

Royal Commission into Institutional Responses to Child Sexual Abuse

The State of Victoria's response to the Royal
Commission's consultation papers on

Records and recordkeeping practices

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Introduction

The Victorian Government participated in two public hearings that examined the contemporary and historical recordkeeping practices of the Department of Health and Human Services (DHHS): *Case Study 30: State-run youth training and reception centres* and *Case Study 33: The Salvation Army (Southern Territories)*. Victoria Police has also given evidence about the importance of records in investigating allegations, whether contemporary or historic, in *Case Study 30* and *Case Study 40: Criminal Justice*.

The resources needed to create and maintain accurate records, and make historical records accessible are significant for both large government institutions, and small community service organisations. The Royal Commission hearings underscored the importance of records to the business of the government, the quality of the services it provides, and the harmful consequences of poor practice. The understanding of what constitutes a good record and good recordkeeping practice has evolved over the last fifty years and continues to do so. The Victorian Government continues to seek to improve its recordkeeping practice by leveraging technological advances and through learning from systems reviews, audits and the recommendations of the Royal Commission.

This paper addresses the issues raised in the Royal Commission's *Records and recordkeeping consultation paper*, with respect to the records of children who reside in or interact with institutions, and allegations and incidents of child sexual abuse. The paper does not directly respond to each of the questions posed by the Royal Commission, but provides examples of experiences that may be useful to share, or where we have identified an area where a strategic reform can be further strengthened by drawing on the learnings of the Royal Commission. The paper draws on the experience of the Departments of Health and Human Services (DHHS), Education and Training (DET), Justice and Regulation (DJR) and Premier and Cabinet (DPC), as well as Victoria Police and the Public Records Office of Victoria (PROV). The latter sets and oversees record keeping practices across the Victorian Government.

The Victorian Government looks forward to the release of the Royal Commission's final report on out-of-home care in early 2017 and its final report at the end of 2017, and any further direction these may provide with regard to records and recordkeeping.

1. Principles

The Victorian Government agrees with the five principles outlined by the Royal Commission in the consultation paper and notes that they are broadly aligned with existing standards and principles. It is suggested that the following amendments would strengthen the intent of the principles:

- Principle 2 could be amended to '**Full and** accurate records must be created about all decisions and incidents affecting child protection **and wellbeing**', reflecting a commonly understood principle of recordkeeping practice and legislation.
- Principle 3 could be amended to 'Records relevant to child sexual abuse must be appropriately maintained **and safeguarded**' to ensure that records are kept securely.

The Victorian Government awaits with interest the formulation of a proposed sixth principle, noting that the intent behind the proposed principle may be better accomplished through including or strengthening existing compliance requirements in existing service quality compliance and monitoring processes. For example, the Victorian Child Safe Standards (the Standards), Phase 1¹ of which came into force on 1 January 2016, require service providers to have in place processes for screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel (Standard 4). The Standards also require processes for responding to and reporting suspected child abuse (Standard 5) which will require up to date and effective recordkeeping practices. The Standards will be monitored by the Commissioner for Children and Young People.

2. Improving contemporary practice

In Victoria, public sector recordkeeping standards and practices are set by the Public Records Office of Victoria (PROV), in accordance with the *Public Records Act 1973*. PROV provides the Victorian Government with best practice records management, including advice, standards, policies and procedures for disposal. Its Government Services team is responsible for selecting and transferring the right records into Victoria's archival collection.

Organisations providing community services, whether government or non-government, generally develop records for two distinct but overlapping purposes: managing client service delivery, and managing organisational responsibilities. Barriers to good recordkeeping practice include overlapping legislative frameworks and confusing administrative processes, inadequate training for staff and resourcing constraints. All these factors can contribute to confusion about the importance and practice of good recordkeeping.

Improving government and non-government approaches to records and recordkeeping requires ongoing attention to the purpose, processes and practices of recordkeeping, and the development of sophisticated tools and technology. Feedback from service users is an essential part of any practice improvement strategy. Feedback should be sought from the children and families whose lives are the ones being captured and reflected back to them. It should also be sought from service providers with daily experience of balancing and prioritising the administrative requirements of their jobs with the need to deliver critical services. Ensuring consistent, ongoing service user input is challenging and needs to be constantly considered and addressed.

