

Consultation Paper on Records and Recordkeeping Practices:

Submission from

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Research project.**

7 November, 2016

Thank you for the opportunity to make a submission on the Consultation Paper about Records and Recordkeeping Practices. The activities of the Royal Commission into Institutional Responses to Child Sexual Abuse have highlighted the critical importance of records and recordkeeping to responses to child sexual abuse, as well as the particular importance of records to Care Leavers (people who have experienced 'care' in children's institutions or in the contemporary Out of Home Care system), whether or not they are survivors of child sexual abuse.

This submission is based on our experience working on the *Who Am I?* research project¹ in Victoria, in particular the research strand focussed on contemporary recording practices within the Victorian out-of-home care sector. The *Who Am I?* project (2009-12), funded by the Australian Research Council, was inspired by the recommendations relating to recordkeeping in the 2004 Senate report into Australians who experienced institutional care as children², and sought to respond to issues similar to those raised in section 2.2 of the Consultation Paper on records and recordkeeping practices. The research team used an action research methodology involving the participation of a number of key stakeholder groups, including Care Leavers, out-of-home care services, record holding organisations, academics and policy makers.

The authors support the position taken by the Find and Connect web resource in advocating for the use of the records continuum framework rather than the records life cycle model, and for the

¹ More information about the *Who Am I?* project and its research outputs are available here:

<http://www.cfecfw.asn.au/know/research/sector-research-partnership/partnership-projects/out-home-care/who-am-i>.

² 'Forgotten Australians': a report on Australians who experienced institutional or out-of-home care as children, 30 August 2004. Available at:

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2004-07/inst_care/report/index.

need to move away from questions of ownership and consideration of organisational risk, and instead adopt a rights-based framework.³

The findings of the *Who am I?* research have relevance for the consultation questions in section 4.2 of the Consultation paper.

1. How institutions can build and foster cultures that promote and recognise good records and recordkeeping practices as being in the best interests of the child
2. What training staff and volunteers in institutions need to help them understand the importance and significance of good records and recordkeeping practices

Based on consultations with young people in care, careleavers and professionals, the research identified a range of items that careleavers were likely to want to be able to access – this was named the Life Story Archive (see Appendix A). The research team then investigated the ongoing accessibility of the Life Story Archive items, through a survey and a number of focus group consultations with careleavers and out-of-home care professionals.

Barriers to accessibility

- With the exception of “Life Story Books”, records were seen as being created for professionals, without recognition of the child/ young person’s potential role as future reader / audience, or as co-creator of their records.
- Records were fragmented, stored in many different locations. For example, out-of-home care records and life story material could be found with the Department of Human Services and with one or more care-providing organisations. Medical records were kept at each clinic the child attended over the period of their time in care.
- Despite specific expectations that some records travel with the child, forwarding records at times of transition was not routine. Particular times of vulnerability were when children or young people changed placement (especially when the organisation also changed), returned to their parents’ care or moved to independent living. The result was that, with any change in circumstance, information about the child’s life easily became inaccessible to both children and those responsible for their care.
- Professionals reported being unclear about recordkeeping roles and responsibilities. Where a care team (made up of a child’s parents, carers and professionals from a variety of organisations) was responsible for a child’s care, there was no mechanism for delegating one care team member to be responsible for the creation and collation of the Life Story Archive. A lack of resources within organisations for recordkeeping activities exacerbated this problem.
- An audit of the policies on recordkeeping of the care-providing organisations participating in the research found that privacy policies focussed on measures to ensure the security of

³ Consultation Paper on Records and recordkeeping practices: submission from the Find & Connect web resource, 17 October 2016

records. However, without guidelines about which information was appropriate to share across organisations and jurisdictions, the tone of these policies overall discouraged any sharing of records. The need to protect privacy needs to be balanced with the importance of information sharing between professionals and organisations in the best interests of the child.

- In contrast to the meagre records of a few decades ago, contemporary files for children in care can amount to thousands of pages, which makes the task of finding relevant material extremely difficult. As is noted in the Consultation Paper, careleavers may find that the information they really want is missing from their record, despite its size.

Training Resource and recommendations

The findings summarised above are incorporated into a suite of online training resources to guide recordkeeping practices that support the identity needs of children and young people in out-of-home care. We believe that organisations working with children in care, and all staff in these organisations, would benefit from this training as a minimum.

The resources are designed for use at practitioner and team level, as well as including principles relevant at organisational levels. A series of videos is included, featuring 2 careleavers speaking about the importance of records to them - these videos have been widely used to raise awareness about the importance of records.⁴ A collection of tip sheets on how to write records, as well as archiving principles, are included as practical guides.

