



## **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'**

***"We had to grow up without parents and  
pretend it didn't matter"***

***- Joanna Penglase,  
Co-founder of CLAN***

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 State Ward 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 State Ward 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.

# Setting the Record Straight for the Rights of the Child

**National Summit 8-9 May 2017 Communiqué**

[rights-record.it.monash.edu](http://rights-record.it.monash.edu) #RightsRecords



The Setting the Record Straight for the Rights of the Child Initiative has been established in partnership with Care Leavers Australasia Network (CLAN), the Child Migrants Trust, Connecting Home, CREATE Foundation, Federation University's Collaborative Research Centre in Australian History (CRAH), Monash University's Centre for Organisational and Social Informatics (COSI) and the University of Melbourne's eScholarship Research Centre (ESRC).

2017 National Summit | **Communiqué**

The recordkeeping and archiving needs for childhood out-of-home care are part of one of society's most pressing and complex problems, namely ensuring that the systems set up to protect children from abuse and neglect do not themselves cause harm. What do we need to know, and what do we need to do, to promote a child or young person's best interests and foster their wellbeing through quality recordkeeping systems?

On 8 and 9 May 2017, approximately 180 participants gathered for the Setting the Record Straight for the Rights of the Child Summit at the Deakin Edge Federation Square, Melbourne to address this challenge.

Representing a range of community, organisational, government and professional perspectives we came together with a common concern that recordkeeping and archiving, despite improvements in response to a range of inquiries and apologies over the past two decades, continues to let down children caught up in child welfare and protection systems. With a shared recognition of the systemic nature of the problem, we met to discuss how to transform the way records for childhood out-of-home care are created, captured, managed, archived and accessed to meet lifelong identity, memory and accountability needs.

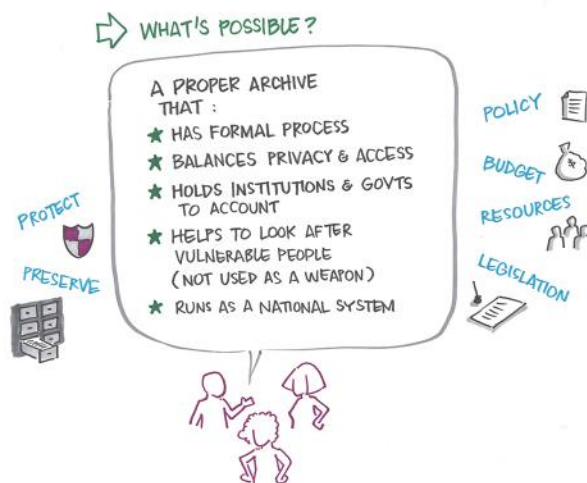
On day one we listened to and learned from Stolen Generations, Former Child Migrants, Forgotten Australians, Older and Younger Care Leavers about the impacts failings in recordkeeping and archiving systems have on people's lives. We heard that urgent action was needed now – not only to meet the needs of aging populations, but also to ensure that recordkeeping and archiving for children and young people in statutory care today contribute to enabling them to live up to their potential. On day two we discussed ideas and actions to improve, ensure and enact rights in records and recordkeeping for people who experience childhood out-of-home care.

2017 National Summit | **Communiqué**

We imagined a future vision of a distributed participatory recordkeeping and archiving regime based on principles that recognise:

- Rights of multiple co-creators of the archive (individuals, families, carers, case workers, service providers, government agencies and regulators etc.) and
- Rights of the individual over the management and access to these records for each of the co-creators.

**"PLANNING THE FUTURE"**  
PART ④ DEVELOPING AN AGENDA



In recognising that this requires a radical redesign of recordkeeping and archiving frameworks, processes, systems and technologies, we also discussed the improvements that could be made under existing discretionary powers.

With the insight, learnings, new connections and strengthened relationships developed over the two days, we resolved to develop and advocate for a unified, collaborative and strategic approach in order to address the recordkeeping and archiving challenges.