Government also has a responsibility to ensure all staff are appropriately trained in the purpose and practice of good recordkeeping, and are provided with refresher training as required. Operational processes can also be used to improve the quality and consistency of records, through building in regular review points, such as those used by Child Protection. Other oversight and monitoring mechanisms, such as unannounced audits and regular monitoring of organisational performance against standards and service agreements reinforce good practice and identify gaps in practice to be addressed.

¹ Phase 1 applies to organisations that provide services for children that are government funded and/or regulated. Phase 2 applies to other organisations that provide services for children from 1 January 2017. Further information is available at: <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards>

Reviews underway

In addition to feedback from clients and service providers, government regularly receives advice and recommendations from independent reviews and audits of government practice. These reviews, together with the work underway to implement whole-of-government initiatives including expansion of Working with Children Checks, the development of the Reportable Conduct Scheme, and strengthened information sharing protocols, will support the development and implementation of improved and integrated recordkeeping practices across government.

The Victorian Auditor General

As part of its Performance Audit work program, the Victorian Auditor General's Office (VAGO) is currently conducting an audit into the management of public sector records against the state's requirements.² The audit follows VAGO's 2008 audit of PROV and encompasses PROV, DHHS, DET and DPC, examining all aspects of their recordkeeping practices including both organisational and client-related records. The final report is expected to be tabled in Parliament in February 2017.

The Privacy and Data Protection Commission

Following a privacy breach in July 2016, the Commissioner for Privacy and Data Protection (CPDP) announced a review of DHHS's child protection recordkeeping and information sharing practices. The *Review of Department of Health and Human Services' Information Security Practices*³ will focus on three main areas:

- Information security governance within the department
- Information security practices and procedures in relation to foster care operations
- Information security practices and procedures in relation to domestic violence operations

The final report is expected to be tabled in Parliament by the end of 2016.

Other recent reviews

In addition to the CPDP's own motion enquiry, in July 2016 DHHS commissioned an independent *Review of Child Protection Privacy Incidents and Carer and Client Safety*, conducted by John Leatherland.⁴ The government accepted the review's seven recommendations, including:

- development of additional staff learning and development tools, specific to the Child Protection program
- changes to the Child Protection and Out-of-Home Care manuals to document procedures and appropriate advice regarding the withholding and release of information
- reinforcing the responsibility of service providers to ensure their staff are aware of their responsibilities
- changes to court-related documents
- clarification of the relationship between the central Privacy and Complaints Unit and operational divisions' responsibilities
- establishing a working group to consider strategies to address systemic pressure points.

² http://www.audit.vic.gov.au/work_in_progress/audits_in_progress.aspx#records

³ <https://www.cdpd.vic.gov.au/dhhs-review>

⁴ The review and DHHS's response are available at: <http://dhhs.vic.gov.au/publications/review-of-child-protection-privacy-incidents/>

The Minister for Families and Children has recently engaged The Hon. Frank Vincent AO QC to conduct an independent review of the DHHS handling of allegations of child sexual abuse of a former client by an employee who is now subject to criminal charges. The outcomes of the review will be used to improve the ways in which the department records and responds to similar allegations in the future. The final report is expected by November 2016.

DHHS will continue to monitor the outcomes of other program reviews and evaluations for recommendations that would improve the value and purpose of records, particularly for clients and their families.

3. Accessing personal records

Records maintenance

Current state of records and legislative environment regarding storage

The Victorian Government is bound by a range of legislation, case law and regulations relevant to the obligation to retain documents, store them appropriately and protect privacy. This includes the *Public Records Act 1973* and the standards for creation, maintenance and security of public records issued by the Public Record Office Victoria (PROV) pursuant to that Act. Other relevant Acts are the *Public Administration Act 2004*, the *Evidence Act 2008*, *Privacy and Data Protection Act 2014*, *Crimes Act 1958* and the *Health Records Act 2001*.

DHHS retains a large amount of hardcopy records, both historical and current, relating to children residing in residential care services, foster, permanent and kinship care, disability services and youth justice centres. These include files, handwritten records, hard bound indexes and registers, and card systems.

Historic record holdings

Generally speaking, PROV recommends that the process for documenting records should be prioritised based on the likelihood that harm occurred, the fragility of the records and the age of the records. The highest priority should therefore be accorded to out-of-home care records relating to former wards who would now be in an older age bracket (70-99 years old is the suggested range for highest prioritisation, followed by 60-69, then 50-59 and so on). Records older than this should be deprioritised.

