



Making Records meaningful
Research to support archiving and record-keeping
in Victorian Out of Home Care



<http://research.cwav.asn.au/AFRP/OOHC/WAMI/default.aspx>

PROTECTING VICTORIA'S VULNERABLE CHILDREN INQUIRY SUBMISSION

ISSUE: IDENTITY, RECORD KEEPING & CHILDREN IN CARE

RELEVANT TERMS OF REFERENCE:

This submission is relevant to the following terms of reference:

- 3.5 What are the strengths and weaknesses of the range of our current out-of-home care services, as well as the supports offered to children and young people leaving care?
- 3.5.1 How might any identified weaknesses be best addressed?
- 3.5.3 What more might need to be done to meet the needs and improve the outcomes of children in out-of-home care and those leaving care regarding:
 - Their education, health and mental health needs
 - The needs of children from culturally and linguistically diverse backgrounds

KEY PRINCIPLES:

- The child should be involved in the construction of the record.
- Out-of-home care records are a resource for identity, available to be called upon at any life stage by people who have grown up in out-of-home care.
- Access to records is dependent on how they are created and stored (archived).
- Children and young people in out-of-home care have a right to access and possess their personal records.
- Information in records needs to be understood in the context and policy environment in which it was made.
- Good personal records should be: accurate, balanced, coherent, readable, accountable and accessible.

Summary of Recommendations

Recommendation 1. Develop a standard agreed upon across the sector for the content of a portable personal record, which follows a young person through placement changes and is given to him or her on leaving care.

Recommendation 2. Clearly and consistently structure organisational files or records, and maintain this framework in the archive to facilitate the access of specific personal information.

Recommendation 3. Document where records can be found (a section in every file, which notes the locations of all reports and records stored outside the file, including a tracking sheet for recording any movement of documents from one program or agency to another).

Recommendation 4. Create common access guidelines across the sector, to align the policies and practices of record-holding organisations.

Recommendation 5. Introduce systems and processes that allow for the authorised establishment of client identity within records of the child and family sector, to ensure that clients can locate all records of relevance.

Recommendation 6. Develop sector wide standards and training to build in child-inclusive recording as a core component of recording practice, applicable to all parts of the record, but especially to *Looking After Children* and life story work.

Recommendation 7. Establish a specialist help desk within DHS to assist workers in obtaining birth certificates, Medicare cards and other identity documents.

Recommendation 8. Introduce training and policy initiatives to ensure that out-of-home care professionals appreciate the importance of records at all stages of the continuum and recognise that recording is a way of supporting clients in their adult lives.

Recommendation 9. Introduce discrete funding for CSOs to ensure appropriate storage and retrieval of records, and to provide supported records access for former care residents. Such funding would include a training budget.

Recommendation 10. The place of digital recording, its relationship to paper files, and access to digital records, are issues that urgently need further investigation, and will need a dedicated budget in the near future.

Background and Literature

In 2004, the Australian government published *Forgotten Australians: a report on Australians who experienced institutional or out-of-home care as children* (Senate Community Affairs Reference Committee, 2004). This was the third Senate inquiry into children who had been institutionalised in Australia – it followed examinations of the separation of Indigenous children from their families (Human Rights and Equal Opportunities Commission (HREOC), 1997) and the experiences of child migrants (Senate Community Affairs References Committee, 2001). At all three inquiries past care leavers provided compelling testimony of how important records about their childhoods were for identity, health and well-being.

The *Who am I?* research project, was developed in response to these inquiries and the growing concerns within the Victorian out-of-home care sector about current and future record-keeping practices. *Who am I?* is a multi-disciplinary action research project drawing on the fields of social work, history and archiving, with investigators based at the University of Melbourne, the Australian Catholic University and RMIT University. The project is examining the role played by records and archives in the health, well-being and identity construction of children and young people in care and of adults who were in care as children. The project's investigations are funded by the Australian Research Council and a consortium of 11 Victorian community sector organisations (CSOs), the Victorian Aboriginal Child Care Agency (VACCA), a peak body (Centre for Excellence in Child and Family Welfare), the Department of Human Services. The consumer organisations Link-Up, Connecting Home, Care Leavers Australia Network (CLAN), the Australian Alliance for Forgotten Australians and the CREATE Foundation, are also project partners.¹

Who am I? is responsible for the development of *Pathways*, a web-based resource for people who as children were in out-of-home care in Victoria, which brings together historical resources relating to institutional care in Victoria from its beginnings in the 1840s through to the present. *Pathways* can be found at <http://www.pathwaysvictoria.info>. The project is also investigating experiences of records access, current archiving practices and current recording practices within the out-of-home care sector.

