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Caring for Australia's Children

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27 October 2008

Mr Elton Humphrey
Secretary
Australian Senate Community Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Mr Humphrey,

Please find enclosed a response to the request for an update on the Implementation by Barnardos Australia of the Recommendations of the 'Lost Innocents' and 'Forgotten Australians' Reports.

Yours sincerely,

LOUISE VOIGT
CEO & Director of Welfare



Implementation of Recommendations of “Lost Innocents” and “Forgotten Australians” by Barnardos Australia.

Introduction

Barnardos Australia [Barnardos] made detailed submissions to the Senate Community Affairs Reference Committee for both the “Lost Innocents” and “Forgotten Australians” Inquiries and representatives of Barnardos [including ex-clients] appeared before the Senate Committee at public hearings for both.

Barnardos has now been asked to give feedback on any action that has been taken on each of the recommendations since the two Reports were released. In responding Barnardos is mindful that many of the two Report’s recommendations were already standard practice [S/P] in Barnardos – particularly through its provision of Aftercare support and access to files. These were detailed in the initial Barnardos submissions. The emphasis in this submission will be on the action Barnardos has taken in implementing the Reports’ other recommendations within Barnardos and in encouraging other agencies to respond appropriately.

Section One – Progress on Implementing Recommendations.

The recommendations in the two Reports can be divided into two groupings – [1] Recommendations to State and Federal Governments and [2] Recommendations to “past providers” such as Barnardos.

Barnardos does not wish to comment [N/C] on the Recommendations to State and Federal Governments – except where we are able to provide post-Report insights regarding the Recommendation.

This second grouping of Recommendations can be sub-divided divided into two groups: [2.1] Recommendations that were already standard practice in Barnardos and which were addressed in Barnardos original submissions, and [2.2] Recommendations requiring further consideration and action by Barnardos.

It is this last group that will be the focus of our response.

In this response the Recommendations will be referred to by letters to indicate the Report [FA or LI] and the number of the Recommendation. [For example "FA 20" is Recommendation 20 of the Forgotten Australians Report].

Barnardos has carefully considered the recommendations made in the two Reports. In some instances Barnardos has discussed them with ex-clients, drawn on personal Aftercare experiences, and has decided not to implement a particular recommendation.

Recommendations and response.

Lost Innocents Report

LI 1 to 9. Government Recommendations - not applicable to Barnardos [N/A].

LI 10. Barnardos has not been approached by Government to participate in such a group, and would do so if requested.

LI 11 - 13. No Comment [N/C].

LI 14 to 15. These recommendations have been standard practice in Barnardos for many years [S/P].

LI16. Barnardos does not support the recommendation that descendants of deceased child migrants be allowed access to files of their deceased relatives.

Barnardos Australia is aware that this recommendation is strongly supported by CLAN and in the past it was also Barnardos Australia's policy. However the policy was changed following recommendations of ex-clients, discussion at a Reunion meeting which was attended by approx. 60 ex-clients, and a survey request in the "Barnardos Down Under" Newsletter read by 350+ ex clients. Barnardos Australia's current policy is that descendants can only have access to medical information from the files of deceased relatives [in acknowledgement that there may be genetic medical conditions that need to be known].

Barnardos has had several cases where disclosure of a file's contents to next-of-kin was problematic.

[a] An ex-client died having previously contributed to a book that detailed the reasons why he came into care – of his war hero father who was gassed and succumbed to his injuries – and of a mother grieving and unable to cope with raising the son she loved. In writing the eulogy to be delivered at his funeral, Barnardos had to decide whether to tell this already published public version of his admission to care - or tell the file version known to him in life about his prostitute mother and alcoholic father that would have impacted on the deceased family's memory of him. If his next-of-kin had been allowed access to his file then the option would not have been available to Barnardos to preserve his memory.

[b] In another case a terminally ill ex-client asked that his file not be made available to his next of kin as he had never revealed details of a sexual assault charge for which he had been convicted when he was 19 and his then girlfriend was 15 [below the age of consent]. He declined the offer to have his version of events added to his file – saying that he wanted his family to remember him as he was – not as some sexual pervert pedophile.