The resourcing implications of requiring institutions that hold large volumes of unindexed historical records to index their files are significant. Indexing work should ideally be managed by professional archivists, to ensure that the most efficient methods for ensuring accessibility are employed.

Ward Records Plan

In March 2012, the Victorian Ombudsman undertook an own motion investigation into the storage and management of ward records by the then Department of Human Services.⁵ The inquiry assessed the state of ward records held by the department and investigated issues such as lack of knowledge

⁵ *Investigation into the storage and management of ward records by the Department of Human Services*, March 2012, available at: <https://www.ombudsman.vic.gov.au/Publications/Parliamentary-Reports/Own-motion-investigation-into-the-management-and-s>

about the content of records held, inadequate storage and inadequate auditing and identification of records.

The Inquiry's report noted the department held 80 linear kilometres of historical records spanning over 150 years and that the majority of records remained 'uninspected, unindexed and unscanned'.⁶ The report further noted that boxes remained unexamined due to resourcing issues, and that requests to the department for access to records were often unable to be fulfilled due to an inability to find records.

In December 2012, the department published its Ward Records Plan⁷ (the Plan), providing a detailed plan for implementing the recommendations of the Ombudsman's report and the Victorian Auditor-General's Office *Freedom of Information* report⁸, which examined the extent to which Victorian government departments and Victoria Police meet the requirements of the *Freedom of Information Act 1984* and associated guidelines.

The Plan focuses on the historical records of former wards of the state and care leavers, as well as former clients in custodial settings and disability and mental health institutions. The overall project was divided into phases, with files given priority based on type, and dealt with in order. Under the Plan, more than one million historical paper-based records have now been indexed with key data captured in the department's electronic records management system. The department now has greater certainty about its ward records holdings and is able to undertake more accurate searches. The project is scheduled for completion by the end of 2016.

Records held by DHHS-funded institutions

Over time a number of non-government organisations have provided support and accommodation services to children on behalf of the state. Where an organisation has ceased operation, its records may be taken over by a related or successor organisation. Where this does not happen, institutions may transfer records deemed to be of 'permanent value' to the custody of PROV, and the rest to the custody of the department. Some institutions transfer the entirety of their records to the department, which then appraises the records and transfers those of permanent value to PROV, whilst retaining the other records in accordance with the relevant Retention and Disposal Authority. Such transfers are regulated by PROV Standard 10/17 G3: *Transfer of Custodianship*.

Following the publication of the Ombudsman's report in 2012, the department accepted Recommendation 5, which required it 'negotiate agreements with non-government agencies currently funded by the department to identify and index all records of former wards of the state and provide access under protocols formally agreed with the department'. The department subsequently wrote to 48 funded agencies asking for confirmation that they have an index of records for wards, both past and present, and can locate the records readily. Attestations were received from all of the agencies by November 2014.

⁶ Ibid, p3

⁷ Available at: <http://www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/plans-and-strategies/key-plans-and-strategies/department-of-human-services-ward-records-plan>

⁸ Available here: http://www.audit.vic.gov.au/reports_and_publications/latest_reports/2011-12/20120418-foi.aspx

Disposal: Archiving and destruction

Sentencing and disposal policy and legislation

In Victoria, disposal of historical government records occurs in accordance with the requirements of the Public Records Act and the PROV guidelines, particularly *PROV Recordkeeping Standard 10/13: Disposal*.

This standard defines the minimum retention periods and consequent disposal actions authorised for classes of records described under the standards. The standard identifies records that should be preserved permanently, prevents the premature destruction of records that need to be retained for a specified period, and authorises the destruction of records that are not required permanently.

Child Protection and Family Services

Retention and Disposal Authorities (RDAs) are standards that provide continuing authorisation for the disposal of particular classes of records. They may be specific to an agency or applicable to more than one agency. The *RDA for Records of the Child Protection and Family Services Functions* (PROS 08/12) applies to records relating to child protection, client service organisations, out-of-home care service providers and carers.

The retention periods for classes of records contained within a RDA vary according to the nature of the records. For example, under PROS 08/12:

- Case records of Child Protection Services clients where the first intake of the child occurred during or before 1989 are to be retained permanently at the state archives.
- Case records of Child Protection Services clients where first intake occurred post 1989, and the client was not placed on an out-of-home care placement order are temporary records and can be destroyed 75 years after the child turns 18 years of age.