This submission is based on the work of the *Who am I?* project, from 2009 to the present, which has focused on current practice within CSOs in the arenas of creating records and archiving. However, many of the principles that have emerged apply equally to the Child Protection sphere since, for the child, both government and community sector records are crucial in shaping and documenting his or her care experience.

Many of those who have grown up in care miss out on the rich oral history that is available to most people through family members with whom they have ongoing connections. For them, what replaces family may be temporary relationships with other young people in the care system, with social workers or with professional or

¹ The project's website and papers to date can be found at <http://research.cwav.asn.au/AFRP/OOHC/WAMI/default.aspx>.

voluntary carers. These people rarely provide the ongoing connections experienced by those raised by their families. Members of the Stolen Generations in Australia (Aboriginal and Torres Strait Islander people removed from their families as children) report this as a soul destroying grief (HREOC, 1997). The records kept about children and young people in care may be the only substitute that care leavers have for this family oral history and the photos and other records that families keep for their children.

Their importance cannot be underestimated. Aside from the detail these records may contain, they take on a symbolic importance representing the value that someone else has attributed to the identity of another. (Winter and Cohen, 2005)

A number of studies have focused on the experiences of care leavers in accessing their records, and on their motivations and support needs (Goddard et al., 2008, Pugh and Schofield, 1999, Kirton et al., 2001, Horrocks and Goddard, 2006, Goddard et al., 2005). Professional attention to the topic of accessing the care records of Australian care leavers has emerged in Australia only since the three national inquiries (Goddard et al., 2010, Murray et al., 2008).

This literature highlights the shortcomings of care leaver records, generally in the middle of the last century (Golding, 2009). While the records can provide sought after details about family, reasons for care and time in care, and thus support a care leaver's journey towards understanding his or her life story, they may also contain information that is new or shocking to the care leaver such as the existence of siblings which they did not know about. In addition, much information contained in care records was written from the standpoint of the professionals who did the recording and rarely includes the child's perspective, resulting in 'narratives' which bear little or no resemblance to the care leaver's own memories. Consequently, the information contained in care records has the potential to undermine the identity that a person has constructed and force them to construct a new narrative about themselves – often a difficult and emotional process. Either way, as Horrocks and Goddard (2006) have noted:

Accessing child care files, with their mixture of new and forgotten personal information, can be a hugely significant event in the self-identity story-telling project of these adults. (Horrocks and Goddard, 2006, p.265)

The literature also catalogues a range of problems in gaining any information at all. Some information was never recorded in the first place. And many care leavers have not been able to obtain any information due to files being lost, destroyed, damaged or withheld (Horrocks and Goddard, 2006, Goddard et al., 2005, Goddard et al., 2008, Murray et al., 2009).

The current state of record keeping

In their study of how people who grew up in institutional care adjusted to life in the outside world, Murray, Branigan, Murphy and Malone conclude that

The awareness that records are important has informed contemporary practice much more than it did in the past. There is much greater attention paid to documenting and preserving records to ensure that in the future children who grew up in institutional care can draw on material to help make sense of their childhoods. (Murray et al., 2009, pp.161-2)

The Looking After Children records (LAC) are a case in point. They are designed to bring together, and continually update information about the child in a range of domains, including health, education, and cultural identity (Tregeagle and Treleaven, 2006). In addition, life story work is used in a range of ways, both to record information about a child's life (preferably with the child's involvement) and to provide opportunities for assisting the child or young person to make sense of his or her life experiences.

The importance of records to identity for children growing up in out-of-home care has been recognized at both national and state levels. Standard 10 of the National out-of-home care standards is as follows:

*Children and young people in care are supported to develop their identity, safely and appropriately, through contact with their families, friends, culture, spiritual sources and communities and have their life history recorded as they grow up.*²

The accompanying explanatory text states in part:

Children and young people in care are to know who they are and where they have come from. Memories and experiences during their time in care will be recorded in photos and other memorabilia to help them recall the people and events that have shaped their lives. . . .