In the longer term we commit to the development of a **National Framework for Recordkeeping for Childhood Out-of-Home Care** by 2020, and to pursue its implementation, monitoring and evaluation over the following decade, i.e. 2020-2030. In the shorter term and by mid 2018 we commit to developing a priority plan of action and advocacy for immediate co-ordinated improvements.



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Photography by Marlène Habib,

Visual Notes by Matthew Magain, Sketch Group



# Setting the Record Straight for the Rights of the Child

National Summit 8-9 May 2017  
Strategic Plan August 2017

[rights-record.it.monash.edu](http://rights-record.it.monash.edu) #RightsRecords



**MONASH**  
University



CHILD MIGRANTS TRUST



**Connecting Home**  
a service for the Stolen Generations



**Federation**  
UNIVERSITY • AUSTRALIA



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# Acknowledgements

## SUMMIT RECORDING

### Photography

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Matthew Magain at Sketch Videos

### Note Takers

Viviane Hessami, Belinda Battley, Catherine Nicholls, David McGinniss, Katherine Jarvie, Sandra Ennor.

A big thank you to all the participants who kept those not able to make it to the Summit informed by tweeting using **#RightsRecords**



Australian  
Society of  
Archivists

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## SUMMIT PLANNING GROUP

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**Federation University Australia:** Jacqueline Wilson

**Indigenous Services, State Library NSW:** Kirsten Thorpe

**Monash Indigenous Studies Centre:** Shannon Faulkhead

**Recordkeeping Innovation:** Barbara Reed

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## DESIGN & PRODUCTION

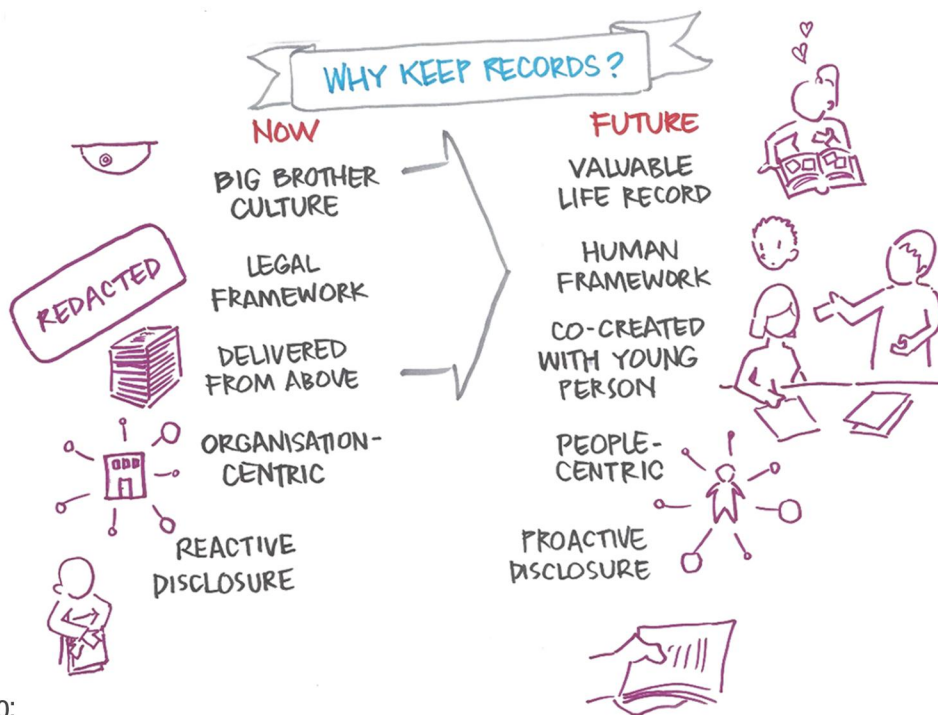
Designed by Monash SMC. Produced by Paracosmic Media. August 2017.



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# Strategic Plan

The development and implementation of a ten year strategic plan to transform recordkeeping and archiving frameworks, processes and systems in Australia is a key action item from the Setting the Records Straight for the Rights of the Child Summit held on the 8-9 May 2017 at the Deakin Edge, Federation Square in Melbourne.