Information about all records authorised and sent for disposal by DHHS's Records Management Unit is entered in the department's records management system, TRIM. The TRIM system functions as a register of destroyed documents; information about those documents and the date of their disposal is kept in perpetuity.

Mandatory retention periods for records are important and agencies funded by DHHS are required to keep records created in the delivery of services in accordance with the same retention requirements as the department. These retention requirements are specified in the *Record retention guide for organisations funded under the Service Agreement*.⁹

Access to records

Freedom of information and privacy

DHHS applies the *Freedom of Information Act 1982* when providing access to records within its possession. The Act provides a framework that affords care leavers a number of protections, including the right to timely provision of records and the right to seek review of a decision to refuse release of any part of the records. Certain information is exempted from release under Part 4 of the

⁹ Available at: <http://www.dhs.vic.gov.au/data/assets/worddoc/0009/952866/record-retention-guide-apr-2016.DOC>

Act, such as information that is deemed to put at risk the privacy of third parties mentioned in the documents. Information that falls into the categories listed in Part 4 is redacted from personal files and is not released to the applicant.

Non-government service providers are not considered 'agencies' under the Act and the statutory obligations to release information within specified timeframes or to review a refusal to release records do not apply. Those organisations must comply with the Privacy and Data Protection Act when providing access to records. Where historical providers have transferred their records to the department, those records can be accessed under the Freedom of Information Act.

The Access Principles

The *Access Principles for Record Holders Guidelines* (the Access Principles)¹⁰ were issued by the Commonwealth Department of Social Services in June 2015. The Access Principles consist of 12 principles that provide guidance on a range of record-related issues including:

- taking a pro-release approach and consistency of redactions
- recommending that records be provided free of charge
- the right of care leavers to a supported record release process
- the right of care leavers to amend or annotate their records

The Access Principles outline a best practice approach to redaction, which could be used as a basis for a national agreement. It is important to note, however, that even if a nationally consistent approach to redaction is adopted, its successful implementation would be dependent on organisations' individual application of the policy. Ideally, organisations would provide regular training for records staff, and undertake regular moderation exercises both within and across organisations to build consistency. DHHS practice requires each decision about redaction to be made with a pro-release focus, and within the context of release of the entirety of the records being considered.

Care leaver support services such as Open Place and the Care Leavers Australasia Network (CLAN) assist care leavers who were housed as children in a range of institutions, and whose full records of time in care are retained across a number of government and non-government organisations of varying sizes. The inconsistencies in legislation, policy and practice and levels of funding between those record holders contribute to difficulties for care leavers and their advocates when navigating the system and can result in an overly complicated process. Consistency across organisations and between jurisdictions in relation to redaction and release policies is therefore important in order to create a cohesive, service-oriented system.

DHHS reviewed the Access Principles soon after their release and found that the department's care leaver records release practice was already aligned with the key principles, to the extent allowed by the *Freedom of Information Act*. Department staff discussed the application of the principles and participated in training to strengthen their knowledge and practice of the principles within the department.

¹⁰ Available here: <https://www.dss.gov.au/families-and-children/programmes-services/family-relationships/find-and-connect-services-and-projects/access-to-records-by-forgotten-australians-and-former-child-migrants-access-principles-for-records-holders-best-practice-guidelines-in-providing-access>

The Access Principles guide the department's access and release policy and are reflected in a range of specific departmental practices relating to records. The department's 'pro-release' focus aimed at allowing care leavers maximum access to records complies with Principle 1. Each applicant is provided with information both about the supported release service provided by DHHS, and support services such as CLAN and Open Place, in line with Principle 8. Care leavers are informed they have the right to annotate their records and are assisted to do so, as required by Principle 9.

Principle 11 requires that record holders, including government departments, work collaboratively to enhance access. DHHS representatives have attended a quarterly Record Holders Working Group, hosted by Open Place, since 2014. The Working Group comprises representatives of community service organisations with responsibility for records. DHHS staff are also members of the National Find and Connect Advisory Group, which brings together representatives from state and territory government departments, Find and Connect¹¹, care leaver advocacy groups and recordkeeping groups.