The Department of Human Services has also incorporated these principles into its new Integrated Standards, currently in draft form.

These recent positive developments notwithstanding, the shortcomings of current record keeping practices and information management systems in the CSO and statutory sectors carry a very real possibility of more generations of care leavers feeling that their past and their identity has been 'forgotten' or misrepresented. There has been a high level of engagement with the *Who am I?* project among partner organisations and their staff because out-of-home care professionals are concerned that the present status of records creation and archiving does not meet the needs of children currently in care or of future care leavers.

The complexity and fragmentation of the record

The *Who am I?* research has led to an understanding of the child's 'record' as much more than just a single entity. The statutory 'case file' is understood as the sum of many different types of case notes and reports written by professionals for other

² See http://www.fahcsia.gov.au/sa/families/pubs/nat_std_4_outofhomecare/Pages/default.aspx, accessed 17/3/2011

professionals and the courts. Alongside this documented professional activity is a set of personal records which are potentially co-constructed with children or young people to support their development, identity and well-being. These include: formal recording through the Looking After Children Records (LAC), cultural plans, life story books, as well as photos, personal letters, cards, certificates, awards and precious items of memorabilia. In addition, medical history, educational reports and identity documents such as birth certificates are part of the whole record.

The *Who am I?* research has also highlighted the fact that a child's information may be stored in a number of locations – in Child Protection files, in care agency files, with carers, with children or their families. Where children experience multiple placements with different care providers, separate files exist with each care provider. When placements change, or care episodes are interspersed with periods at home, new files may be created. Medical records and reports are frequently only located at the relevant health service, such as a clinic or a hospital. Most of this information is in paper form, although some of it may be scanned and attached to a digital record within CRIS/SP.

The transfer of information with the child or young person at times of placement change plays a significant role in ensuring that information remains accessible. However, there is evidence that even information which is needed for current work with a young person is frequently not passed on at times of transition. Until transfer of information becomes routine, there is the danger that important information will be lost, impacting not just on current care but on the ease of future access.

While it may not be possible or practicable to have all the records relating to a person collated physically in one place, it should be possible to create a personal file containing the most significant documents and information which illuminate a young person's personal history and identity, and which can be moved with the young person if s/he changes placements or leaves care. In addition, a section in every file, which notes the locations of all reports and records stored outside the file, including a way of tracking any movement of documents from one program or agency to another, would provide invaluable assistance to care leavers in the future.

<p><u>Recommendation 1.</u> Develop a standard agreed upon across the sector for the content of a portable personal record, which follows a young person through placement changes and is given to him or her on leaving care.</p>

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<p><u>Recommendation 3.</u> Document where records can be found (a section in every file, which notes the locations of all reports and records stored outside the file, including a tracking sheet for recording any movement of documents from one program or agency to another).</p>

Currently, people wishing to access information about their time in care face the prospect of applying to a number of agencies, particularly if they have been in care with different care providers. A sector wide agreement to establish common access

guidelines³, including the streamlining of proof of identity requirements, would greatly simplify the application process for care leavers. Further, with more and more records being created and stored electronically, possibilities for accessing this information need to be considered and incorporated into organisational access practices.

Recommendation 4. Create common access guidelines across the sector, to align the policies and practices of record-holding organisations.

The increasing reliance on electronic data management systems within the child and family welfare sector calls for new ways of organising information. Systems and processes that allow for the establishment of client identity would enable electronic and paper records to be quickly and easily located from a range of sources - different workers, teams, organisations or even program areas, even when names have changed. These systems and processes would enable children to be tracked between placements and programs, an area where the sector is currently experiencing significant record keeping problems.

Recommendation 5. Introduce systems and processes that allow for the authorised establishment of client identity within records of the child and family sector, to ensure that clients can locate all records of relevance.

The Child at the centre of the record - Collaborative Recording

Young people have told the *Who am I?* team that what they want from their records is for their records to contain the stories of their childhoods, the reasons why they are in care, photos, personal mementos, family and cultural information, and details of people in their lives such as carers and their families. They want to find a coherent narrative in the record.

