

INQUIRY INTO CHILD PROTECTION

Organisation: Care Leavers of Australasia Network

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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

"STATE WARD'S LIVES MATTER!"

CLAN is a support, advocacy, research and training organisation for the people who grew up in Australia's 900 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 Child Welfare System with little preparation for adulthood or parenthood and with the severe scars of physical, sexual and emotional abuse inflicted upon them, without any identity or after-care support. Care Leavers were left to fend for themselves, and were abandoned by the Government, their corporate parents and legal guardians, who failed miserably in their duty of care.

CLAN's eldest member is 100, and we have close to 1000 members spread across Australia and other countries including New Zealand, Malta, Ireland and the Netherlands.

CLAN asks, how has the NSW Child 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? The only way to ensure children in today's Child Welfare 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 FACS 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 NSW Child Welfare system.

**"Those who cannot remember the past, are
condemned to repeat it."**

- George Santayana

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 National Redress for all Care Leavers, for all forms of abuse.
- To advocate for an independent National Redress scheme that all churches, charities and state governments must contribute to.
- To support all Care Leavers and their families through free telephone counselling or free face to face counselling in Sydney and Melbourne.
- To provide assistance in obtaining records, and immediate or ongoing services where needed.
- Assistance with support letters for Housing, Centrelink or completing Victims of Crime and Police statements.
- To document and preserve the history and personal stories of Care Leavers through a National Orphanage Museum.
- Assist Care Leavers to find their families and know of their family histories.

CLAN thanks the NSW Legislative Council for the opportunity to respond to the inquiry into NSW Child Protection. CLAN advocates for older Care Leavers who have left the Child Welfare System. We hope that the inquiry will lead to greater awareness of their experiences 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. We continue to emphasise however, that Care Leavers still remain unsupported, and live with the Child Welfare legacy of the abuse and neglect.

Efficacy of NSW Child Protection Interventions, Policy and Procedures

Over the years, the capacity and effectiveness of systems, procedures and practices of DOCS and FACS to notify, investigate and report child abuse and young people at harm have failed in their use.

Many Care Leavers have a traumatic and complicated history of child abuse in Care, and it is evident that NSW Child Welfare was negligent. Many Care Leavers were separated from their families due to poverty, lack of adequate housing, long-term unemployment, financial instability, divorce, desertion and the death of a parent. These are among the most common

circumstances that lead to the removal of children. In too many cases, the family's love and treatment of these children was not a concern. Many children were removed from happy families and were charged with being a neglected child.

Removal from their families proved traumatic. Being placed in a Children's Home, Orphanage or in Foster Care often meant being placed in a more dangerous and abusive environment that lacked loving and nurturing relationships. CLAN has had over 16 years' experience working with Care Leavers, and it is obvious that negligence and mistreatment of children has caused incredible amounts of trauma.

CLAN asserts that positive intervention would have been, and will continue to be, the most effective intervention for Child Protection Agencies. If more support was given to these struggling families who may have suffered from the above factors, children may have been able to stay with their loving, caring families. However, if NSW Child Protection is to continue to intervene with a family, it is paramount that the intervention must improve 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.

Furthermore, it is imperative that workers are trained about Care Leaver histories prior to being exposed to vulnerable state wards. This must be implemented for all Government and Non-Government Organisations.

Safety and Risk Assessment of children in the Child Protection System

The adequacy and reliability of the safety and risk assessment tools currently used by NSW FACS have proved unreliable for many children in the past. For example, the ease with which adults were employed to 'Care' for children without undergoing any background checks must be rectified.

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.

Child Protection Agencies must learn from the mistakes of the past and modify the way they approach child safety and provide all children with safe, caring and nurturing environments, where their human rights are respected.

Additionally, we feel it is fundamental that children have the right to know their backgrounds, identity and their family – and to be kept fully informed about their family. They must also be involved in discussions about any plans for the future including any transfers from one placement to another. They must have the opportunity to discuss the reasons for any transfer and the chance to make any comments, including complaints about their treatment, as a part of the ongoing monitoring of quality and safety.

Inconsistencies in Reporting and Checks on Carers

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. 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 Child Protection declined to investigate. CLAN found this disgusting, as it is evident that the mistakes from the past haven't been learnt from, and there are still children out there in danger. For both mandatory reporters, and even those who aren't mandated, this results in a loss of confidence in the reporting system. Firstly we feel that NSW should adopt a similar policy to Victoria, where ALL adults are considered to be required to investigate any child abuse or neglect.

Furthermore, each case must be independently reviewed, even if NSW Child Protection Agencies feel there is cause for concern but not immediate intervention. 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 in such a way that it is decided not to be actioned, whereas a Child Protection worker can grasp more realistically what is occurring.

