

19/04 Inquiry into Children in Institutional Care

(Response of ANGLICARE Diocese of Sydney to recommendations from the Senate Community Affairs Reference Committee.)

1. On 4 March 2003, the Senate, on the motion of Senator Andrew Murray, requested the Senate Community Affairs Reference Committee to conduct an inquiry (the Inquiry) into matters concerning the institutional care of children provided by both government and non-government agencies over past years. The Inquiry generated the largest volume of highly personal, emotive and significant evidence of any Senate inquiry, with 440 public and 174 confidential submissions received.
2. The terms of reference of the Inquiry are set out in attachment 1.
3. Within the Sydney Anglican Diocese, both the Anglican Home Mission Society and Church of England Homes provided institutional care to children and young people during the 1950's, 60's and 70's. The Church of England Homes was subsequently amalgamated with the Sydney Anglican Home Mission Society Council in 1984.
4. The Senate Committee report issued in August 2004. An executive summary of the report is set out in attachment 2.
5. The report identified 39 recommendations, including a request that all State Governments and Churches and agencies that have not already done so, issue formal statements –
 - acknowledging their role in the administration of institutional care arrangements; and
 - apologising for the physical, psychological and social harm caused to the children (referred to in the report as 'care leavers'), and the hurt and distress suffered by the children at the hands of those who were in charge of them, particularly the children who were victims of abuse and assault.
6. In response to this specific recommendation, the 2004 Sydney Synod passed a 9 part resolution *19/04 Inquiry into Children in Institutional Care*. The resolution is set out in attachment 3. Responses by other Churches and agencies to this recommendation are set out in attachment 4.
7. ANGLICARE welcomes the Committee's report and is in agreement with the general thrust of the recommendations. ANGLICARE has specifically responded to 13 recommendations that reference church-based institutional care with such responses being presented to and endorsed by the Council of ANGLICARE. These

98 Report of Standing Committee & Other Reports & Papers

responses together with a description of the action taken are set out in attachment 5. The responses and action taken have been set in the context of the 39 recommendations identified in the Senate Committee's report.

8. ANGLICARE's response has been presented to the Archbishop and the Standing Committee who have –

- endorsed the response, and
- encouraged ANGLICARE to continue taking appropriate action to give effect to the response including a process by which contemporary practice is kept under review.

PETER KELL

Chief Executive Officer, Anglicare Diocese of Sydney

2 August 2005

Attachment 1

Inquiry Terms of reference

Extracted with permission from the report of the Senate Standing Committee on Community Affairs, "Forgotten Australians – A report on Australians who experienced institutional or out of home care as children", August 2004

On 4 March 2003, the Senate, on the motion of Senator Andrew Murray, referred the following matters to the Committee -

1. (a) in relation to any government or non-government institutions, and fostering practices, established or licensed under relevant legislation to provide care and/or education for children:
 - (i) whether any unsafe, improper or unlawful care or treatment of children occurred in these institutions or places,
 - (ii) whether any serious breach of any relevant statutory obligation occurred at any time when children were in care or under protection, and
 - (iii) an estimate of the scale of any unsafe, improper or unlawful care or treatment of children in such institutions or places;
- (b) the extent and impact of the long-term social and economic consequences of child abuse and neglect on individuals, families and Australian society as a whole, and the adequacy of existing remedies and support mechanisms;
- (c) the nature and cause of major changes to professional practices employed in the administration and delivery of care compared with past practice;
- (d) whether there is a need for a formal acknowledgement by Australian governments of the human anguish arising from any abuse and neglect suffered by children while in care;
- (e) in cases where unsafe, improper or unlawful care or treatment of children has occurred, what measures of reparation are required;
- (f) whether statutory or administrative limitations or barriers adversely affect those who wish to pursue claims against perpetrators of abuse previously involved in the care of children; and

- (g) the need for public, social and legal policy to be reviewed to ensure an effective and responsive framework to deal with child abuse matters in relation to:
 - (i) any systemic factors contributing to the occurrences of abuse and/or neglect,
 - (ii) any failure to detect or prevent these occurrences in government and non-government institutions and fostering practices, and
 - (iii) any necessary changes required in current policies, practices and reporting mechanisms.
- 2. In undertaking this reference, the committee is to direct its inquiries primarily to those affected children who were not covered by the 2001 report *Lost Innocents: Righting the Record*,^[1] inquiring into child migrants, and the 1997 report, *Bringing them Home*,^[2] inquiring into Aboriginal children.
- 3. In undertaking this reference, the committee is not to consider particular cases under the current adjudication of a court, tribunal or administrative body.
- 4. In undertaking this reference, the committee is to make witnesses and those who provide submissions aware of the scope of the inquiry, namely:
 - (a) explain the respective responsibilities of the Commonwealth and the states and territories in relation to child protection matters; and
 - (b) explain the scope of the committee's powers to make recommendations binding upon other jurisdictions in relation to the matters contained in these terms of reference.

