

Setting the Record Straight for the Rights of the Child

National Summit 8-9 May 2017
Strategic Plan August 2017

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CHILD MIGRANTS TRUST



Connecting Home
a service for the Stolen Generations



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The Setting the Record Straight for the Rights of the Child Initiative has been established in partnership with Care Leavers Australasia Network (CLAN), the Child Migrants Trust, Connecting Home, CREATE Foundation, Federation University's Collaborative Research Centre in Australian History (CRAH), Monash University's Centre for Organisational and Social Informatics (COSI) and the University of Melbourne's eScholarship Research Centre (ESRC).

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Strategic Plan

The development and implementation of a ten year strategic plan to transform recordkeeping and archiving frameworks, processes and systems in Australia is a key action item from the Setting the Records Straight for the Rights of the Child Summit held on the 8-9 May 2017 at the Deakin Edge, Federation Square in Melbourne.



This plan aims to:

- Facilitate unified collaborative and strategic action,
- Transcend the boundaries of individual organisations, sectors and jurisdictions,
- Be supported by targeted research and development, and
- Lead the design and development of critical systems infrastructure.

With discussions before, during and after the Summit establishing the core elements of the strategy, the plan will be further discussed, developed and refined over the coming months. This is a grass roots initiative, so it will be a case of looking for and developing synergies with existing action, advocacy, research and development work.



Guiding Principles & Elements

NATIONAL APPROACH

With the Summit again highlighting the negative impacts that variations across different jurisdictions have on people's lives, progressing a nationally consistent and unifying approach is vital. We propose working towards a **National Framework for Recordkeeping for Childhood Out-of-Home Care** by 2020.

This National Framework enlarges on anticipated recordkeeping recommendations expected to be handed down in December 2017 by the Royal Commission into Institutional Responses to Child Sexual Abuse. It aims to address the full gamut of identity, memory and accountability needs for all those who experience childhood out-of-home care – past, present and future.

It also aims to identify and support the common recordkeeping and archiving needs of the key communities – Stolen Generations, Former Child Migrants, Forgotten Australians, Older and Younger Care Leavers, and children currently in statutory care – as well as their differing requirements.

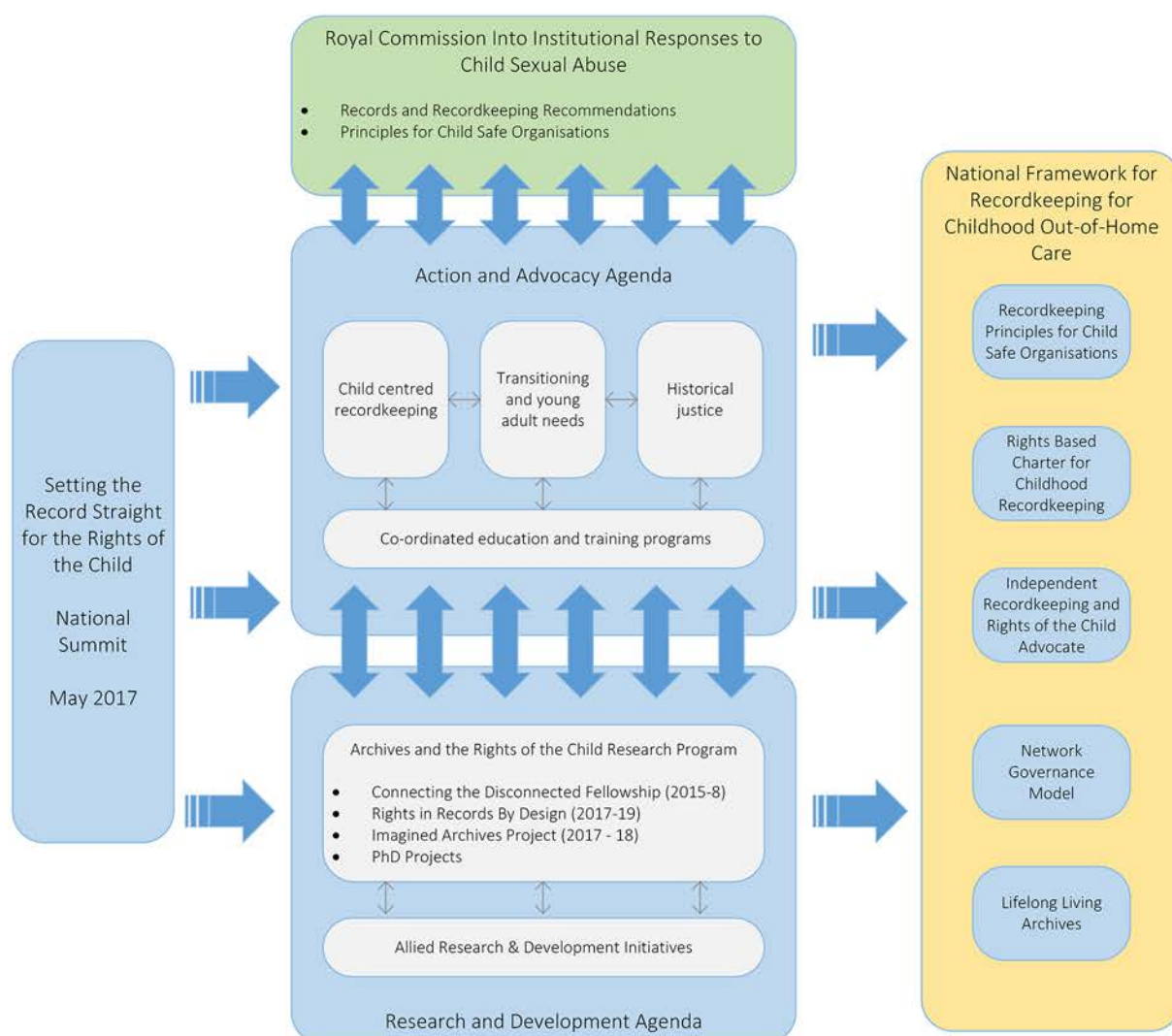


Figure 1: Towards a National Framework for Recordkeeping for Childhood Out-of-Home Care

RIGHTS BASED

A core element of a national framework is a unifying **Rights Based Charter for Childhood Recordkeeping**. The development of this Charter will be progressed by the partnership working with stakeholder communities and supported by research undertaken in the Rights in Records by Design Australian Research Council (ARC) Discovery Project.