We believe there needs to be stricter inquiries in to reported abuse, as in the past far too many Care Leavers DID report, but were not believed by the Child Welfare Department or the Police. Many children were acting out because of the abuse, but their abuse continued to go unnoticed when in fact there were major underlying issues causing them to act out. FACS must learn from this to ensure a genuine concern is never disregarded.

Monitoring and Checks of Children and the Carers in Welfare

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 put a stop to the mistreatment of children. Firstly, we feel that there needs to be more of an investigation 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. CLAN is adamant that every person who takes on the responsibility of a child needs to have the Working with Children Check, regardless of family connections. 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 significant reasons for this. Care Leavers feels very passionate about the assurance that abuse and neglect in the Care system will NEVER happen again. Many State Wards feel that they felt they went "From the Frying Pan, into the Fire!" As they were removed from a bad situation to be placed in a situation much worse, which many label as 'torture'. We must remove the abuser, not the children.

Necessary conditions and penalties for failure to comply by specific rules and regulations

CLAN believes there should be severe penalties to individuals and organisations that fail to create a child safe environment, and this failure enables child abuse to take place. We need to make examples of those who fail to abide by child safety laws. If child abuse occurs, organisations must be defunded, and individual workers must be dismissed from their jobs.

CLAN has viewed a State Ward's file, which stated that a child was living with a paedophile in Macquarie Street, Sydney. 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 that 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 must be serious consequences and penalties for failure to report child abuse. Whether these take the forms of fines, stripping of accreditation, or funding being revoked, organisations must be motivated to act responsibly and always in the best interests of the

child. If workers do not report suspicions of child abuse, there must be harsh penalties, such as losing their jobs.

Consequently, we need an independent organisation to review situations that may arise in the child welfare sector which makes liable all organisations as well as those employed as staff or carers. Perhaps it would be mandatory for a Care Leaver to be appointed 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 future abuse.

Access to Records and the Complications

There is an evident 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 narrative 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 an awareness of their identity and a sense of belonging.

CLAN notes the ongoing difficulty with accessing records, and the common response for Care Leavers to 'give up' on trying to get their records due to such complicated applications. For example, Queensland Right to Information Unit and Sisters of Charity in NSW make the process incredibly difficult. They will not complete an application without three forms of ORIGINAL certified Identification. Care Leavers often feel like they have to jump through hoops just to get their OWN information. Providing Original Certified Identification is a time consuming request, as many live in remote areas with limited access to JP's, or have difficulties in mailing the originals, costing time and money.

Adopted Care Leavers currently face the problem of being denied access to full death certificates of their birth parents. We find this appalling and unacceptable, 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 these major concerns may be resolved by appointing an Ombudsman in charge of reviewing records and approving the release, with no redactions.

Support and Advocates for Children in the Care System

CLAN finds it essential that children who are made State Wards be provided with an independent advocate, separate from FACS or other Child Protection Agencies. Many children are vulnerable, as it is a very traumatic experience to be separated from their families, no matter how dysfunctional the family may be. Having an independent advocate who UNDERSTANDS the child's thoughts and feelings 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 Child Welfare system. CLAN is adamant that mandatory counselling for all children in the system must be compulsory. The removal from their family can take a huge traumatic, emotional toll on children, and the support provided to them both during and after Care is vital. Counselling support services may assist children to deal with the drastic emotional changes and adapt to the variations in their living situations. Many children in Care suffer with a lack of identity and need support through life. Furthermore, it will make ALL children in Care less vulnerable to perpetrators. Having a counsellor 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 and counsellors must be available for long term support.

CLAN also feels that a parent/caregiver who has had a child taken must also receive similar support. There is an evident cycle of disadvantage and increased vulnerability of these families who have been through the NSW Child Welfare 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 in the Child Welfare System, and being abused by strangers.

Intergenerational Effects and Importance of Programs

CLAN is confident that targeted prevention and early intervention programs would be extremely beneficial to reduce risk and harm to children. 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 of abuse 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.

Support Systems and the Evident Gaps in Services

The gaps in support systems for children in Care are well known. CLAN draws your attention, again, to the lack of support systems for Care Leavers upon leaving, and whilst in Care. CREATE 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 the next generation ending up in the NSW Child Protection system. CLAN can be the organisation that eliminates this gap. 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. Unfortunately we are not funded adequately to undertake this work.

Education in Child Welfare

Early intervention and prevention can be addressed with educating children and young people in Care about sexual abuse, grooming, and other warning signs to watch out for. Children in the child welfare system should be provided with a folder with information outlining their rights, as well as support services which is age appropriate and written in plain English. CLAN also believes that all children in Child Protection (age appropriate) should be provided with access to a mobile phone as an independent source of connecting to emergency help. Many children in Care do not have access to a telephone without asking a guardian and are not 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 NSW 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 NSW Child Welfare System, or for those who will be part of it in the future.

Thank you for the opportunity to provide this submission.

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