Attachment 2

Executive Summary

Extracted with permission from the report of the Senate Standing Committee on Community Affairs, "Forgotten Australians – A report on Australians who experienced institutional or out of home care as children", August 2004

1. Upwards of, and possibly more than 500 000 Australians experienced care in an orphanage, Home or other form of out-of-home care during the last century. As many of these people have had a family it is highly likely that every Australian either was, is related to, works with or knows someone who experienced childhood in an institution or out of home care environment.
2. Children were placed in care for a myriad of reasons including being orphaned; being born to a single mother; family dislocation from domestic violence, divorce or separation; family poverty and parents' inability to cope with their children often as a result of some form of crisis or hardship. Many children were made wards of the state after being charged with being uncontrollable, neglected or in moral danger, not because they had done anything wrong, but because circumstances in which they found themselves resulted in them being status offenders. Others were placed in care through private arrangements usually involving payment to the Home. Irrespective of how children were placed in care, it was not their fault.
3. Children were placed in a range of institutions including orphanages, Homes, industrial or training schools that were administered variously by the state, religious bodies and other charitable or welfare groups.
4. The Committee received hundreds of graphic and disturbing accounts about the treatment and care experienced by children in out-of-home care. Many care leavers showed immense courage in putting intensely personal life stories on the public record. Their stories outlined a litany of emotional, physical and sexual abuse, and often criminal physical and sexual assault. Their stories also told of neglect, humiliation and deprivation of food, education and healthcare. Such abuse and assault was widespread across institutions, across States and across the government, religious and other care providers.
5. But the overwhelming response as to treatment in care, even among those that made positive comments was the lack of love, affection and nurturing that was never provided to young children at critical times during their emotional development.
6. The long-term impact of a childhood spent in institutional care is complex and varied. However, a fundamental, ongoing issue is the

lack of trust and security and lack of interpersonal and life skills that are acquired through a normal family upbringing, especially social and parenting skills. A lifelong inability to initiate and maintain stable, loving relationships was described by many care leavers who have undergone multiple relationships and failed marriages. Many cannot form trust in relationships and remain loners, never marrying or living an isolated existence.

7. It is not just the impact that tragic childhood experiences have had for the care leavers. Their children and families have also felt the impact, which can then flow through to future generations.

8. The legacy of their childhood experiences for far too many has been low self-esteem, lack of confidence, depression, fear and distrust, anger, shame, guilt, obsessiveness, social anxieties, phobias, and recurring nightmares. Many care leavers have tried to block the pain of their past by resorting to substance abuse through life long alcohol and drug addictions. Many turned to illegal practices such as prostitution, or more serious law-breaking offences which have resulted in a large percentage of the prison population being care leavers.

9. For far too many the emotional problems and depression have resulted in contemplation of or actual suicide. Anecdotal evidence has shown an abnormally large percentage of suicides among care leavers.

10. Care leavers harbour powerful feelings of anger, guilt and shame; have a range of ongoing physical and mental health problems - often directly associated with beatings or lack of health care as a child; and struggle with employment and housing issues.

11. A large number of positive stories were heard by the Committee from people who with a great deal of love and support from partners, families and friends are now able to better come to terms with their past and live fuller and more satisfying adult lives.

12. The Committee considers that there has been wide scale unsafe, improper and unlawful care of children, a failure of duty of care, and serious and repeated breaches of statutory obligations.

13. The Committee further considers that many comments in recent years by governments, churches and care providers reveal a complete lack of understanding of or acceptance of responsibility for the level of neglect, abuse and assault that occurred in their institutions.

14. The Committee believes that governments, the Churches and agencies should issue formal statements acknowledging their role in past institutional care policies and practices and the impact this had on the lives of many care leavers. These statements should express sorrow and apologise for the physical, psychological and social harm caused as a result of the care leavers' experiences as children in institutional care. The Committee also considers that these

acknowledgments must be accompanied by other positive measures as recommended in the report to ensure that they are not regarded as merely 'empty gestures' by the care leavers and the community generally.

15. The Committee considered various reparation and redress schemes including access to civil litigation and the legal and other barriers to pursuing claims through the civil system. The Committee examined international and Australian reparation schemes before concluding that a national reparations fund for victims of institutional and out of home care abuse should be established.