Key points covered in the training materials include the following:

1. Children and young people should be involved in the creation of records about them, even if this is as simple as asking after an incident or event - What would you like me to write in the file about today? In this way, records would gain multiple perspectives and be less mysterious and secret to the children and young people concerned.

“For me, I think the best way for me to have had the best records that I could have had was for me to have a voice in my records . . .

I just would have liked to have had some input in a story that’s going to be written about me.” [interview with care leaver]⁵

2. Records should be organised so that important information is easily locatable. For example, if a piece of information, such as the location of a birth certificate, is created as a case note and filed chronologically, this can be impossible to locate at a later date.

⁴ *Who am I? Making Records Meaningful* (2012). Retrieved from <http://www.cfecfw.asn.au/know/research-and-evaluation/sector-research-partnership/partnership-projects/out-home-care/who-am-i>

⁵ *Who am I? Making Records Meaningful* (Video recorded interview). (2012). Retrieved from <http://www.cfecfw.asn.au/know/research-and-evaluation/sector-research-partnership/partnership-projects/out-home-care/who-am-i>

3. Life Story Archive materials should be kept together and should move with the child or young person, when his or her place of residence changes.
4. In recognition that it is not possible to store all items and documents in one place, the location of important documents and other items should be recorded.
5. Organisations should always keep copies of items that are given to the child or young person, or to other organisations, as these can easily get lost.
6. There is a need for clarity across the sector regarding recordkeeping tasks, roles and responsibilities, with adequate resources attached.

Digital Records

Following the *Who am I?* project, an exploratory research project (*Working in the Cloud*, 2013) investigated the potential for creating a digital storage space for the Life Story Archive. It was found that this was achievable from a technological point of view, but could not be an effective tool without a suitable organization being able to manage / archive the digital records of children and young people in care a very long time period.

Although secure sharing of digital information is beginning to occur to a limited extent, this long-term governance issue can only be solved by the Australian out-of-home care sector as a whole, with adequate resourcing.

In conclusion:

To build a culture within institutions and across the out-of-home care sector that promotes good recordkeeping practices in the best interests of the child, a rights-based framework is essential, as well as the consideration of children and young people's interests at all points of their lifespan. Recordkeeping and records accessibility issues need to be considered from the point of creation onwards.

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November 2016

APPENDIX A: CONTENTS OF A LIFE STORY ARCHIVE

Identity Documents

Many basic functions of normal life, such as opening a bank account or getting a driver's licence, become extremely difficult without identity documents.

- Birth Certificate
- Medicare number / card
- Health Care card
- Concession Cards
- Keypass
- Tax file number
- Passport or Citizenship papers

Medical Records

A medical history is often required by young people when they embark on independent living and are responsible for their own health care, or when they start a family. Note that in Victoria, children's medical records do not have to be retained by health providers after the child turns 25. While the collection of this information should be part of all planning, triggers should be when children move into long-term care or when transition to adulthood is planned. Medical records that could be useful include:

- Medicare details
- Maternal and Child Health Book
- Immunisation history
- List of significant illnesses or injuries
- Reports from health professionals, including mental health
- Family Medical History

Educational Records

A young person's most recent education report is of practical use for enrolling in further education or getting a job. All the items listed here, however, are typically kept by parents as part of a child's story.

- Childcare records (eg. folder of art work)
- Kindergarten & School reports
- Individual Education Plan
- Certificates and Awards

Family History

Care leavers may want to re-connect in later life with significant people from their childhood.

- Genogram / Kinship Map, Ecomaps
- Names & contact details of parents, siblings, extended family members and other significant people in the child's life
- Information about the child's cultural background (including Cultural Support Plan)

Life Story Information

- Life Story Book or record reflective of the young person's experiences in care
- Photos or video of child and birth family and other significant people in the child's life
- Photos or video of child in the context of the foster family or residential unit
- Personal documents and items (eg. certificates, trophies, cards, letters, memorabilia etc.)
- Social Media passwords

History of Care – documents detailing reasons for removal from family, placement changes, etc.

- Placement history
- Details of carers
- Child Protection Court Reports
- Care Agency Court Orders and Reports
- Child Protection Case plans
- Looking After Children Assessment and Progress Records
- Looking After Children Care and Placement Plans
- Case / Care summaries which supply a narrative of the child's progress and situation for the purposes of handover
- Notes relating to complaints or abuse allegations and their investigation
(while these may not be personal records as such, it should be noted that many care leavers access their records in order to view these notes)