This plan aims to:

- Facilitate unified collaborative and strategic action,
- Transcend the boundaries of individual organisations, sectors and jurisdictions,
- Be supported by targeted research and development, and
- Lead the design and development of critical systems infrastructure.

With discussions before, during and after the Summit establishing the core elements of the strategy, the plan will be further discussed, developed and refined over the coming months. This is a grass roots initiative, so it will be a case of looking for and developing synergies with existing action, advocacy, research and development work.



# Guiding Principles & Elements

## NATIONAL APPROACH

With the Summit again highlighting the negative impacts that variations across different jurisdictions have on people’s lives, progressing a nationally consistent and unifying approach is vital. We propose working towards a **National Framework for Recordkeeping for Childhood Out-of-Home Care** by 2020.

This National Framework enlarges on anticipated recordkeeping recommendations expected to be handed down in December 2017 by the Royal Commission into Institutional Responses to Child Sexual Abuse. It aims to address the full gamut of identity, memory and accountability needs for all those who experience childhood out-of-home care – past, present and future.

It also aims to identify and support the common recordkeeping and archiving needs of the key communities – Stolen Generations, Former Child Migrants, Forgotten Australians, Older and Younger Care Leavers, and children currently in statutory care – as well as their differing requirements.

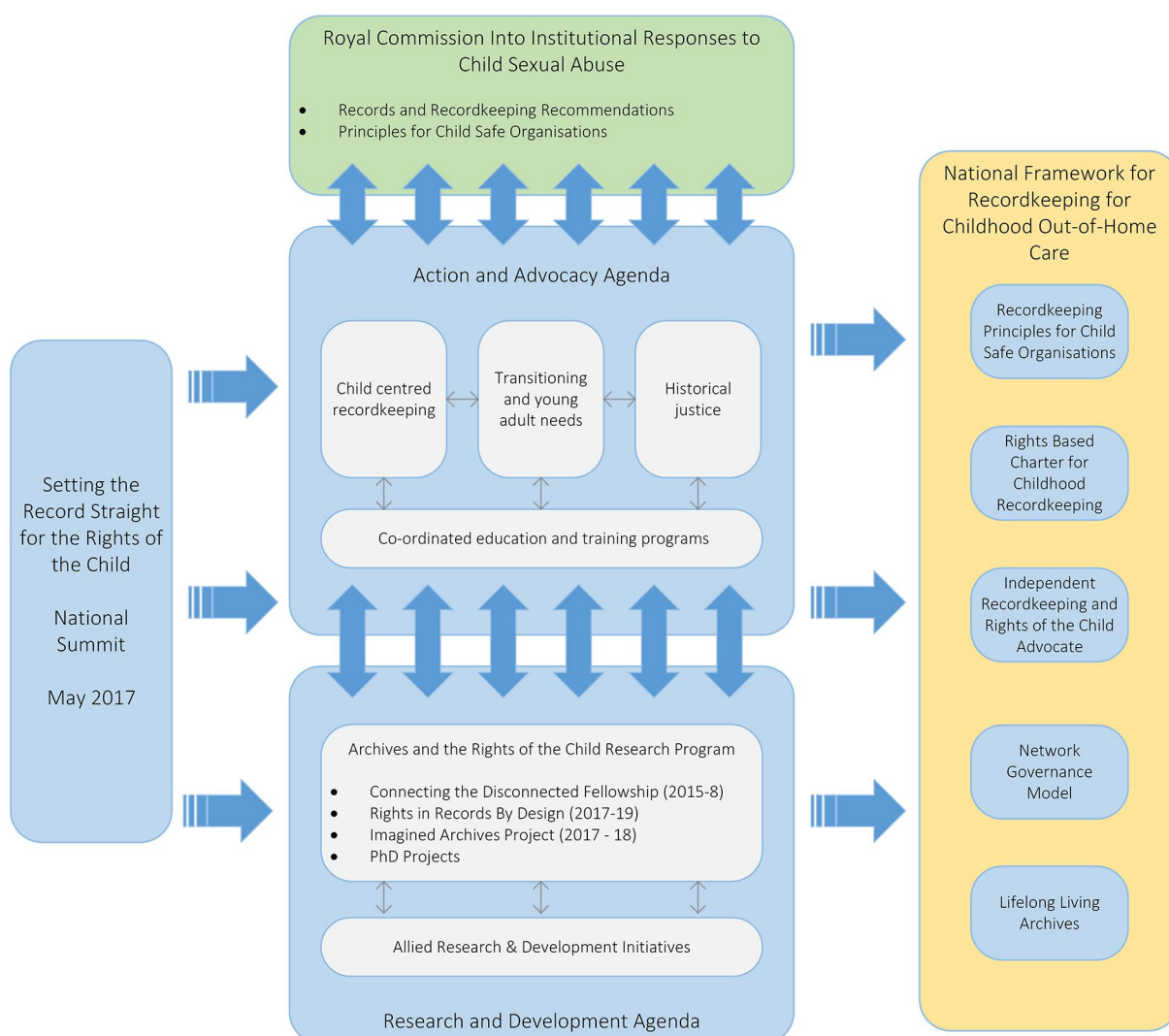


Figure 1: Towards a National Framework for Recordkeeping for Childhood Out-of-Home Care

2017 National Summit | **Strategic Plan****RIGHTS BASED**

A core element of a national framework is a unifying **Rights Based Charter for Childhood Recordkeeping**. The development of this Charter will be progressed by the partnership working with stakeholder communities and supported by research undertaken in the Rights in Records by Design Australian Research Council (ARC) Discovery Project.



Figure 2: Towards a Rights Based Charter for Childhood Recordkeeping

**INDEPENDENT ADVOCACY, GOVERNANCE AND OVERSIGHT**

The Summit again revealed the structural inequalities in existing frameworks, where those who need to account for decisions, actions and inaction, control records creation, management, access and use. Discussion highlighted the conflict of interest in childhood records continuing to be held and controlled by the agencies responsible for child welfare