16. The Committee also considered the internal church processes for dealing with allegations of abuse and their commitment to address past grievances. Such processes need to be open, rigorous and accountable; however many of those that do exist are deficient in these areas and so the Committee has made a number of recommendations to improve transparency and accountability.

17. Questions of identity both for themselves and of other family members through locating and accessing records has become very important for many care leavers. A range of issues are discussed including locating and accessing records (overcoming FOI hurdles and barriers), the lack of or destruction of personal files, the quality of record keeping at the time and the nature of information and personal comments contained in records, and the need for support when care leavers are viewing their records.

18. The provision of services to address the needs of care leavers is seriously lacking at many levels. The Committee discusses many issues surrounding what services need to be provided or improved, and how and by whom should they be provided. In particular, support and advocacy services, counselling and the need for specialised counselling services, and programs to tackle health and ageing, housing and homelessness, and adult literacy and numeracy and other education services are addressed.

19. Recognition of care leavers and their history in Australia in more tangible ways is discussed through the erection of memorials, creation of memorial gardens, construction of heritage centres and in other forms such as reunions. To ensure that the experiences of care leavers are not lost to current and future generations, the Committee recommends that an oral history project be undertaken to collect life stories and that the Museum of Australia should consider the establishment of a permanent exhibition as part of its collection.

20. Finally the Committee recommends that research needs to be undertaken into a number of areas including the role of institutional care in Australia's social history, the social and economic impact and cost, and interdisciplinary research into the relationship between child protection and welfare dependency. This research needs to be

combined with the establishment of courses of study at the tertiary level focusing on these and a range of related subject issues, since the links between how a child is raised and their totality as an adult will continue to influence the creation of policies affecting all Australians.

21. This report is not just concerned with the past, it is very much about the present and it informs the future of our nation.

Attachment 3

Resolution 19/04 Inquiry into Children in Institutional Care

Synod-

1. Notes that the report of the Inquiry into Children in Institutional Care by the Senate Standing Committee on Community Affairs tabled in Federal Parliament on 30 August 2004 said in part –

The Committee received hundreds of graphic and disturbing accounts about the treatment and care experienced by children in out-of-home care. Many care leavers showed immense courage in putting intensely personal life stories on the public record. Their stories outlined a litany of emotional, physical and sexual abuse, and often criminal, physical and sexual assault. Their stories also told of neglect, humiliation and deprivation of food, education and healthcare. Such abuse and assault was widespread across institutions, across States and across the government, religious and other care providers.

and

But the overwhelming response as to treatment in care, even among those that made positive comments was the lack of love, affection and nurturing that was never provided to young children at critical times during their emotional development.

And therefore recommended

The Committee believes that governments, the Churches and agencies should issue formal statements acknowledging their role in past institutional care policies and practices and the impact this had on the lives of many care leavers. These statements should express sorrow and apologise for the physical, psychological and social harm caused as a result of the care leavers' experiences as children in institutional care. The Committee also considers that these acknowledgements must be accompanied by other positive measures as recommended in the report to ensure that they are not regarded as merely "empty gestures" by the care leavers and the community generally.

2. Commends the report to the parishes and institutions of the Diocese for study, prayerful reflection and appropriate response, especially to any care leavers they come into contact with.
3. Requests that Anglicare prepare a response to the Report, which addresses its key recommendations.
4. Asks that this response be presented to the Archbishop, Standing Committee and the Board of Anglicare for action and that a report of action taken be prepared for the 2005 Session of Synod.
5. Welcomes the development by the Professional Standards Unit and Anglicare of the "Pastoral Care and Assistance Scheme" and requests the parishes and organizations of the Diocese to familiarise themselves with this scheme and to advertise widely its availability.
6. Recognises the important role of Care Leavers Australia Network Inc. (CLAN) in providing support and advocacy for those brought up in "care" and encourages the Diocese, Anglicare, the parishes and organizations of the Diocese as well as individual members to support CLAN and its work.
7. Acknowledges the role of the Anglican Church, Diocese of Sydney through its organisations including Anglican Home Mission Society (Anglicare) and the Church of England Homes, in the administration of institutional care arrangements. Further acknowledging that some of the children who were brought up in 'care' during the last century have been left with the life-long effects of emotional deprivation and neglect and in some cases even worse, physical, sexual and psychological abuse, Synod expresses its deep regret at the harm caused by the failure to provide appropriate care. In particular Synod apologises for the physical, psychological and social harm and suffering experienced by any care leavers as a result of their experiences in any institution run under the auspices of the Anglican Church, Diocese of Sydney. Synod encourages such persons to make themselves known so that support, personal apology and appropriate assistance can be offered.
8. Calls on those responsible for the neglect or abuse of children in their care to repent; and show their repentance by coming forward and confessing their wrong-doing, offering apology to affected care leavers and their families where appropriate and opening themselves to the due processes of the justice system; and to trust in the Lord Jesus Christ for the forgiveness of all their sins.
9. Recognises with gratitude to God those devoted Christian carers who did a wonderful job in Christ's name to genuinely care for the children in their institutions.