Supported release and DHHS's *Improving care leavers' access to records project*

The department recognises that living in institutional or out-of-home care was painful for many people who continue to live with the hurt caused by their experiences. Many care leavers are survivors of abuse experienced as a child or young person in an institution or out-of-home care setting. Some care leavers have shared their disappointment that their records do not provide much insight into their background or the events of their childhood. Some have found their records present a very different view of reality to the one they experienced. Some language used in historical records is now regarded as offensive and hurtful.

Case Study 30 examined the past and current policies of Victoria Police and DHHS (and its predecessors) in relation to children and young people in youth training, reception and youth justice centres in the State of Victoria. At the hearing, care leavers gave evidence that they received little or no support when they received their ward files from DHHS, received insufficient explanation for redactions of information from their files, were not provided with administrative records relating to their time in care and experienced significant delays before receiving their ward files from the department.

The Victorian Government has learned from discussions with care leavers, including ex-wards of state and residents of youth training and reception centres, about the difficulties they have experienced in accessing records. These have included needing to approach numerous agencies for records, if they were moved to different institutions or homes. Care leavers have also experienced delays in receiving files after making a request, receiving very few records or heavily redacted documents, being advised that their files have been destroyed, or receiving little or no support throughout the process of obtaining their records.

The Victorian Government has recognised that it is critical to provide effective support to care leavers to navigate the process for requesting access to information, understand the information that is provided, and to manage the risk or consequences of re-traumatisation.

¹¹ Find and Connect provides information about institutions that provided historical out-of-home care. Further information is available here: <https://www.findandconnect.gov.au/about/>

DHHS began work to address the records issues raised in Case Study 30 at the beginning of 2016. As a result, the department established a dedicated, specialised Care Leavers Records Service (CLRS), commencing in October 2016, recognising that staff who are trained to understand the specific needs of care leavers can improve care leavers' experience of requesting and accessing their records. The new team will be involved in ongoing consultation with care leavers to ensure the records process is informed by best practice. In addition, DHHS is developing a *Care Leavers Access to Records* policy, which will incorporate and build on the Access Principles.

The newly created CLRS extends the department's supported release service to all care leavers, not just those who left care before 1989, as was previously the case. The service has been developed in line with a trauma-informed approach and includes ensuring the physical and emotional safety of care leavers, promoting collaboration and choice between care leavers and record holders, and minimising the risk of re-traumatisation.

The supported release function of the CLRS includes assistance with lodging an application for records, support to understand the historical context of records provided, discussion of any potentially distressing content, help interpreting decisions to exempt information pursuant to the Freedom of Information Act, help to access counselling and other supports, and help submitting further applications for records if others appear to be available.

The department recognises that some care leavers are reluctant to re-engage with the institutions responsible for their abuse, and this extends to interactions with the department as part of the records request process. The department therefore provides funding to independent services, such as Open Place and CLAN, which provide general advocacy and support services for care leavers and Forgotten Australians. These services also play a significant role in supporting care leavers to make records requests. For younger care leavers, the department funds a suite of leaving care services, available to out-of-home care leavers until they are 21 years old.

Fees and charges

Former wards are not required to pay a fee in order to access their own records. The provision of personal records is part of DHHS's ongoing obligation to care leavers. The department supports Access Principle 4, which requires no fees or charges for access to records containing personal information and would welcome a recommendation in the same terms, whilst noting the possible funding implications for smaller organisations. A number of Victorian community service organisations already provide records free of charge to care leavers.

4. Improving records for clients

The Victorian Government recognises the importance of having full and accurate records for clients, and acknowledges the particular need for full and accurate records about children. When preparing records about children, it is important to ensure that records are created and kept in a way that considers the impact of those records on the future adult who may read or view them, and what the future adult may need from these records.

Child protection and out-of-home care

Client records in child protection and out-of-home care settings are created for a number of purposes: to capture a child's personal, family and cultural history; to outline the reasons the child has been placed in care; to provide the information required for court processes; to record the actions taken by case workers; and to monitor the child's changing personal, social, educational and health needs.

These overlapping and competing purposes, compounded by the time pressures experienced by workers, can result in patchy records that contain only a minimum of information, or in baldly stated assessments that may distort the overall picture of a child's needs and circumstances.

Improving practice requires both training that reinforces the importance and purpose of record keeping, and work practices that encourage continuous reflection and improvement by staff.