The collaborative creation of life story books and the sensitive and appropriate involvement of clients in *Looking After Children* recording are obvious ways of creating such records. However, good collaborative practice in either these areas is by no means universal within the sector, often sacrificed to procedural recording. While training is currently being developed for *Looking After Children*, there are, at present, no ongoing training options in Victoria to develop skills in life story work, although some agencies and individual programs provide some support for this work.

Young care leavers have also spoken about not recognizing themselves in the statutory component of their records, where reports often focus on the client's problems with no reference to strengths or interests. Reading such negative accounts can be distressing for young people in care as well as for adult care leavers accessing

³ This was also recommended in the 2006 *wilam naling* report. See Department for Victorian Communities, (2006) *wilam naling, knowing who you are: Improving Access to Records of the Stolen Generations*. A Report to the Victorian Government from the Victorian Koorie Records Taskforce. p.38.

their records. Collaborative recording is also important in this area. Actively incorporating the perspectives of children and young people in the recording process is vital to producing a record that will support them in later years when exploring their identity.

The *Who am I?* research has highlighted that current out-of-home care practice is generally crisis driven and focuses on the present and immediate future. Most practitioners view recording as an accountability task (to their organisation, to regulations, to the Children's Court) which prevents them from doing "real" relationship-based work with the children in their care. There is often resistance to good record keeping given the other priorities of the work. The role of both personal and statutory records in supporting identity in the long term, and the need to consider this when creating and archiving records, is not recognised by many practitioners. The *Who am I?* team proposes that records can be created that are accountable to the child in care as well as to regulatory and legislative requirements. The child (and the future adult) should be seen as the audience of records and reports as much as the Children's Court. Practitioner (and organisational skills) need to be strengthened in a number of areas relating to recording, and the ways in which recording can support practice.

Recommendation 6. Develop sector wide standards and training to build in child-inclusive recording as a core component of recording practice, applicable to all parts of the record, but especially to *Looking After Children* and life story work.

Identity Documents

A problem relating to identity documentation has been brought to the attention of the Who am I? team by community sector practitioners. While most young people in care can access a birth certificate, attention needs to be paid to those few who experience extra difficulties in establishing their identity. A birth certificate is not an optional piece of information - without it, a range of normal adult activities are not possible - opening a bank account, gaining a drivers licence, obtaining a passport, to name but a few. Significant amounts of staff time is currently expended in attempts to obtain identity documents for young people in care, because the regulations do not allow for the particular circumstances of those in out-of-home care, and because the officials concerned do not understand the potential difficulties of proving the identity of some young people. For children on court orders, DHS must exercise its responsibility to confirm identity and it needs to resource this role.

Recommendation 7. Establish a specialist help desk within DHS to assist workers in obtaining birth certificates, Medicare cards and other identity documents.

The Records Continuum

Historically, out-of-home care records have been driven by the needs of day to day care provision and client management. Once 'closed' or archived, they were regarded as finished with, and no longer relevant. The experience of Forgotten Australians, Child Migrants and members of the Stolen Generations has shown that this is not the

case. A more useful model for understanding the role of records in the child and family services sector is the continuum view of record-keeping (McKemmish, 2007), which illustrates how records continue to have significance beyond the immediate demands of case practice, with multiple purposes in the present and over time.

This model brings all stages of the continuum together for consideration – records creation, records management, storage and the release of records. This means that, at the point of creation, the whole of the records continuum needs to be taken into account. Issues of storage and archiving are relevant to whether a record is created in digital or paper form, and to how a record is structured. At the other end of the continuum, future release of records involves the ability to locate information, and the need to support the emotional and identity needs of care leavers seeking to access their records.

During our investigations, the *Who am I?* team have found that most out-of-home care professionals were not aware of the possibility that the records they were creating in the present would be read in future years by their clients. It is critical that all those involved in the out-of-home care system⁴ understand that records are written not only for the needs of children or young people currently in care, but also for those same people at different times in their adult lives. They may have significance for offspring or other relatives as well.

Recommendation 8. Introduce training and policy initiatives to ensure that out-of-home care professionals appreciate the importance of records at all stages of the continuum and recognise that recording is a way of supporting clients in their adult lives.