Attachment 4

Responses by some Churches and agencies to *Forgotten Australians*

Extracted with permission from the report of the Senate Standing Committee on Community Affairs, "Forgotten Australians – A report on Australians who experienced institutional or out of home care as children", August 2004

- 1.10 The Committee is aware of a number of Churches and agencies that have responded to *Forgotten Australians* by issuing apologies and establishing processes to review their procedures and implement the recommendations contained in the Committee's report.^[5] These are a small but promising start, though there is still a long way to go and many others to respond.

Anglican Church

- 1.11 In September 2004, the Synod of the Anglican Diocese of Canberra and Goulburn issued an unreserved apology to people cared for by Church institutions in the Diocese. The Synod expressed its deepest remorse to any people who had been abused or assaulted in any way. The Diocese's Professional Standards Reference Group was 'assessing our existing processes in the light of the [report's] recommendations and developing a considered response, possibly working with other dioceses and also with government'.^[6]
- 1.12 On 6 October, the Anglican Church's General Synod issued an apology to the children who experienced neglect, harm or distress in institutions conducted by the Anglican Church and its agencies. The apology stated:
- The Anglican Church of Australia sincerely apologises to the children whose experiences in institutional and out-of-home care provided by the Anglican Church caused them hurt, distress, and harm.
- With deep sadness and regret, this Church acknowledges that many of these children suffered abuse and neglect, and a lack of appropriate care and nurture while in institutional care; and a significant number also suffered physical and sexual assault.

The Church deeply regrets that its institutions and personnel did not always provide environments in which these children were protected and nurtured.[7]

- 1.13 The General Synod also requested that each diocese involved in the provision of institutional care to children extend an apology in similar terms. The Sydney Diocesan Synod issued a statement of apology on 25 October 2004 to victims of abuse in out-of-home care institutions owned by the Anglican Church. Archdeacon Geoff Huard, a member of the Anglicare Council, told the Synod:

Over 1000 children have passed through the doors of these institutions...Anglicare recognises that there may indeed have been some who received a poor level of care over the history of our institutions for which we are very sorry and we do sincerely apologise. [We are] keen to assist any who have had these experiences.[8]

- 1.14 The Sydney Synod resolved that the Archbishop of Sydney, the Standing Committee of the Synod and Anglicare's Council will be presented with Anglicare's response to the Inquiry. A report of action taken will be brought to the 2005 Synod. The Synod also affirmed the work of Care Leavers Australia Network (CLAN), as well as a new pastoral care and assistance scheme that is being administered by Sydney Diocese's Professional Standards Unit.

Australian Catholic Bishops Conference

- 1.15 On 14 December 2004, the Australian Catholic Bishops and the Leaders of Religious Institutes issued a statement on the report into children in institutional care. They formally renewed the apology, first made in the 1996 document 'Towards Healing', to those whose abuse was perpetrated by Catholic Church personnel. The statement said:

We are also deeply regretful for the hurt caused whenever the Church's response has denied or minimised the pain that victims have experienced. And we regret the hurt and distress caused to the many good people who have worked in this area.

- 1.16 The formation of a 'Senate Inquiry Action Group' was also announced. The mandate of the Action Group is:

The Senate Inquiry Action Group shall make an analysis of the recommendations of the Senate Inquiry, with particular reference to how they apply to the structures, institutions and personnel of the

Catholic Church, and provide the bishops and religious leaders with advice concerning the implementation of the recommendations.

The Action Group shall present a preliminary report to the May 2005 meeting of the Australian Catholic Bishops Conference and the June meeting of the Australian Conference of Leaders of Religious Institutes, together with a report on the work still to be done and an estimate of the time needed to present a final report.[9]

Benevolent Society

- 1.17 The Benevolent Society provided residential care for children in Sydney. In a response to *Forgotten Australians* dated 15 October 2004, the Society apologised 'unreservedly for any abuse, mistreatment or harm experienced by children in our care'. The Society went on to state that:

The Benevolent Society feels deep sadness and regret for the children in our care who did not receive the consistent, loving care that they needed and deserved.