The Looking after Children framework

Currently, the department uses the *Looking after Children*¹² (LAC) framework to record critical information about children or young people in out-of-home care. The framework captures information across seven domains (health, emotional and behavioural development, education, identity, family and social relationships, social presentation and self-care skills) recorded in four documents:

- Essential Information Record
- Care and Placement Plan
- Assessment and Progress Record
- Review of Care and Placement Plan.

The Essential Information Record, the Care and Placement Plan and the Review of the Care and Placement Plan are part of the electronic client information system (known as CRIS - Client Relationships Information System and CRISSP - Client Relationships Information System for Service Providers) used by CSOs who are funded to provide out-of-home care in Victoria. The recently revised set of Assessment and Progress Records used in Victoria is an off-line electronic version (currently being tested in practice prior to their planned incorporation within CRIS and CRISSP). Community service organisations registered to provide out-of-home care in Victoria can download the templates from the Funded Agency Channel.

The primary responsibility for completing and updating the LAC documents rests with the child's placement agency case worker. The documents are comprehensive but focus on information required relevant to case management, and are time consuming to update. As a result, time-poor case workers may tend to record the minimum required information. Care leavers relying on these records to fill in their personal history can therefore be disappointed, or hurt, when faced with a clinical account that focuses on the negative aspects of their and their family's history, rather than their strengths and achievements.

¹²Available here: <http://www.cpmanual.vic.gov.au/advice-and-protocols/service-descriptions/out-home-care/looking-after-children>

Out of date or partially completed records can also compromise the quality of care a child receives, particularly during a crisis, where a case worker must make rapid decisions based on available information.

5. Improving records for organisations

DHHS has firsthand experience in some of the complexities inherent in identifying, locating and consolidating different files relating to a single issue, where the files are owned by different divisions, were created at different times for different purposes, and are recorded and stored in different ways (for example, hand-written file notes, electronic documents and emails, or on computer-based client/case management or human resources systems).

Regulation and performance monitoring

DHHS engages with community service organisations on an ongoing basis to identify concerns early and continuously improve service quality. The Human Services Standards (the Standards) comprise four service delivery standards (empowerment, access and engagement, wellbeing, and participation) as well as governance and management standards of the chosen department-endorsed independent review body, and apply to a range of in-scope department-funded programs providing services to clients, including out-of-home care.

One of the areas the department expects to be covered by the governance and management standard is information and knowledge management. A number of the service delivery standards and related criteria also relate to recordkeeping. For example, one criterion is that placement details, records of life experiences and achievements, school reports, medical records, photographs of meaningful and significant events and the names of significant people involved in the child's or young person's life are available in a portable format (for example, a 'life book') that the child or young person can take with them when changing placements or leaving care. A further criterion, that services are delivered in a safe environment for all people free from abuse, neglect, violence and/or preventable injury, requires that services must maintain records of incidents, accidents and hazards.

To achieve and maintain accreditation a service provider needs to be assessed as meeting the Standards. Unless exempted by the department, funded service providers are required to undergo an independent review, undertaken by a department-endorsed independent review body, in relation to the Standards once every three years, and obtain and maintain accreditation by undertaking a minimum mid-cycle review at 18 months.

The department also undertakes performance monitoring relating to the recordkeeping clause in Service Agreements with funded organisations. The Service Agreement recordkeeping clauses cover: storage, maintaining a recordkeeping system, security of records, access to records, disposal of records and ownership of records. The Service Agreement includes a key departmental policy called the Funded Organisation Performance Monitoring Framework. Under the framework, the department's Monitoring Coordinator or Agreement Lead for the Service Agreement is required to ask the organisation annually about their systems and processes for records management, storage, retention and disposal.

If the organisation is not compliant with the recordkeeping requirements, the department monitors the issue, including the remedial action to be undertaken by the organisation and records the issue, action and severity rating in the Service Agreement Management System's compliance module called Live Monitoring.

Unannounced audits

In February 2015, the Victorian Government invested \$1.5m to commence a program of unannounced performance audits that focus on the safety and wellbeing of children in residential care, assessing compliance with elements of program guidelines, policy and Human Service Standards. As at 16 August 2016, all out-of-home care residential care units have received at least one audit.

Auditors review evidence of compliance, including Looking After Children documentation, recruitment and safety screening documentation. Staff, on the day, are asked to describe and demonstrate the incident reporting process and how records relating to children are securely stored.