[c] In a third case three sisters migrated together and swore an oath to tell everyone that they had been raised in a Private Boarding School and not by Barnardos. Having maintained this story throughout their adult life and two of them having married and had children, the unmarried sister died. Barnardos was then approached by their older brother living in the UK. He had not been taken into care with them and wanted access to his sisters' files. Disclosure of the deceased sister's file would have revealed the identity and whereabouts of the other two sisters – who would have been faced with explaining to their families the sudden appearance of a new brother and in them breaking their sworn oath to their dead sister. Both were asked but declined to have any contact with their brother.

Barnardos recognizes that, for many descendants, having access to a deceased relatives file can be valuable in understanding why their relatives acted as they did. Indeed many ex-clients choose to share their file with their descendants while they are alive and others say that they have no objection to their file being shared after they have died. Many files obtained from Barnardos by ex-clients

become treasured family possessions. However some have skeletons in their files which they would prefer were buried with them. Files may contain details of incest or criminality which ex-clients wish to remain confidential.

Barnardos also recognizes that most ordinary citizens do not have detailed files on their childhood and upbringing to age 21, and can reinvent themselves as they wish if they are not proud of their past. As one ex-client said quite openly “Just because we were in care and you kept the records doesn’t mean that we shouldn’t have the choice that others have who didn’t have files kept about them”.]

LI 17. Barnardos has recent experience of a Child Migrant being deported to the UK after living for 52 years in Australia, serving in the Australian Army and Army Reserve, marrying and raising a family. After pleading guilty he was convicted of offences that led to a prison sentence in excess of 12 months, and his “visa” was then cancelled on character grounds. His wife and two sons remain in Australia. An appeal funded by Barnardos was unsuccessful.

LI 18. N/C.

LI 19 c. Barnardos did provide extensive support to many Barnardos clients who used both the British and Australian travel funds out of its existing Aftercare budget. Services included assistance with applications, assistance with travel documents, communication with relatives in the UK, organizing of travel within Australia, and arrangements for being met and supported while in the UK.

LI 20 to 23. Depending on the size of the levy raised this could be financially unsustainable for Barnardos. It could give rise to many hundreds of journeys to the UK each costing many thousands of dollars. It might require the appointment of additional Barnardos staff at both ends of the journey for support purposes. Furthermore there are some ex-clients of Barnardos who are extremely wealthy, already travel regularly overseas, but who would still avail themselves of the offer of free travel even though they have no shortage of funds.

Barnardos currently estimates that some 300 child migrants are in regular contact with Aftercare. If each requested just one trip to the UK costing \$4000 the cost

would be \$1,200,000. If each asked for two additional trips costing \$3000 the additional cost would be \$1,800,000. If half [150] required a carer for each of the three trips it would cost an additional \$1,500,000. The total direct cost for 300 clients with 150 carers taking three trips would be \$4,500,000. This does not of course include the indirect support costs of assisting with applications, obtaining travel documents, and supporting them throughout the journey.

LI 23 to 30. N/C.

LI 31. Barnardos has already publicly expressed its regret about the past practice of child migration both in Australia and in the UK.

LI 32. Barnardos ex-clients were represented on the Committee that selected the design for the NSW Child Migrant Memorial at the National Maritime Museum at Darling Harbour, and Barnardos staff and ex-clients attended its official opening.

Barnardos has funded annual Anzac Day memorial tributes in the Sydney Morning Herald commemorating all Barnardos Old Boys and Girls who have served in the Australian Armed Forces, and has an Honor Roll in the foyer of its Head Office to those who died in the Second World War.

Barnardos also donated to the National Maritime Museum an historic diary, written in 1913, of the voyage of a previously undocumented party of non-Barnardos children to Australia - with a view to better understanding child migration history and the realities of such journeys.

LI 33. N/C.

Forgotten Australians Report

Barnardos has attended regular meetings of the Forgotten Australians NSW Past Providers Implementation Reference Group [PPRG] convened by ACWA and CLAN since the Report's release. Barnardos has participated in discussions and provided feedback on the implementation of recommendations.

FA 1. N/C

FA 2. Barnardos made a statement to this effect at the public hearing before the Committee.

FA 3 - 5. N/C.

FA 6. Barnardos would consider any request from Government for a contribution to a national reparations fund for victims of abuse in Barnardos institutions and out-of-home care settings.