We welcome the Senate Inquiry into Institutional Care and its recommendations. It gives agencies such as our own the opportunity to acknowledge past wrongs and to try to address them appropriately. In particular, we are putting in place services to ensure that we will respond promptly, compassionately and respectfully to anyone who wishes to approach us to talk about their time in Scarba House as children.[10]

Uniting Church in Australia

- 1.18 The Uniting Church in Australia issued a statement on 27 September 2004 which 'expressed regret and sorrow to the children who suffered neglect and abuse while in institutional care provided by the Uniting Church and its agencies during the last century'. The National President, Rev. Dr Dean Drayton, said:

On behalf of the Uniting Church and our agencies, I apologise unreservedly for any physical, psychological or social harm that might have occurred.

I deeply regret that some children were let down while in the care of the Uniting Church and former Methodist, Presbyterian and Congregational Churches.

110 Report of Standing Committee & Other Reports & Papers

- 1.19 Rev. Drayton noted that the Uniting Church, through its family and community networks, had developed new models for providing care and services to children. The Church was committed to ensuring that children and families receive the best facilities and care possible and that it was working constantly to improve them. Rev. Drayton also stated that the unreserved apology was only the beginning of a staged process and that the Uniting Church was 'committed to working with government to respond to the issues raised during the Inquiry'.^[11]
- 1.20 The lead of the national Church was followed with the Synod of the Victorian and Tasmanian Uniting Church reported to have made its own apology to all children who had suffered physical, psychological or social harm in church-run institutions at a meeting on 28 September. The apology was made by the Victorian Moderator Rev. Sue Gormann. The Western Australian Synod was also reported to have made a similar apology.^[12]

Attachment 5

Recommendations

The text of the recommendations are extracted with permission from the report of the Senate Standing Committee on Community Affairs, "Forgotten Australians – A report on Australians who experienced institutional or out of home care as children", August 2004

Statements of acknowledgment and apology

Recommendation 1

7.110 That the Commonwealth Government issue a formal statement acknowledging, on behalf of the nation, the hurt and distress suffered by many children in institutional care, particularly the children who were victims of abuse and assault; and apologising for the harm caused to these children.

Recommendation 2#

7.111 That all State Governments and Churches and agencies, that have not already done so, issue formal statements acknowledging their role in the administration of institutional care arrangements; and apologising for the physical, psychological and social harm caused to the children, and the hurt and distress suffered by the children at the hands of those who were in charge of them, particularly the children who were victims of abuse and assault.

Response: (as reported in the Second Report on the Inquiry into Children in Institutional Care, p.5)

“...The Sydney Diocesan Synod issued a statement of apology on 25 October 2004 to victims of abuse in out-of-home care institutions owned by the Anglican Church. Archdeacon Geoff Huard, a member of the Anglicare Council, told the Synod:

Over 1000 children have passed through the doors of these institutions.... Anglicare recognises that there may indeed have been some who received a poor level of care over the history of our institutions for which we are very sorry and we do sincerely apologise. [We are] keen to assist any who have had these experiences.”

“...The Sydney Synod resolved that the Archbishop of Sydney, the Standing Committee of the Synod and Anglicare’s Council will be presented with Anglicare’s response to the Inquiry. A report of action taken will be brought to the 2005 Synod. The Synod also affirmed the work of Care Leavers Australia Network (CLAN), as well as a new pastoral care and assistance scheme that is being administered by Sydney Diocese’s Professional Standards Unit.”

Addressing legal barriers

Recommendation 3#

- 8.67 That State Governments review the effectiveness of the South Australian law and consider amending their own statutes of limitation legislation to achieve the positive outcomes for conducting legal proceedings that have resulted from the amendments in the South Australian jurisdiction.

Recommendation 4#

- 8.68 That in recognising the difficulty that applicants have in taking civil action against unincorporated religious or charitable organisations, the Government examine whether it would be either an appropriate or a feasible incentive to incorporation, to make the availability of federal tax concessions to charitable, religious and not-for-profit organisations dependent on, or alternatively linked to, them being incorporated under the corporations act or under state incorporated associations statutes.

Recommendation 5#

- 8.69 That the Commonwealth Government examine the desirability and feasibility of introducing whistleblower legislation for the not-for-profit religious and charitable sectors.

Response:

ANGLICARE supports the desirability of the Commonwealth Government introducing whistleblower legislation for the not-for-profit religious and charitable sectors.