Access to Records

The out-of-home care sector has a continuing duty of care to clients throughout their lives with regard to information about their childhoods. However, the increasing numbers of care leavers applying to access their records in recent years (and particularly since the Federal Government Apology) has placed a growing burden on record-holding organisations, as they currently have to source their own funding in order to manage their archives or provide supported access to records. Record-holding organisations differ in the budgets they have available and the priority that this issue is given by their Boards. The *Who am I?* team's investigations have brought to light a number of difficulties faced by care leavers seeking to access their records in Victoria.

Record-holding organisations within the sector appear to be becoming more risk-averse regarding release of records, due to the possibility of legal action following records access and the lack of a redress scheme at state government level. Once records have been accessed, care leavers find that third party information is often redacted, with record-holding organisations interpreting privacy and FOI legislation very conservatively and blacking out third party information accordingly. Those

⁴ For example, stakeholders include children and young people in care, practitioners creating records, organisations managing, storing and releasing records, adult care leavers, and other organisations who have an interest for policy and child safety purposes.

seeking to access records to gain information about siblings or other family members, frequently find that it is this information that is denied them. This is a complex issue - while third party confidentiality needs to be maintained, care leavers believe that family information is also their personal information, impacting as it does on their very identity. The *Who am I?* project has consulted with the Privacy Commissioner, who has undertaken to provide advice to the sector to clarify this issue.

An additional barrier to access relates to the appropriate archiving of records. The significant federal funding for the Find and Connect project will assist care leavers to locate records, and understand the context in which they were written. However, our research and consultations conducted within Victoria to date indicate that there are significant parts of collections which are not accessible, not for reasons of privacy, but because past transfers of records have not always been documented at an appropriate level. A considerable number of records at record-holding agencies are not currently under adequate archival control. These include both individual client files and records providing context, such as organisational minutes, annual reports and other historical items. An archival survey (also known as an accession) of the record holdings at any given agency relating to the child welfare function is an urgently needed task, particularly in the light of the Recordkeeping Standards Project being conducted by the Public Record Office Victoria, which will require record-holding agencies to comply with archival standards in the near future.

The provision of emotional support to care leavers when providing them with their records is important because receiving these records, let alone reading them, can be a highly emotional and often distressing experience. All record-holding organisations need to be able to provide or arrange for support for applicants at this time.

Recommendation 9. Introduce discrete funding for CSOs to ensure appropriate storage and retrieval of records, and to provide supported records access for former care residents. Such funding would include a training budget.

The place of digital recording

While the out-of-home care community sector increasingly relies on digital media in its operations, it continues to have a fallback position of paper filing, and this may always be the case due to the importance of memorabilia and other documents. Both the technology and the culture of professionals in out-of-home care are grappling with the ways in which the digital world and the paper world are connected through the archiving/storage and access processes.

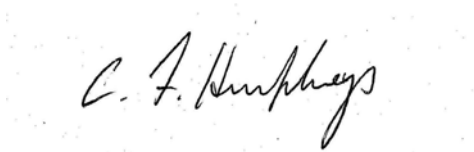
Recommendation 10. The place of digital recording, its relationship to paper files, and access to digital records, are issues that urgently need further investigation, and will need a dedicated budget in the near future.

Conclusions

Records do not create or describe a person's identity, but they can be seen as resources, which young people can call on any time of their lives to build their own sense of self, particularly if they cannot obtain this information from family or friends. In general, practitioners in the out-of-home care sector are focused on the current needs of children and young people in care, with little awareness of their longer term identity needs. Those responsible for archiving are swamped with documentation and lack the skill and resources necessary for their task. Creating records of young people's childhoods in care, and storing them so as to facilitate later access, is one way of caring for them in the future.


The *Who am I?* academic team and advisory group request the opportunity to make an oral submission to the Inquiry, in order to explain the issues set out in this submission in more detail.

Signed by: *The Who am I? Academic team*



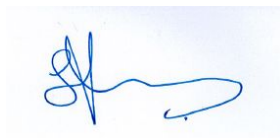
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***Endorsement by: all members of the Who Am I? Advisory
Group who represent:***

VACCA,
Open Place,
Australian Alliance for Forgotten Australians,
CLAN,
Centre for Excellence in Child and Family Welfare,
11 Community Sector Organisations
Department of Human Services.

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