and protection services that are also answerable for any abuse and neglect whilst under their care. Examples were raised of the impacts on adult lives of the use of childhood records of out of home care experiences under the current unmediated access regime. Access, disclosure and consent processes governed by an independent archival regime and supported by the provision of safe and secure archival keeping places, is key to addressing issues of misuse/abuse of childhood records, and meeting Care leavers ongoing identity, memory and accountability needs.

The need for independent advocacy, governance and oversight is vital to reflect a child/person centred and rights based approach. Mechanisms and models for an **Independent Recordkeeping and Rights of the Child Advocate** will need investigation as part of a national framework.

## SOCIOTECHNICAL TRANSFORMATION

Creating safe and secure keeping places for childhood records is also a key element of a national framework through the development of **Independent Lifelong Living Archives**. This will require sociotechnical transformations that go beyond automating existing recordkeeping and archiving processes and systems and their incremental improvements. Reimagining the way that people, processes and technological systems work together is required, along with configuring processes and systems to represent and enact multiple rights in records and recordkeeping. The goal is to design and develop child/person-centred, participatory, interoperable, networked infrastructure able to support lifelong identity, memory and accountability needs.

The development of a **Network Governance Model** is a crucial part of this transformation to define the ways in which the different components integrate to form an infrastructure. It will encompass the designing of an innovative and adaptive interoperability framework incorporating supporting policies, protocols, and tools requirements, as well as developing mechanisms for holistic oversight and accountability.

The development of conceptual reference models for the Lifelong Living Archive will be progressed through the Rights in Records by Design ARC Discovery Project. It will include connecting with other child-centred recordkeeping initiatives, e.g. NSW FaCS Child Story, Barnardos MyStory, etc.

## ACTION AND ADVOCACY AGENDA

While acknowledging the need for structural transformations in the medium to long term, discussions at the Summit also canvassed what could be achieved through co-ordination of improvements to existing practices. These ideas have been used to form the foundation of an action and advocacy agenda.