National reparation fund

Recommendation 6#

- 8.125 That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and out-of-home care settings and that:
- the scheme be funded by contributions from the Commonwealth and State Governments and the Churches and agencies proportionately;
 - the Commonwealth have regard to the schemes already in operation in Canada, Ireland and Tasmania in the design and implementation of the above scheme;
 - a board be established to administer the scheme, consider claims and award monetary compensation;
 - the board, in determining claims, be satisfied that there was a 'reasonable likelihood' that the abuse occurred;
 - the board should have regard to whether legal redress has been pursued;
 - the processes established in assessing claims be non-adversarial and informal; and
 - compensation be provided for individuals who have suffered physical, sexual or emotional abuse while residing in these institutions or out-of-home care settings.

Internal Church redress processes

Recommendation 7#

- 8.170 That all internal Church and agency-related processes for handling abuse allegations ensure that:
- informal, reconciliation-type processes be available whereby complainants can meet with Church officials to discuss complaints and resolve grievances without recourse to more formal processes, the aim being to promote reconciliation and healing;
 - where possible, there be independent input into the appointment of key personnel operating the schemes;
 - a full range of support and other services be offered as part of compensation/reparation packages, including monetary compensation;
 - terms of settlement do not impose confidentiality clauses on complainants;
 - internal review procedures be improved, including the appointment of external appointees independent of the respective Church or agency to conduct reviews; and

information on complaints procedures is widely disseminated, including on Churches' websites.

Response:

On 27 April 2004 the Sydney Anglican Home Mission Society Council approved implementation of the Sydney Diocese Pastoral Care and Assistance Program for victims of child abuse or sexual misconduct by a church worker for use within ANGLICARE. This program, jointly developed by the Professional Standards Unit and ANGLICARE, was approved by the Standing Committee of Synod on 29 March 2004.

The intention of this program is that claimants who approach ANGLICARE will be dealt with in an open, honest and proactive manner and receive appropriate assistance in light of their individual circumstances.

Applications for financial assistance under the program are referred to an external expert panel for consideration and recommendations are provided to either ANGLICARE or the Professional Standards Unit as appropriate for response under delegation.

If the recommendation is accepted by the Diocese or ANGLICARE, an offer will be made to the claimant accordingly. As this scheme is an alternative to litigation the claimant will be asked to sign a deed to release the Diocese or ANGLICARE (including their employees but excluding the perpetrator) from being a party to any court proceedings arising out of the child abuse or sexual misconduct. The deed of release will not prevent victims from "telling their story" and any confidentiality provisions in the deed will only refer to disclosure of the amount of financial assistance received.

Information concerning the Pastoral Care and Assistance Program is available on the sydneyanglicans.net website.

Recommendation 8#

- 8.171 That the Commonwealth establish an external complaints review mechanism, such as a national commissioner for children and young people who would have the power to:
- investigate and mediate complaints received by complainants dissatisfied with Church processes with the relevant Church authority;
 - review the operations of Church sponsored complaints mechanisms to enhance transparency and accountability;

report annually to the Parliament on the operation of the Churches' complaints schemes, including data on the number and nature of complaints; and

publicise the existence of Church-sponsored complaints mechanisms widely throughout the community.

Recommendation 9#

8.172 That the Churches and agencies publish comprehensive data on all abuse complaints received to date, and then subsequently on an annual basis, and that this information include:

numbers of complainants and type of complaints received;

numbers of Church/agency personnel involved in complaint allegations; and

amounts of compensation paid to complainants.

Response:

ANGLICARE will comply with any disclosure requirements of a formally constituted National Office of the Commissioner for Children and Young People.

Recommendation 10#

8.173 That information on the above matters be provided annually (including any reasons for non-compliance) to the national commissioner for publication in a consolidated form in the commissioner's annual report.

Royal Commission

Recommendation 11#

8.223 That the Commonwealth Government seek a means to require all charitable and church-run institutions and out-of-home care facilities to open their files and premises and provide full cooperation to authorities to investigate the nature and extent within these institutions of criminal physical assault, including assault leading to death, and criminal sexual assault, and to establish and report on concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant authorities, charities and/or Church organisations;

And if the requisite full cooperation is not received, and failing full access and investigation as required above being commenced within six months of this Report's tabling, that the Commonwealth Government then, following consultation with

state and territory governments, consider establishing a Royal Commission into State, charitable, and church-run institutions and out-of-home care during the last century, provided that the Royal Commission:

be of a short duration not exceeding 18 months, and be designed to bring closure to this issue, as far as that is possible; and

be narrowly conceived so as to focus within these institutions, on

the nature and extent of criminal physical assault of children and young persons, including assault leading to death;

criminal sexual assault of children and young persons;

and any concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant State authorities, charities and/or Church organisations.

