

# National child safety and wellbeing information sharing

Submission to the National Child Safety Office

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**CREATE Foundation**

A Level 1, 3 Gregory Terrace  
Spring Hill QLD 4000

T 07 3062 4860

E [create@create.org.au](mailto:create@create.org.au)



## Introduction

CREATE appreciates the opportunity to respond to the *Scoping paper: National child safety and wellbeing information sharing*. As a national organisation, CREATE welcomes the need for national legislative and administrative consistency for exchanging information related to child safety and wellbeing. It also argues that more clarity regarding information sharing processes is required to uphold consistency in practice. As it stands, current information sharing schemes in each jurisdiction are inconsistent, adding additional barriers and layers of complexity for CREATE, an organisation operating in each state and territory, to provide the best service possible for children and young people with an out-of-home care experience throughout Australia.

Not only will a national information sharing scheme add an extra layer of protection for the safety and wellbeing of children and young people, it recognises and strengthens the safety factors in organisations that work across jurisdictions, particularly for roles that operate across borders. Information sharing would also significantly reduce compliance burden and would enhance the importance of CREATE's advocacy work in being able to maintain visibility of children and young people with a care experience and provide a voice for them, especially if they relocate across Australia.

CREATE notes that this paper examines the Royal Commission's recommended national scheme outside the context of government-to-government information sharing. As a member of the Child Safe Sectors Leadership Group (CSSLG) and as a national non-government organisation that provides services and support to children and young people with a care experience, CREATE welcomes the opportunity to provide input regarding the gaps and opportunities that have been identified in the following questions. CREATE hopes its responses will better inform potential approaches to national information sharing. CREATE has provided responses to Questions 1–4 to share its views about improving inter-government sharing, and where relevant, the impact that this has on CREATE's work and access to children and young people. CREATE has provided a limited response to Question 5 as COVID-19 has not impeded its capacity to support young people in care.

## Question responses


**1. What kind of information does your organisation handle with regards to children? How does this information relate to the safety and wellbeing of children in the context of a national scheme?**

- **Information held within your organisation, and information that your organisation seeks from other organisations.**
- **This may include information that you are able to share, as well as information that you are unable to share.**

CREATE's membership has grown to over 25,000 children and young people aged 0-25 years. Members' details are stored on the *clubCREATE*<sup>1</sup> database which handles demographic information including children and young people's names, addresses, contact details and additional personal details (e.g., age, culture) to promote participation opportunities in CREATE's events, programs, and/or research. Other types of data, such as medical (physical or mental health) information, is needed for facilitating camp attendance or course engagement. However, such details are retained only while the event is in progress.

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<sup>1</sup> Children and young people who participate in activities and events conducted by CREATE Foundation are invited to become members of *clubCREATE* and have the opportunity to share their views in consultations and research projects.



Member details are securely stored in CREATE's internal database and are not shared with any other organisation or individual, in line with CREATE's *Privacy Policy*. As this information does not relate directly to safety and wellbeing, there is no need to proactively share this information with other organisations. However, given the nature of CREATE's work there are times where disclosures related to the safety and wellbeing of young people are made by care-experienced children and young people who use its services, or participate in its research or consultations. CREATE abides by relevant child protection legislation and the organisation's *Disclosure Policy* and notifies the appropriate authorities where a disclosure is made. Where suspected disclosures are made anonymously during research projects (i.e., disclosed anonymously online) all efforts are made to share the available information with the relevant child protection authority.

- **If this information is not able to be shared currently, would it be useful to be able to proactively share this information?**
- **Is there information you are currently unable to access that you feel could be important in ensuring the safety and wellbeing of children?**

CREATE believes having access to the contact details of all children and young people in care would ensure an added layer of protection for their safety and wellbeing. Currently information is proactively shared with CREATE by four jurisdictions (Tasmania, South Australia, Western Australia, and Queensland). However, CREATE has been unable to access this information in the remaining four jurisdictions: New South Wales, Australian Capital Territory, Victoria and the Northern Territory. This inconsistent approach used across Australia hinders CREATE's access to be able to engage with children and young people in out-of-home care, facilitate their participation in empowerment programs, share their voices about their experiences whilst in care, and connect with others in the care community.

## **2. What information do you share with or request from other agencies? This may include within your agency and across jurisdictional borders.**

- **With reference to the information outline in response to Question 1, how is information shared within and external to your organisation? Are there specific schemes/policy/legislative regimes you use regularly to achieve this?**

### **Information Sharing Agreement Requests**

As the national consumer body representing the voices of those with an out-of-home care experience, CREATE has made numerous requests to each state and territory government department regarding information sharing agreements. To date, CREATE has information sharing agreements in four jurisdictions including Tasmania, South Australia, Western Australia and Queensland. However, CREATE believes there should be greater clarity and parity about information sharing so that there is consistency in practice across jurisdictions.