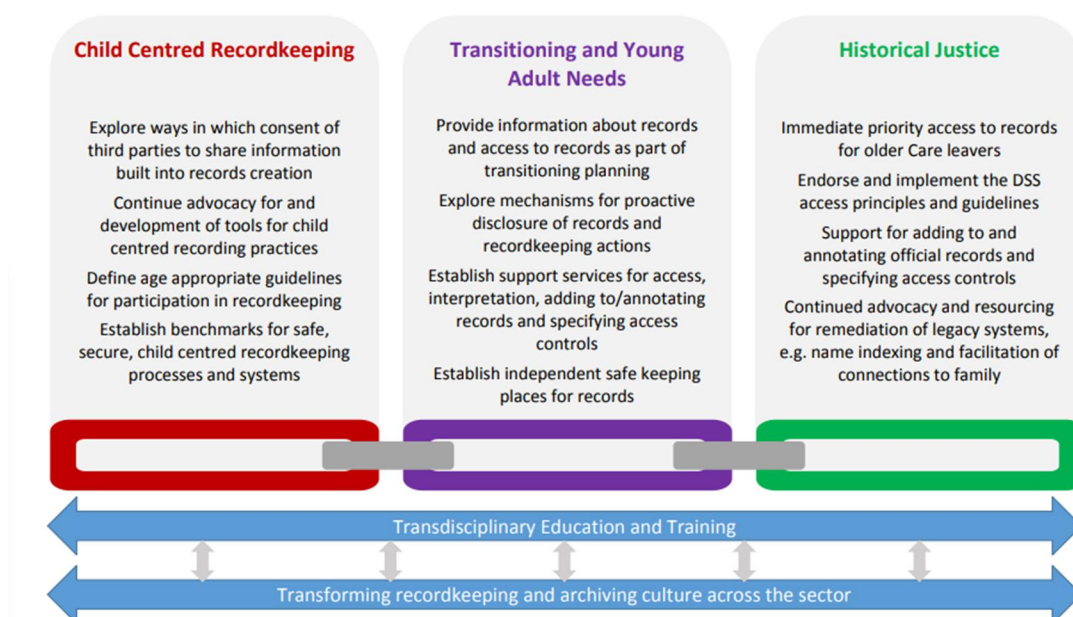


Figure 3: Towards an Action and Advocacy Agenda

A key feature of this agenda is to strive for interconnections between in care, transitioning and post Care needs. As a chain of responsibility and accountability it can only be as strong as its weakest link.

## HISTORICAL JUSTICE

- Immediate priority access to records for older care leavers
  - Endorse and implement the Commonwealth Department of Social Services (DSS) Access Principles and Guidelines
  - Use administrative discretion to release not to withhold
  - Configure FOI/RTI processes and forms around proactive disclosure i.e. the right of people to know what records are held about them
  - Full unredacted release of records unless it is clearly unlawful to do so
  - Explain and discuss redactions where they must be used
  - Lobby Birth, Deaths and Marriage Registrars for a consistent, agreed and national approach for free access to second generations (i.e. me, parents, grandparents) of certificates
- Support for adding to/annotating official records and specifying access controls
  - Normalise this existing right to incorporate individual's stories into the record
  - Present the person's story first
  - Enable access wishes to be clearly expressed and honoured, including informed consent for access by researchers
- Continued resourcing for remediation of legacy systems
  - Continue advocacy for resources to remediate older systems, particularly name indexing and facilitation of connections to family
  - Create clear plans for addressing older records
  - Develop guidance for organisations transitioning from current service provider to legacy record holder
- Encourage and support initiatives that enable individuals and communities to tell their stories of 'care' experiences and the impacts of institutional systems

## TRANSITIONING AND YOUNG ADULT NEEDS

- Provide records and information about records as part of transitioning processes
  - Develop briefing material for people moving out of care about their records, and how to access them
  - Without removing any rights for full access to records, identify key and critical documents to provide a pathway through voluminous case files
  - Proactive disclosure - consider establishing a process of showing people their records and/or providing a copy as part of transition, along with explaining safe keeping and ongoing access protocols
  - Proactive disclosure of access to and ongoing use of childhood records

2017 National Summit | **Strategic Plan****TRANSITIONING AND YOUNG ADULT NEEDS (CONT'D)**

- Establish support services for access, interpretation and safe keeping of records
  - Collectively define age appropriate guidelines about what young adults might be able to see/need/understand
  - Establish independent safe keeping places for key documents

