

Care Leavers of Australia Network (CLAN)

Submission to Consultation on Out-of-Home Standards

1. **Are the key areas of well-being for children and young people identified the right ones to focus on?**

If not, what additional areas should be taken into account? Why?

CLAN's Response:

Care Leavers of Australia Network (CLAN) feels that the key areas are insufficiently child-centred. They appear to be a static and uninspired collection of traditional headings when something more dynamic is required. For example our members would be appalled to see the inclusion of a spirituality area which is totally unacceptable given the widespread abuse of children in religious care in the past. If you are serious in your claim that your project is "Learning from History" (2.2 in the Consultation Paper about which we make further comment later) the map of key issues would be a rights-based construct centering on children's needs for:

- * Family Relationships and Connectedness
- * Health and Personal Safety (including Accountability standards)
- * Educational Opportunities
- * Identity, Dignity and Respect
- * Loving Care
- * Participation in Decision-making

The Consultation Paper said:

"The Australian Government, state and territory governments and the non-government sector recognise families as the central system that supports, nurtures and guides children and young people. In turn, effective supports for vulnerable parents and families are an important priority. There is a national commitment to provide child-centred, family-focused responses as the most effective way to help children and young people who are disadvantaged or at risk of becoming disadvantaged, later in life."

If that is true, the Standards should reflect that national commitment.

- 2. What drivers of children's outcomes can be influenced by Out of Home Care - what are the top 10 factors the focus on?
What particular issues must the standards address, and why?**

CLAN Response:

1. A core concept of transitional shared responsibility for child rearing - birth parents continue to the fullest extent feasible to be engaged in raising their children in partnership with the State or its funded agency. This would entail as a minimum requirement of the out-of-home care arrangements: (a) planned access to birth family including siblings; (b) support to get the family 'on their feet again'; and (c) ongoing commitment to family reunion as the primary goal after any dysfunction has been remediated through family support.
2. Accountability and supervisory mechanisms that prevent child abuse in 'care'
3. Screening checks of carers and proper training of all workers and carers
4. Regular health and well-being checks including dental and eyesight
5. An Education Guarantee for at least Year 12 completion that is available until the young person is 25 with a project aimed at matching participation rates into TAFE and universities.
6. Stability of relationships in care
7. Children involved in all stages of planning especially at transition points
8. Mandatory record keeping such that each young person leaving care has all the essential information about themselves and their family to be clear about their identity and to make family and social connections.
9. Programs that help children develop and apply resilience in managing loss, grief and trauma.
10. Programs that help young people make well-founded choices at critical points now and into the future.

3. **What is the best practice benchmark for each aspect of care where National Standards should be set?**

CLAN Response:

CLAN believes that best practice can best be encapsulated in a universal expectation that children and young people in 'care' will always be treated according to the standards that would be applied to children not in care.

The standard that carers, community organisations and government should apply is "What would I do if this was my own child?"

4. **To whom should the National Standards apply (carers, community organisations, government)? Why?**
Should there be different expectations in relation to the National Standards for Out of Home Care services depending on the form of Out of Home Care support provided? If so, how do you see such a system working?

CLAN Response:

It is essential to take account of different contexts namely:

- children will enter care for different reasons

- children will enter care at different ages

- children will stay in care for varying lengths of time ranging from a few months to all of their childhood and some will come and go at various times.

The form of care - kinship, fostering, residential, juvenile justice centre - will obviously make a huge difference. But the number one criterion of care should remain no matter the context: Whatever my role, I must treat this child or young person as if they were my own and make every decision in their best interests.

5. **How should the National Standards for Out-of-Home Care be monitored and measured?**

CLAN Response:

Self-regulation has failed dismally in this area. Independent inspection and supervision are essential.

We would encourage a practice now in operation in Scotland: the training and employment of former care leavers as Official Visitors with powers to report breaches of standards to an ombudsman-type authority. We favour an independent Children's Commissioner in each jurisdiction and a Children's Commissioner under Commonwealth Human Rights legislation with power to table reports in Parliament. Breaches of standards must be treated seriously with clear legal consequences.

CLAN is concerned by the lack of evidence that the intention to learn from history has been taken seriously. The consultation paper said:

"Former child migrants and the Forgotten Australians were denied the basic right of all children to receive protection, support and loving care. Australians are committed to learning from this history and improving the opportunities given to our children and young people."

There is nothing in the consultation material that shows any understanding of the reasons why children were denied these basic rights.

There is nothing to suggest that the Consultation has taken account of the key research in this field to be found in accessible sources such as:

- Alliance for Forgotten Australians (AFA), *Forgotten Australians: Supporting survivors of childhood institutional care in Australia*, AFA 2008.
- Australia, Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutionalised or out-of-home care as children*, August 2004.
- Australia, Senate Community Affairs References Committee, *Lost Innocents and Forgotten Australians Revisited: Report on the progress with the implementation of the recommendations of the Lost Innocents and Forgotten Australians Reports*, June 2009.
- Careleavers of Australia Network (CLAN), *A Terrible Way to Grow Up: The experience of institutional care and its outcomes for care leavers in Australia; An overview of some findings from the CLAN Survey 2006-7, updated November 2008* (accessed on-line 30 November 2008) at: http://www.clan.org.au/images/CLAN_Survey_Results.pdf and <http://www.clan.org.au/page.php?pageID=188>
- Penglase, Joanna, *Orphans of the Living: Growing up in 'care' in twentieth-century Australia*,

Curtin University Books, Fremantle, 2005.

- Raman, Sunitha & Forbes, Catherine, It's Not Too Late to Care: Report on the research into life outcomes for people brought up in institutional care in Victoria, Centre for Excellence in Child & Family Welfare, Inc, 2008.

The CLAN survey showed that the lack of accountability and supervision of staff in care situations led to widespread abuse and neglect which, combined with the lack of educational opportunity, has left a lasting legacy of appalling harm which in many cases is transmitted to future generations. The survey demonstrated that a high proportion of care leavers find their children or grandchildren winding up in 'care'. The system repeats its own mistakes because it only pays lip service to the idea of learning from history.