CREATE's requests seek the provision of contact information about children and young people with a care experience so it can better facilitate their access to relevant programs and activities. Agreement to information sharing increases children and young people's opportunities to connect through:

- Culturally appropriate connection activities with one another, their siblings, and their community;
- Culturally appropriate self-development opportunities to enable them to inform the systems that support them; and
- Engagement with systems advocacy, including direct input, to the Department on issues impacting their lives in care..

CREATE asks for information sharing arrangements to provide access to, and support for children and young people in out-of-home care to share their experiences through being a member of *clubCREATE*. Once contact information is made available, CREATE sends an introductory letter to each child or young person and a separate letter to their carer and relevant Department office informing them of the following:

- CREATE Foundation's services including *clubCREATE* and its member benefits;
- How to contact CREATE if the child (or their carer or child safety officer acting on the child's behalf) wants to ask questions and/or opt out of membership;
- Correspondence the child, carer and child safety officer will receive once the child/young person is a member of *clubCREATE*;
- That information provided to CREATE will be kept private, will not be provided to any third parties, and will not be used for any other purpose than contacting the child or young person;
- How the child (or their carer or child safety officer acting on the child's behalf) can ask for their information to be removed from CREATE Foundation's database if they decide to opt out at any point.

All information provided is used by CREATE Foundation solely to advise children in care of its services and programs. CREATE Foundation also seeks to negotiate contact with children and young people in care for specific research purposes that aggregate the views of care-experiences young people for sharing with decision-makers. Information provided is securely stored on the *clubCREATE* membership database and is managed in line with CREATE's *Privacy Policy*.

CREATE also notes that each of the jurisdictions that have shared information with CREATE, provide access to information differently, from sending through information in secure spreadsheets, to requiring CREATE to access dedicated portals to download agreed information. Once the information is received, CREATE integrates the data into the *clubCREATE* database, updating and reviewing information where relevant. At times the information received may not be as current nor as accurate as the information CREATE receives via direct contact with children and young people, e.g., carer's contact details will need to be updated if a child has moved placements. CREATE can assist governments by sharing updates in the contact details it uncovers.

**Are there any (real or perceived) barriers that hinder your ability to sharing information, both within and external to your organisation?**

- **Describe any barriers to sharing within your organisation, across jurisdictions or between sectors – for example, organisational, legislative, or technical barriers.**

### Barriers to Sharing Information

At the moment, there is an inconsistent approach used across Australia regarding contacting children and young people in out-of-home care to help them connect and engage with other children and young people in the care community, and to provide opportunities to share their voice to advocate for a better care system. Part of this challenge is due to the lack of clarity in policy, and various interpretations of the roles of recognised prescribed bodies. Departments in Tasmania, South Australia, Western Australia, and Queensland have recognised CREATE Foundation as a prescribed body with which relevant information-sharing agreements currently exist.

However, requests for information sharing agreements have largely been rejected by the remaining four jurisdictions: New South Wales, Australian Capital Territory, Victoria, and the Northern Territory. This is due to concerns and opposing interpretations of privacy laws and confidentiality concerns, and the lack of recognition of CREATE Foundation as a prescribed body, despite its being funded by all Australian governments to provide services to children and young people in care (e.g., McDowall, 2016). These barriers hamper vulnerable children and young people's access to information and the opportunity to connect and improve themselves via empowerment programs. Furthermore, it means additional time and resourcing is required to complete CREATE's work, as staff members spend considerable time trying to locate, engage, and encourage children, young people, and their carers to participate in the programs the state systems have funded for them to attend.

Additional barriers to sharing of information arise from the outsourcing of Child Protection services to agencies, having multiple IT systems, and varying policies making consistent communication with non-government agencies difficult.



## The Need for a National Security Check/Working with Children Check (WWCC) scheme

CREATE would also like to highlight the recommendations of the *Working with Children Checks report* (Royal Commission into Institutional Responses to Child Sexual Abuse, 2015) supporting the need for a national centralised WWCC database that will introduce consistent standards and facilitate cross-border information sharing. Currently, each jurisdiction has their own Security Check/WWCC scheme but a lack of integration means that WWCC are not portable across borders.

Changes to Queensland's Blue Card system require CREATE's Board members to seek security clearances and WWCC in Queensland, despite the Board members living in other jurisdictions and having police checks/security clearance in these states. This process is out of step with all of other jurisdictions in Australia and has cost the organisation a considerable amount of staff time and resources securing out-of-state approvals. The lack of consistency in the advice received when attempting to implement the existing process has led to unacceptable delays, and at times the complexity of the task seemed overwhelming, even for professionals who work in the sector and helped shape the legislation.