**CHILD CENTRED RECORDKEEPING**

- Develop standard ways in which consent of third parties to share with the 'subject' can be expressed as records are created
- Continue to advocate for and support the development and implementation of child centred recording practices, e.g. using resources such as the Who Am I Induction Kit, identifying best practices for records co-creation, etc.
- Collectively define age appropriate guidelines for access to records (i.e. what a child may be able to see/need/understand at what age) and participation in recordkeeping
- Establish benchmarks for safe and secure child-centred recordkeeping and archiving processes and systems

**EDUCATION AND TRAINING**

- Records release training – work collaboratively to develop guidelines and training on how to release records with minimal redaction (i.e. only where absolutely necessary), including informative disclosure of reasons for redactions, accessible processes for appeal, effective monitoring and oversight to ensure fair and consistent practices and specialised release mechanisms over reliance on generic FOI/RTI processes.
- Research ethics – work collaboratively to devise protocols and obligations for researchers in dealing with access to case files and personal information in out of home care research.
- Records creation - lobby TAFE, universities and professional standards bodies to pay appropriate attention to writing case notes and other important aspects of recordkeeping in courses
- Recordkeeping systems – increase the knowledge and skills of those involved in delivering child protection and out of home care services, as well as recordkeeping professionals for the development and implementation of child/person safe recordkeeping and archiving processes and systems. School, professional and community education – support for impacted communities to create their own histories, exhibitions, memorials, commemorations, storytelling and other activities etc. to be incorporated into primary, secondary, university and other curricula
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2017 National Summit | **Strategic Plan****RESEARCH AND DEVELOPMENT AGENDA**

The scope, size, scale and complex nature of the issues associated with recordkeeping and archiving discussed at the Summit indicate the need for a co-ordinated research and development agenda. This needs to work in concert with the action and advocacy agenda and towards the development of the national framework. While archival and recordkeeping researchers have a responsibility to take the lead in the development of this agenda, it must also be transdisciplinary and embrace the multiple community and disciplinary stakeholders of the child protection sector.

## The Way Forward

The Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA) represents a watershed moment for the archives and recordkeeping community and all stakeholders in the child welfare and protection sector in Australia. It has highlighted many of the records and recordkeeping challenges, emphasising the harm that poor recordkeeping practices can cause. We are looking forward to the RCIRCSA's report in December 2017 and hopeful that its recommendations will encompass:

- Acknowledging the special childhood recordkeeping needs for those who experience out of home care, past, present and future,
- Enabling access to records as a way to enact historical justice and assist in (financial and non-financial) redress,
- Addressing the systemic problems with existing recordkeeping and archiving infrastructure,
- Tackling the current dysfunctions and disconnections through the development of a national and unifying approach,
- Establishing mechanism for independent oversight and advocacy, and
- Ensuring the mandate, the resources and the implementation plan for the development of a national, participatory and independent recordkeeping and archiving regime able to represent and enact multiple rights in records.

In reflecting on the lessons to be learned from past inquiries we advocate for:

- An implementation plan to ensure that those responsible for implementing records and recordkeeping recommendations are held to adequate account, and
- The website and records of the RCIRCSA to not disappear from the public arena once it winds up. They must remain accessible as a constant reminder of the size, scope and scale of the investigations and as a continual spur to implementing recommendations.

The Summit has demonstrated that there is a willing community ready to take up the challenge of transforming recordkeeping and archiving frameworks, processes and systems. We share with the RCIRCSA the goal of making sure that the future will tell a different story than the past.

We set the target of developing the National Framework for Recordkeeping for Childhood Out of Home Care by 2020, and to pursue its implementation, monitoring and evaluation over the following decade, i.e. 2020-2030. We also commit to further development and refinement of the priority plan of action and advocacy for immediate co-ordinated improvements outlined in this document by mid 2018.

If you would like to:

- provide feedback on this strategic plan,
- develop activities for its promotion, refinement and development,
- discuss how you or your organisation might get involved, and/or
- have an event that you would like a speaker from the Initiative to take part in

then please contact:

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