Location, preservation, recording and access to records

Recommendation 12#

9.113 That government and non-government agencies holding records relating to care leavers, implement and fund, as a matter of priority, programs to find, identify and preserve records including photographs and other memorabilia.

Response:

ANGLICARE has completed the task of identifying, indexing and preserving all records, photographs and other memorabilia relating to care leavers from institutional or out-of-home care settings under the control of the Church of England Homes and Sydney Anglican Home Mission Society Council.

Recommendation 13#

9.114 That all government and non-government agencies immediately cease the practice of destroying records relating to those who have been in care.

Response:

ANGLICARE maintains a long-standing practice of retaining indefinitely the records pertaining to children and young people who have been in care.

Recommendation 14#

- 9.115 That all State Governments and non-government agencies, which have not already done so
- provide dedicated services and officers to assist care leavers in locating and accessing records, both government and non-government; and
 - compile directories to assist in the locating and accessing of records relating to care leavers and the institutions into which they had been placed.

Response:

ANGLICARE allocates senior officers to assist care leavers in locating and accessing records, including personal interview to review files and provide appropriate support.

As both the records from the Church of England Homes and Anglican Home Mission Society are centralised, directories to assist in locating records are deemed unnecessary.

Recommendation 15#

- 9.116 That a dedicated information and search service be established in each State and Territory to:
- develop a complete register of all records held by government and non-government agencies;
 - provide assistance to care leavers to locate and access records;
 - provide advocacy and mediation services to care leavers accessing records; and
 - ensure that all agencies holding records identify, preserve and make available all surviving records relating to care leavers and the institutions that housed them.

Recommendation 16#

- 9.117 That all government and non-government agencies agree on access guidelines for the records of all care leavers and that the guidelines incorporate the following:
- the right of every care leaver, upon proof of identity only, to view all information relating to himself or herself and to receive a full copy of the same;
 - the right of every care leaver to undertake records searches, to be provided with records and the copying of records free of charge;

118 **Report of Standing Committee & Other Reports & Papers**

the commitment to a maximum time period, agreed by the agencies, for the processing of applications for viewing records; and

the commitment to the flexible and compassionate interpretation of privacy legislation to allow a care leaver to identify their family and background.

Response:

ANGLICARE provides full access to information contained in care leaver files in the context of a personal interview. Copies of files are made available free of charge upon request.

Recommendation 17#

- 9.118 That all agencies, both government and non-government, which provide access to records for care leavers, ensure adequate support and counselling services are provided at the time of viewing records, and if required, subsequent to the viewing of records; and that funding for independent counselling services be provided for those care leavers who do not wish to access services provided by a former care agency.

Response:

ANGLICARE's Pastoral Care and Assistance Program provides for counselling services to be engaged on behalf of care leavers and up to six counselling sessions are made available at ANGLICARE's expense.

Recommendation 18#

- 9.119 That the Commonwealth request the Council of Australian Governments to review all Federal and State and Territory Freedom of Information regimes to ensure that they do not hinder access by care leavers to information about their childhoods and families.

Advocacy and support groups

Recommendation 19#

- 10.58 That the Commonwealth fund a national conference of service providers and advocacy and support groups with the aim being to establish a professional national support and advocacy body for care leavers; and that this body be funded

by the Commonwealth and State Governments and the Churches and agencies.

Recommendation 20#

- 10.59 That the Commonwealth and State Governments and Churches and agencies provide on-going funding to CLAN and all advocacy and support groups to enable these groups to maintain and extend their services to victims of institutional abuse, and that the government and non-government sectors widely publicise the availability of services offered by these advocacy and support groups.

Response:

ANGLICARE has provided financial assistance to CLAN in the sum of \$5,000 per annum following an initial request in 2002.

Provision of support services

Recommendation 21#

- 10.77 That all State Governments, Churches and agencies provide a comprehensive range of support services and assistance to care leavers and their families.

Response:

ANGLICARE is able to provide assistance to care leavers and their families through the range of services currently available. However ANGLICARE is not funded to provide a designated service to this target group.

Recommendation 22#

- 10.78 That all State Government funded services for care leavers be available to all care leavers in the respective State, irrespective of where the care leaver was institutionalised; and that funding provisions for this arrangement be arranged through the Community and Disability Services Ministerial Council.