Audit findings are shared with the service provider, and service providers must develop an action plan in response to the audit findings and provide this to the department. Service providers are also required to remediate any non-compliance identified within a set time frame. Auditors follow up with service providers to assess the implementation of their action plans. In most cases, the areas of non-compliance with the Standards are addressed through the implementation of the action plan developed by the organisation. If the audit outcome requires urgent action, a conference is called by the Director, Performance and Reporting, with the chief executive officer of the organisation and the relevant divisional Deputy Secretary. These conferences have focussed on the immediate remediation of the issues and safety of clients.

The audits have facilitated improvements in practice, as well as compliance with legislative requirements, performance standards and contractual requirements. Audit reports and action plans are also provided to the department's contract management staff. Audit reports may be used to inform reviews of service providers and assessments of their ability to provide residential care.

6. Improving the recording of allegations

A number of reforms to improve the overall safety of vulnerable children through improving organisations' ability to prevent, identify and respond to instances of child abuse are currently underway. These reforms include the introduction of the Child Safe Standards and the reportable conduct scheme and reforms to information sharing. DHHS is also developing a new Client Incident Management System (CIMS) for funded health and human services.

Child Safe Standards and the Reportable Conduct Scheme

In 2015, Victoria introduced the Child Safe Standards¹³, compulsory minimum standards applicable to organisations that provide services for children to help protect children from all forms of abuse. The Child Safe Standards form part of the Victorian Government's response to the Betrayal of Trust Inquiry, and apply to organisations in phases:

¹³ <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards#content-heading-2>

- Phase 1: Organisations that provide services for children that are government funded and/or regulated will be required to work towards compliance from 1 January 2016
- Phase 2: Other organisations that provide services for children will be required to comply from 1 January 2017.

Three principles cut across the standards: promoting the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds, and the safety of children with a disability. Complying with the Standards and the three Principles will require organisations to develop a robust approach to records and recordkeeping, where these are not already in place. Organisations will need to systemically and accurately record and track a range of data items, from the particularities of a client's needs and background, to the details of an allegation or complaint, and the organisation's response.

The reportable conduct scheme will improve oversight of how organisations prevent and respond to allegations of child abuse and child-related misconduct by workers and volunteers. The scheme will enable:

- the identification of individuals who pose a risk to children, but do not have criminal records, and enable them to be excluded from working with children
- independent oversight of responses to allegations of child abuse and child-related misconduct against workers and volunteers in organisations
- building of the capacity of organisations to respond appropriately and effectively to allegations of child abuse and child-related misconduct.

The Commissioner for Children and Young People will be responsible for overseeing organisations' compliance with the Child Safe Standards and the reportable conduct scheme and takes a capacity-building approach to compliance. The implementation of the Standards and the scheme includes training and advice for organisations.

Information sharing

The Victorian Royal Commission into Family Violence recommended that Victoria:

- create a specific family violence information sharing regime to provide relevant information about a perpetrator or a victim to prescribed organisations to facilitate effective risk assessment and management (similar to Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* (NSW), Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW), and the *Children, Youth and Families Act 2005* (Vic))
- support the development of an information sharing culture and assist organisations to put information sharing arrangements into operation
- consider options for using technology systems to support and facilitate improved information sharing.

The Victorian Government has committed to implementing all recommendations of the Royal Commission into Family Violence, and work is currently underway to progress recommendations regarding information sharing. In light of this work, the Victorian Government is also considering complementary approaches for addressing information sharing issues raised by the Royal Commission into Institutional Responses to Child Sexual Abuse, where appropriate. This could

potentially facilitate improvements in how organisations become aware of, and keep records of, allegations and incidents of child sexual abuse.

Client Information Management System (CIMS)

DHHS is currently developing a new client incident management system that will strengthen reporting, investigation, review and monitoring of incidents. The new system will apply to all departmentally delivered and funded services (excluding hospitals and some Community Health Services, which report through an alternative mechanism). It will assist in identifying patterns of behaviour and themes and promote service provider improvements.

The client incident management system will be delivered in two phases. Phase one involved the development of a new client incident management policy. Phase two will implement the new client incident management system across all in-scope service providers. A phased implementation of CIMS will be undertaken with full implementation expected by mid-2017.

A new client incident management system will better equip DHHS and its service providers to identify children at risk, and intervene appropriately.