

## Care Leavers Need for “A Right Of Access To Information”

By Joan Fawcett

### Introduction

My name is Joan Fawcett. I am commonly known as Jenny (as my mother’s name is also Joan). I have children, I am married and work full time. I am a fifth generation local girl brought up in a country family environment; I was neither adopted, nor fostered, nor institutionalized. I am also a history researcher, genealogist and history author.

I have spent over twenty years assisting people with their family history by helping to identify, locate, access and interpret documents that help that process.

I have often been called upon during the last twenty years to help people who were raised in orphanages, homes, and institution or who were adopted, or raised in circumstances where they were separated from their families through informal, formal or illegal processes. I estimate that I have personally assisted some three hundred people in that time frame, and I have provided information or direction to hundreds more, through a free genealogy website and through conversations with those who ten fold beat a path to my door.

I have assisted voluntary support services such as CLAN to help care leavers obtain and make sense of their records, and to help fill the gaps in the information that has been provided by identifying other documents to access. (CLAN itself provides a desperately needed point of contact for care-leavers who are commonly distrusting of government or denominational agencies).

I am usually asked to help make sense of their lives by helping them to access information relating to their upbringing and their families. My assistance to them was to direct them foremost to the existing approved government agencies that assist them to acquire some documentation, and then provide a voluntary support service in providing further direction to documents that fill the gaps provided by those formal agencies.

I am writing today about what I have learned about the need for care leavers to have an automatic right to information and documentation relating to their upbringings, care, and their family history. I am particular referring to those who were institutionalized, those who were orphaned, and those who were adopted. I am sharing my knowledge and experiences in the hope that it will change to the common approaches and practices that are failing care leavers.

I will put my experiences in plain English. I have formed my opinions from twenty years of experience, both in a professional and voluntary capacity. I take a non-emotive approach to assisting people, and I have no certain agendas, other than assisting those who come in search of help because they are frustrated by the inability to obtain and interpret records, and receive assistance to analyze information presented piecemeal to them. I don’t know if my opinions are legally or morally right, because the boundaries are so blurred when it comes to human lives:- so I can only share with you what I have learned. I will no doubt be politically incorrect at times as through necessity I must be blunt and factual

The people I have helped varied in age from 21 years to 90 years of age. I will refer to them as care leavers. They came from all walks of life: Despite their current occupation, age, living circumstances, family structure or experiences they all came with one express wish and that was to make sense of their upbringings.

Their first contact comment was usually: “I need help to find my family, and I don’t know how to do it”

Their second comment was usually “I cannot progress with my life until I make sense of my upbringing”. Other comments were commonly “I have been searching for my mother/father/family all my life and I need to find them”, or “I have tried to find my family but I am told there are no records”, or along the lines of “not knowing my family has affected all of my undertakings in life”.

Their foremost need was to find information about their upbringing and their family so as to make sense of their individual life circumstances. Their formative understanding of a search was constituted of simple undertakings such as:

1. Are there records that can help me
2. How can I find and access them
3. Who will help me
4. Can I afford this search

In reality, their searches are complicated by higher agendas:

- The histories of Care Services in Australia.
- The different agencies and private organizations and individuals who constituted care services (eg religious denominations, government agencies,)
- The relationships between government, denominational and informal Care Providers
- The types of Records and Documentation held by the differing agencies
- The obligations of agencies to record and maintain documentation about care services and those placed in their care
- The obligations of those agencies to archive care records
- The right of care leavers to access documentation about their care
- Enshrined Legal Rights, the reason they were formed, and what agencies govern those rights and enable the process to access and interpretation.
- The rights of care leavers to know and understand their enshrined rights
- Duty of Care by agencies to care leavers
- Duty of Care by agencies to their own organization
- Obligations by Institutions to release documentation
- The reluctance of agencies to compile comprehensive histories of their organizational and care processes, practices and strategies, and of the homes, institutions, and other places they provided care through
- The practices, policies and strategies of agencies in employing Care Providers (eg housekeepers, superintendents of organizations etc) and in determining their suitability to be Care Providers.
- The lack of cohesion between interstate services
- The failure of Government to provide a national care leavers search service, which should create a bridge between the services and agencies in each state

Because of the past conflict between the needs of care leavers, and the practices, policies and strategies of care providers, it has been a daunting process for care leavers in initiating a search, accessing documents and understanding why some records are provided and yet access to others is denied, delayed or hindered.