However Barnardos has already made compensation payments directly to victims where there was a reasonable likelihood that abuse occurred. In one instance, due to exceptional circumstances, the payment of compensation was initiated by Barnardos without a request being received or an allegation being made by the ex-client.

FA 7. Barnardos handles all abuse allegations centrally and strongly supports the resolution of abuse allegations informally without recourse to more formal processes. Arrangements are made for complainants to meet with the CEO of Barnardos to discuss complaints and where possible resolve grievances. Counselling is offered - paid for by Barnardos and provided by a qualified person of the complainant's choice, and Barnardos always recommends that the complainant seek to pursue the laying of criminal charges against the alleged perpetrator.

Ongoing support for the client is provided by Barnardos Aftercare [or if requested by the complainant another independent agency – such as CLAN], while it is the Barnardos CEO who separately negotiates the payment of compensation. This provides for a separation of the support and financial negotiation roles.

If no agreement is possible and formal processes follow, then Barnardos is guided by legal advice as to how to proceed to settlement.

That legal advice usually includes a recommendation that a confidentiality clause be included in the Terms of Settlement, however Barnardos would never pursue such a matter.

FA 8. N/C [refers specifically to churches].

FA 9 - 10. Barnardos does not support the publication of data on all abuse complaints received to date [ie 1883 to 2008]. Barnardos does not support the recommendation for annual reporting in the future of numbers of complainants, numbers of personnel involved in complaint allegations, amounts of compensation paid to complainants, and annual publication thereof in an annual report.

Barnardos is bound by law to disclose allegations of current abuse in NSW and the ACT. In NSW the Ombudsman reports to Parliament and those tabled reports are made public. In recognition of the quality of our investigations Barnardos has been granted license to deal directly with certain classes and kinds of allegations.

FA 11. Barnardos current programs are already subject to Accreditation and File Audits by the NSW Children's Guardian and independent random unannounced visits by Community Visitors from the NSW Ombudsman's office.

Barnardos has strongly advocated that the Federal Government provide quality standards and monitoring via an accreditation process as this would provide greater consistent security for all children in care.

Barnardos believes that current initiatives in both NSW and the ACT provide safeguards against abuse of clients currently in residential care.

As to the investigation of abuse of past clients - Barnardos would cooperate fully to provide access in line with current privacy restrictions to the many thousands of files held on previous clients but is dubious as to how this would reveal concealment of past crimes. Barnardos is not aware of any past file, including those written by abusers, which contains admissions by the writer that they have committed crimes against children in their care. More properly files as appropriate are subpoenaed when a case is before the Court.

FA 12-14. S/P.

FA 15. S/P.

[Barnardos provided information for both the original and recently updated register of records "Connecting Kin" published in NSW by the NSW Department of Community Services].

F/A 16.S/P.

[Barnardos has an open file policy that reflects the recommended guidelines, with a current turn-around time for Australian file requests of two weeks or less. Barnardos would not agree to any standardized access policy that disadvantaged our clients].

F/A 17. Barnardos supports this recommendation in principle but has found it difficult to implement in practice, occasionally unwanted, sometimes unnecessary, and even needing some lateral thinking.

Examples.

[a] One gold prospector client contacted us from a remote, isolated, interstate Australian location. He asked to receive his file through the mail, did not wish to waste Barnardos money by having someone from Barnardos fly out to visit him, and certainly did not want anyone locally to support him by having knowledge of his background and the files content.

[b] One client from a small rural town was visited by two Barnardos Aftercare staff to hand deliver a file that in Barnardos view contained information that could have led to self-harm by the client. Tentative plans were made that one staff member would stay on in town for a few days if necessary, and seek the involvement of a local GP [there being no mental health options in that area]. After a whole day's round trip costing several hundreds of dollars it transpired that the client knew about the file's content, was completely comfortable with its allegations [which she knew were totally unfounded] and was at absolutely no risk of self harm.

[c] One client who requested their file was thousands of kilometers from any Barnardos office but just one hour's drive from an ex-staff member's new home. With the client's approval the file was mailed to the ex-staff member – who was

sub-contracted by Barnardos to share the file in the client's home, and the feedback was positive.

FA 18.N/C.