Implementing a national WWCC sharing scheme or database would significantly streamline this process and allow those in national roles to carry out their duties and responsibilities without an undue regulatory burden. Organisations such as CREATE, that have employees who fulfil unique national roles, and who work with children and young people to create a better care system, should not be penalised by bureaucracy. As it stands, the current lack of integration and easily identifiable requirements for national roles mean there is potential for inadvertent non-compliance or, worse still, potential loop holes where roles and activities are not adequately screened via a holistic national approach.

### **3. Please outline any components of an information sharing scheme, existing or otherwise, that you would like to see in the national scheme.**

CREATE agrees that organisations working with children need the right information, at the right time, to assess risks, make decisions, and deliver appropriate services. CREATE supports Recommendations 8.6–8.8 of the Royal Commission's recommended scheme that outline various arrangements for consistent legislative and administrative practices and provisions.

CREATE would like to highlight two important components that must be considered in the development and implementation of the national information sharing scheme. This includes the scope of safety and wellbeing as it relates to children and young people, acknowledging their right to be made aware of information that is being shared about them, and having available supports in place to access these records.

#### **Scope of safety and wellbeing**

In the national scheme, CREATE would like to see wellbeing and the safety of children and young people apply to more than just sexual abuse. Emotional and physical abuse should also be captured as they are major reasons for children and young people entering the child protection and out-of-home care systems (Australian Institute of Health and Welfare, 2020).

Research in the USA with young people in out-of-home care has highlighted that mental and emotional health were important to their sense of wellbeing, specifically in regards to emotional regulation and self-care strategies and activities (e.g., Kelly et al., 2019). This is similar to the findings of CREATE's *Health and Wellbeing* consultation with young people in the New South Wales, where wellbeing was broadly thought to encompass young people's sense of being "happy" and "healthy" and having all of their needs met (CREATE, 2020). This includes their physical and mental health, their feelings, and their relationships. As wellbeing is a subjective experience, it also incorporates self-perceptions and evaluations of their individual life circumstances, living situation, and environment.

*It means that all of the factors of your life are met. You are happy, you are healthy, if you have cultural needs or want to go to church and stuff you have all those factors met. And spiritually and stuff.*

(Female, 17)

- **Are there any components that you would not like to see?**

#### **Use of Inappropriate Language in Case Files**

Children and young people should be made aware when their personal records are being shared, particularly if they contain sensitive information such as past sexual behaviour. CREATE believes that caution should be used when using the term “harmful sexual behaviour” as it can be stigmatising and may be subjectively based on worker’s assumptions or values. Processes should be tempered so that records and information about children’s sexual behaviour are managed to inform therapeutic approaches that do not brand, criminalise, or stigmatise children later in life. Children and young people must be supported to access this information if requested, so as to allow adversely affected persons their right to respond to untested or unsubstantiated allegations in their records. Reliving past events can become traumatic, so it is important that children receive assistance in this regard, including content warnings and information for emotional support (CREATE, 2016b).

- **Consider the Royal Commission’s recommended scheme as a potential model.**

#### **Jurisdictional Arrangements: Security/Working With Children Checks**

CREATE is aware that while progress is underway for a national sharing scheme of records and information across borders, there are still complex arrangements regarding WWCC requirements and checks for national organisations (Royal Commission into Institutional Responses to Child Sexual Abuse, 2015, p. 3–5). Additionally, it is noted that recognition of the needs of employees who relocate or work across borders is required, and appropriate mechanisms must be established to facilitate such activities. For example, the implementation of a national WWCC scheme that acknowledges the cross-jurisdictional nature of these services, as recommended in the *Working with Children Checks* report, by sharing WWCC information among states and territories is essential (Royal Commission into Institutional Responses to Child Sexual Abuse, 2015). Without an arrangement in place, ongoing loopholes are able to persist allowing perpetrators to move across borders for work potentially undetected when they should be monitored and held accountable.


A lack of consistency across jurisdictions causes further complexities that may hinder timely decision-making for a child or young person’s safety or wellbeing and can result in unnecessary duplication across schemes (Royal Commission into Institutional Responses to Child Sexual Abuse, 2015). Having access to a national database would allow organisations to be able to check WWCC in real-time and could ease the burden on state and territory systems. As some state departments have diverse portfolios, there needs to be consistency so that all children and young people receive the same protections and benefits to ensure their safety and wellbeing.

- **Consider the various jurisdictional arrangements that currently apply in your context.**

#### **Parity of Information sharing agreements**

While the CREATE Foundation is not a direct accommodation, medical, or social service provider, its mission is based on creating a better life for children and young people in care. As mentioned in the response to Question 2, CREATE already has existing information sharing agreements in four jurisdictions. CREATE strongly urges that the national scheme provide clarity and parity for information exchange arrangements.

