently and supporting themselves. Giving children the chance to transition out of care in the proper way will be a predictor of their long term success and their emotional and mental wellbeing.

Lastly, CLAN would like to make comment on information sharing provisions. Once again it is our belief that all decisions need to be made with a child's best interests at the forefront. This includes information between agencies and authorities. An individual's right to privacy should always be superseded by the need to keep a child safe and their wellbeing. For many of the Care Leavers that CLAN support, their lives might have been different if more information was shared about perpetrators across states and across agencies. Many children were unnecessarily harmed because agencies and states did not communicate with each other. Perpetrators moved from state to state and Home to Home never being held accountable for their actions. CLAN urge the QLD government to do everything in its power to make sure any information relevant to a child or a perpetrator is shared if it is in the best interests of all children.

Once again, CLAN thank you for giving us the opportunity to comment on your reforms. Child Protection Reforms are much needed to prevent generations of Care Leavers being traumatised and left with poor life- long outcomes due to their childhood in care. Care Leavers today who have been left with the legacy of use and abuse in care are suffering, and your reform giving them access to their information in their own records will go some way to preventing further trauma and pain in their already difficult lives.