FA 19-20. Barnardos attended the Sydney workshop at which the Alliance for Forgotten Australians was developed and has provided on-going funding to CLAN – which is a member of AFA.

Barnardos also obtained and distributed copies of AFA's publication on "Forgotten Australians", via the ACWA Newsletter, to all ACWA member agencies in NSW; and has included information about CLAN in the Barnardos Down Under magazine, and at Barnardos Reunions.

FA 21. S/P.

FA 22 N/C.

Barnardos Aftercare service is often contacted by care-leavers who "thought that they had been in Barnardos" or who know that they were with another agency but do not know how to get help. Barnardos can often provide the information that they need – through its knowledge of available resources [such as "Connecting Kin"], or can refer them on to a generalist support agency [such as CLAN] or a tracing agency [such as the Salvation Army or Red Cross].

FA 23-24. Barnardos would consider any additional request for funding of counselling services. Barnardos has previously paid for independent counselling of ex-clients on several occasions and also supports the PPRG initiative [via ACWA] to ask professional bodies [such as APS] of suitably experienced psychologists to include "counselling of care-leavers" as an area of specialism in their service listings.

FA 25-33.N/C.

FA 34. Barnardos has been involved in discussions through PPRG [including CLAN and DoCS] on the nature and site of a NSW memorial to care leavers. Barnardos

does not own buildings or properties that were past institutions, and therefore has no authority to erect plaques or heritage centres at those locations.

FA 35. Barnardos has had consultations with, and advertised for exhibits for:

[a] a planned [two year] exhibition on Barnardos Picton Farm School at the Wollondilly Heritage Centre, and

[b] an exhibition to tour England being organized by the Australian Maritime Museum.

[Note: Both of these exhibitions will focus primarily on child migrants].

Barnardos also attended the formal opening of CLAN's Orphanage Museum at Bankstown by Senator Murray.

FA 36. Barnardos facilitated access to ex-clients for the BBC oral history project on Child Migrants produced by Charles Wheeler of Whistledown Productions, and has assisted in the production, publication and distribution of many books on ex-clients experiences of growing up in Barnardos [mostly written by child migrants].

FA 37. N/C.

[Barnardos has undertaken many research projects in conjunction with the University of NSW and Sydney University on the provision of Out-of-Home Care today, including a 10-year Longitudinal Study on Barnardos permanent care program, as well as research on Restoration. Barnardos is the lead agency for the development of guided practice tools such as Looking After Children [LAC], Looking After Children Electronic System [LACES], Supporting Children and Responding to Families [SCARF] and the integrated system].

FA 38. N/C.

FA 39. N/C.

[Barnardos has established two student scholarships for final year social work students to enable mature age students to complete their studies and then work for Barnardos].

Section Two – Other Initiatives.

Barnardos has been pro-active in maintaining its support for CLAN - the major agency in NSW that has campaigned for past providers, State and Federal Governments to implement the Reports' recommendations. Barnardos has played an active role in supporting CLAN professionally, financially and personally.

Barnardos is a "past provider" member of CLAN and has committed annual funding of \$5000 to CLAN with no conditions attached [FA 20]. In addition Barnardos has contributed books to the CLAN library, attended functions with and organized by CLAN [such as the opening of the new CLAN office and Orphanage Museum], and has been represented on the CLAN advisory committee. Barnardos has advertised CLAN's services at its Reunions and has nominated CLAN as the preferred provider of support service to ex-Barnardos clients who may prefer to receive support from an independent body. Barnardos has also followed up referrals made by CLAN of ex-Barnardos clients who have requested assistance.

At a more personal level a representative of Barnardos offered to escort the two founders of CLAN to a reception organized by The Order of Australia Association when they were each awarded the Order of Australia Medal

Barnardos has regularly attended the Forgotten Australians Past Providers Implementation Reference Group convened by the Association of Child Welfare Agencies [comprising ACWA, the NSW Department of Community Services, past provider agencies, and CLAN]. Barnardos participated in the 2005 implementation workshop organized by FaCHSIA [that included a display of the Barnardos Aftercare service].

Barnardos also delivered copies of the Alliance for Forgotten Australian's information booklet to ACWA for distribution to all ACWA member agencies in NSW as an insert with the ACWA newsletter.