Care leavers commonly reported to me:

- Difficulty in determining who was the agency who provided their care
- Confusion with accessing the search and support services of those agencies
- Their right to know exactly what records they can automatically be supplied with
- Confusion with terminology and jargon by the differencing agencies
- Lack of cohesion between agencies, care providers and support services
- Confusion with how information about how to search being presented in non-user friendly way.
- Operating Office Hours by institutions that were not user friendly to working care leavers
- Daunting application procedures including the need to prove their own identity, which they were sometimes unable to provide.
- The slow procession of application and the provision of information and documentation, often running into months between application and response.
- Lack of services for country people, who commonly have to travel to city centers to access records, provide identification,
- Expenses associated with visiting services provision centers or agencies
- Expensive costs associated with accessing their care records, and of those other records that are essential to understanding their family history including the purchase of birth death and marriage certificates, cemetery records, war service records of parents or relatives .
- Expenses associated with interstate services
- The difficulties in accessing records interstate if their care has crossed state borders
- The difficulties and expenses in having to prove themselves over and over again to agencies in differing states.
- Lack of advocacy services

Care leavers commonly reported that within differing agencies, the level of information, help and support were affected by individual personalities of people they encountered. Some were professional and helpful, and some seemed unable or unwilling to provide the same level of professionalism.

The searches are also commonly hindered for care leavers by issues such as

- Literacy
- Income
- Support
- Counseling
- Fear and/or Distrust of Institutions, Agencies and Organizations
- The resurfacing of unpleasant memories of their time in care
- Fear of meeting individual care providers from they suffered assault or abuse
- A sense of unworthiness that has governed their adults lives
- Health issues

Care Leavers formative experiences in trying to locate information was usually daunting and most were put off in their initial search. For many, by the time they contacted me they were on their second or third attempts to find their families and to access information. This may be due in part to their emotional status combined with the daunting paperwork processes to be undertaken, prohibitive costs, and viable access to records themselves, or to the institutions that hold records collections.

The information they initially accessed was often confusing to them because they did not understand how and why information was collected about them, and why it had been maintained, and how and why it might be available, and why other records were denied to them.

Another issue for care leavers was not being able to have an appointed agent who could assist them access and interpret records. An advocate. The processes in place daunted many if they felt they were not literate enough or worthy enough to be entitled to records. . They usually felt put off by people they dealt with at counter tops, and with understanding organizational approaches and undertakings, and with understanding what right they had to certain information.. They seemed confused by information presented on organizational or government information documents, and by access times, office hours, and the costs associated with getting to those places they needed to obtain information from.

This is not necessarily a fault with any particular organization: it is often a combination with organizational policies, practices and strategies, and with the emotional status of clients whilst searching, and with the need for government duty of care to all those involved in the searches.

For those involved in these information searches, it is an emotional time. They are commonly apprehensive about the nature of the search, nervous about finding family and what their reactions will be, and they are anxious about what information they are going to find in the paperwork they are seeking. As they obtain bits and pieces of paperwork piecemeal, their emotions commonly seesaw between excitement, disappointment, fearfulness, and apprehension as they farmed out pieces of a jigsaw.. They start off with a goal in sight, and as it gets closer they become fearful of the outcome, because they are familiar with what they used to have, and they are apprehensive about how they will cope with the changes in their lives if it occurs, and they worry how their searches will affect other people.

I cannot speak for the undertakings each year by organizational and government agencies. I can only tell you the outcomes of the people I assisted. Despite the eventual outcome of their search, each expressed their relief at finally

- a) having an outcome,
- b) having some form of resolution to their search for knowledge and of their family;
- c) having had emotional assistance or support throughout the search the process, and
- d) having the right to information about their care

It is my opinion that it is not always about the outcome of the search itself that helps provide resolution for care leavers, instead I believe that they also become empowered throughout the process by their right to information and knowledge. These people commonly felt they had no rights as children in care services, no right to a sense of worthiness as they grew up, and were bound to a sense of gratefulness for all small kindnesses sent their way through life.