The South Australian government recognised the importance of CREATE’s role in working with children and young people, when it accepted Recommendation 165 of the *Child Protection Systems Report* (Child Protection



Systems Royal Commission, 2016) that specifically highlights this arrangement within the South Australian context:

“Reach an administrative arrangement with the CREATE Foundation to provide it with the names and contact details of children entering care and/or their carers (as appropriate)”.

CREATE’s advocacy in sharing the voices of children and young people, and its ability to independently contact children and young people to obtain their views, promotes their safety and increases their access to information and advocacy mechanisms.

#### **4. Are there any de-identified case studies your organisation can share that highlight current issues with information sharing?**

- **This may include where information sharing practices worked well, or where the barriers to information sharing resulted in a negative outcome for children’s safety and wellbeing.**


While CREATE has information sharing agreements with Tasmania, South Australia, Western Australia, and Queensland, these agreements are all different in terms of the scope of information that is provided as part of each agreement, how often information is shared with CREATE, and the processes involved (e.g., whether it is proactively shared or if CREATE is required to request this information). For example, in South Australia, information provided includes first and last names, birth dates, addresses, carer’s details, department office details, and email addresses. Mobile or phone numbers may be provided but only on request. In Western Australia, email addresses, Indigenous status, and details about whether a child has entered care in the last 12 months initially were provided in addition to the child or young person’s personal details. However, phone and mobile numbers were not included, requiring further negotiation that was only recently approved. Again, CREATE would like to highlight the complexities this has on its ability to engage with, and deliver consistent services to children and young people. Therefore, clarity and parity of information sharing agreement policies and practices is crucial.

CREATE’s *Go Your Own Way* report (McDowall, 2016) strongly highlights the challenges of providing services with limited information sharing of young people’s contact details. In this case, it was the delivery of a nationally consistent resource for care leavers called the Go Your Own Way (GYOW) Kit. Due to a lack of information and assistance from government departments (even though all governments contributed funding to the production of the Kits), CREATE had no control over the distribution of GYOW Kits, resulting in only half the intended population receiving the resource. This also negatively resulted in CREATE being unable to independently send, communicate, or provide support or encouragement to young people for using their GYOW Kit, limiting the number who ultimately transitioned having a leaving-care plan.

In a 2016 Media release, Ms Jacqui Reed, CEO of CREATE Foundation stated:

*What we’ve encountered is that Ministers representing Departments often support the releasing of contact information for children to recognised agencies such as CREATE, but that view does not flow down through the organisation’s culture to reach staff. So staff, feeling they need to be “protective”, take the approach that they must not ever release data, even ... when it would enable those from out-of-home care to share their experiences of growing up in the system. (CREATE, 2016a)*

Permitting all jurisdictions to share contact details would help encourage children and young people to engage with CREATE and participate in its events, programs, courses, and research opportunities that can assist them with speaking up, or sharing their voices so that they are seen and heard. Children and young people are able to meet others with a care experience, make lifelong friends and connections, and access information and grants that can empower them. With a national system, achieving these outcomes can enhance and improve children and young peoples’ sense of safety and wellbeing regardless of where they are located in Australia.



**5. Has COVID-19 impacted your organisation's information sharing practices? Noting this may be in a positive or negative way.**

Fortunately, COVID-19 did not impact on CREATE's information sharing practices. But, in hindsight, having access to information sharing in states that do not currently provide contact details for children and young people may have helped more of them to participate in online activities or be contacted for check-ins during periods of more rigid restrictions. It is particularly concerning that two of the states with the largest care populations are yet to agree to share information with CREATE to support their children and young people.

Thank you for the opportunity to provide comment towards the National Child Safety and Wellbeing Information Sharing Scheme. For any questions or further information please contact Noelle Hudson, CREATE's National Influencing Manager at [noelle.hudson@create.org.au](mailto:noelle.hudson@create.org.au).

*NHudson*

Noelle Hudson  
National Influencing Manager  
CREATE Foundation





## About CREATE

CREATE Foundation is the national peak consumer body for children and young people with an out-of-home care experience. It represents the voices of over 45,000 children and young people currently in care, and those who have transitioned from care up to the age of 25. Its vision is that all children and young people with a care experience reach their full potential; its mission is to create a better life for children and young people in care.

To do this CREATE:

- **CONNECTS** children and young people to each other, CREATE, and their community to
- **EMPOWER** children and young people to build self-confidence, self-esteem, and skills that enable them to have a voice and be heard to
- **CHANGE** the care system, in consultation with children and young people, through advocacy to improve policies, practices and services and increase community awareness.

CREATE's mission is achieved by providing a variety of activities and programs for children and young people in care, and conducting research and developing policy to help advocate for a better care system.

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