Counselling services

Recommendation 23#

- 10.106 That all State Governments, Churches and agencies fund counselling services for care leavers and their families, and that those currently providing counselling services maintain

and, where possible, expand their services including to regional areas. The counselling services should include:

- the extension of specialist counselling services that address the particular needs of care leavers;
- their provision to clients on a long-term or as required basis;
- and
- the provision of external counselling as an option.

Response:

ANGLICARE will facilitate referral to specialist counselling for care leavers and give consideration to financial support for such counselling on a case by case basis. Limited counselling is available internally through the Relationship Counselling program.

Recommendation 24#

10.107 That specialist higher education courses be available for the training of health professionals in areas related to the particular psychological and psychiatric effects of institutional abuse.

Health care, housing and aged care programs

Recommendation 25#

10.133 That the Commonwealth and State Governments in providing funding for health care and in the development of health prevention programs, especially mental health, depression, suicide prevention and drug and alcohol prevention programs, recognise and cater for the health needs and requirements of care leavers.

Recommendation 26#

10.134 That the Department of Health and Ageing fund a pilot program under the Aged Care Innovative Pool to test innovative models of aged care services focussing on the specific needs of care leavers.

Recommendation 27#

10.135 That the Home and Community Care program recognise the particular needs of care leavers; and that information about the program be widely disseminated to care leaver support and advocacy groups in all States.

Recommendation 28#

10.140 That the Supported Accommodation Assistance Program recognise the particular needs of care leavers; and that:

data on the usage of the Program by care leavers be collected; and

information about the Program be widely disseminated to care leaver support and advocacy groups in all States.

Education

Recommendation 29#

10.150 That the Commonwealth and State Governments widely publicise the availability of adult literacy and numeracy services and associated adult education courses to care leavers and care leaver support groups.

Recommendation 30#

10.151 That State Governments investigate options for alternative entry pathways to higher education courses for ex-residents of institutions and their children.

Data collection

Recommendation 31#

10.159 That the Commonwealth, in conjunction with the States, develop procedures for the collection of data on people who have been in care on forms that are already used to elicit client information such as Medicare and Centrelink forms and admission forms to prisons, mental health care facilities and aged care facilities.

Recommendation 32#

10.160 That Commonwealth and State programs across a range of social policy areas, including health and aged care and social welfare services generally, explicitly recognise care leavers as a sub-group with specific requirements in the publications and other material disseminated about programs.

Whole of government approach to program and service delivery

Recommendation 33#

10.164 That the Commonwealth and the States commit, through the Council of Australian Governments, to implementing a whole of government approach to the provision of programs and services for care leavers across policy areas such as health, housing and welfare and community services and other relevant policy areas.

Recognition through memorials and exhibitions

Recommendation 34#

11.46 That the Commonwealth and State Governments, in conjunction with the Churches and agencies, provide funding

for the erection of suitable memorials commemorating care leavers. Where possible, memorials could take the form of:

memorial gardens constructed in conjunction with local councils;

the placement of plaques at the site of former institutions; and/or

the construction of heritage centres on the site of former institutions.

The Committee further recommends that the appropriate form and location of memorials should be determined after local consultation with care leavers and their support and advocacy groups.

Response:

ANGLICARE does not support the erection of memorials commemorating care leavers.

Recommendation 35#

- 11.47 That the National Museum of Australia be urged to consider establishing an exhibition, preferably permanent, related to the history and experiences of children in institutional care, and that such an exhibition have the capacity to tour as a travelling exhibition.

Oral histories

Recommendation 36#

- 11.48 That the Commonwealth Government provide funding for the National Library of Australia to undertake an oral history project to collect the life-stories of former residents in institutional and out-of-home care.

Research

Recommendation 37#

- 11.49 That the Commonwealth Government fund research either through the Australian Institute of Family Studies or other relevant research body or university into the following areas:
- historical research into institutional care, including the role of institutional care in Australia's social history; the history of institutions and the commissioning of personal histories of former residents;
- the social and economic impact and cost of institutional care; and

inter-disciplinary research into the relationship between child welfare/child protection and areas such as welfare dependency, social problems such as drug and alcohol abuse and family relationship breakdowns.

Recommendation 38#

- 11.50 That the Australian Institute of Family Studies National Child Protection Clearinghouse be funded by the Commonwealth Government to collect publications related to historical studies of institutional and other forms of out-of-home care and that this information be widely disseminated.

Tertiary study courses

Recommendation 39#

- 11.51 That the Commonwealth, in co-operation with State Governments, establish courses of study at selected tertiary institutions that focus on child protection and related issues, especially early childhood and family studies, psychology, conflict management, the impact of institutional care and social policy to address issues in these areas.

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