As they find they have a right to know about their care, and they had a right to proper care, it gives them that which was taken away from them as children through no fault of their own; empowerment, dignity and pride.

The final outcomes of searches for care leavers are not always pretty for them, there are some facts and knowledge's that cannot be wrapped up. But by the proper acquisition of ALL documents that are kept (but not always made available) it can make sense of some darkest fears, memories and limited knowledges. Information is everything for these people. It empowers them, to make choices and decisions about their lives and provides them with outcomes they feel some control over. This results in better relationships, health and future family practices.

## Recommendation.

I think it is time to undertake a holistic approach to enabling care leavers right to their family history, and to put a stop to the lottery system of dealing with agencies, organizations, care providers and support services.

I believe there should be one commonwealth agency that nationally governs, supports and ensures access to records for care leavers, relinquishing parents and separated family members. It should provide a national bridge to all agencies that can provide necessary document to care leavers, and it should enshrine their right to those records, and ensure counseling and support services are in place to assist those in the search process.

The agency policies, strategies, practices and functions could include dealing with issues already raised, including:

- The provision of an understanding of care history
- The provision of a service to each care leaver in allowing an understanding as to why records were kept about care leavers, how those records were collated, and why they were kept, and how they can be accessed.
- The provision of an understanding to each care leaver about the history of the agency they were raised under, its function, its responsibility and duty of care to the care leaver, its authority as a care provision service, its operational period and those undertakings by those in authority during its operations..
- Legal determination that ensures all associated agencies and organisations provide a ready list of all documents they hold which might hold records relating to a care leavers time under their jurisdiction, and ensure ready access that will provide all records to care leavers of a full account of their time in care.
- Very importantly, that a full assessment is done of what records each organization/agency/institution kept during the care processes, and how they were collated and archived, so that care leavers can be sure they access ALL of their documents (*this is important to care leavers who spent time in different instructions under one care provider, but who only receive limited information which does not cover all of their care time, including outings to family, foster families, their education, their admission and discharge records, the exit procedures operating at the time of their departure from care*). I have seen too many instances of people only receiving piecemeal records that leave huge gaps of years in their individual care history.
- Free of fee services to obtain their essential family records including their birth certificate, their parents' birth certificates and marriage and death certificates, burial records for their parents and siblings, essential details relating to siblings.
- A one-agency approach to co-ordination, access and obtaining further records to assist their search. *Australia's archival institutions and libraries hold a wealth of information that can further assist care leaver searches: records.*
- Consultation with existing search and advocacy services to determine the best united approach to assisting care leavers access their documentation, and to ensure counseling and support services are provided, and that other resources are identified that will enable searches to be fulfilled
- Free counseling services READILY AVAILABLE to care leavers through out the search process to ensure their well-being.
- The appointment of case managers to each care leaver who applies for assistance to obtain their records and family history.
- Determined time frame outcomes for care leaver searches, and accountability procedures if those time frames are not met
- Determination of charter of rights for care leavers, their right to records, and their right to be treated with dignity and respect
- Accountability for those who fail to ensure the service is not delivered professionally.

We are entering an enlightened age, we know now through their anguished voices affects on care leavers of their experiences in care, and their need for family identity, good, bad or indifferent. We see the financial costs of their experiences in rising health costs, and broken relationships, and it will only grow as they enter into the rising aged care services sectors and they have no or little family support.

You have the opportunity and power to make a change to people's lives. You can give back to care leavers the sense of identity of which they were stripped of. It wasn't your fault, but you can certainly go a long way to fix it. You have the opportunity to apply the wisdom gained through hindsight and inquiry. The Government has been listening to people and I now ask (urge) you to recommend a national service, and changes to common practices, to provide a national strategy to assist care leavers regain their family identity, and provide them with some peace in their life.

I will be happy to make myself available for further comment if it will help

Yours truly,  
Jenny Fawcett