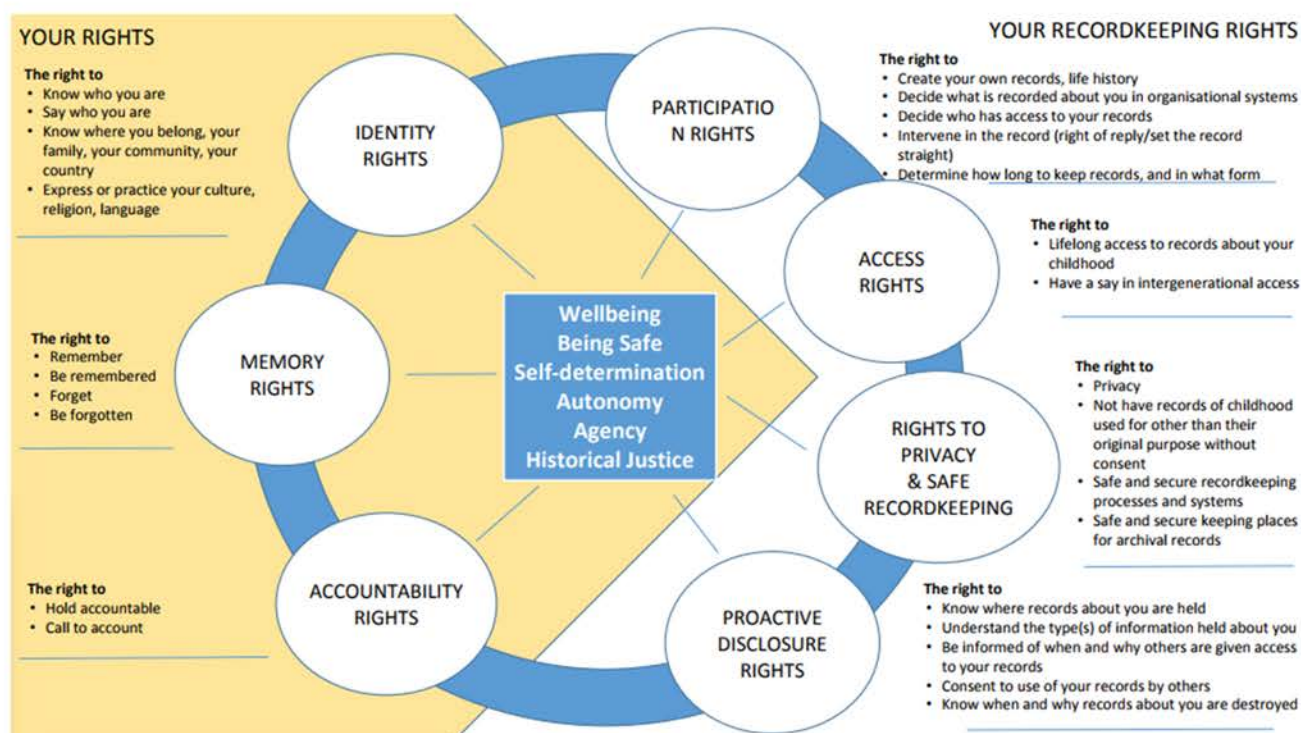


Figure 2: Towards a Rights Based Charter for Childhood Recordkeeping

INDEPENDENT ADVOCACY, GOVERNANCE AND OVERSIGHT

The Summit again revealed the structural inequalities in existing frameworks, where those who need to account for decisions, actions and inaction, control records creation, management, access and use. Discussion highlighted the conflict of interest in childhood records continuing to be held and controlled by the agencies responsible for child welfare and protection services that are also answerable for any abuse and neglect whilst under their care. Examples were raised of the impacts on adult lives of the use of childhood records of out of home care experiences under the current unmediated access regime. Access, disclosure and consent processes governed by an independent archival regime and supported by the provision of safe and secure archival keeping places, is key to addressing issues of misuse/abuse of childhood records, and meeting Care leavers ongoing identity, memory and accountability needs.

The need for independent advocacy, governance and oversight is vital to reflect a child/person centred and rights based approach. Mechanisms and models for an **Independent Recordkeeping and Rights of the Child Advocate** will need investigation as part of a national framework.

SOCIOTECHNICAL TRANSFORMATION

Creating safe and secure keeping places for childhood records is also a key element of a national framework through the development of **Independent Lifelong Living Archives**. This will require sociotechnical transformations that go beyond automating existing recordkeeping and archiving processes and systems and their incremental improvements. Reimagining the way that people, processes and technological systems work together is required, along with configuring processes and systems to represent and enact multiple rights in records and recordkeeping. The goal is to design and develop child/person-centred, participatory, interoperable, networked infrastructure able to support lifelong identity, memory and accountability needs.

The development of a **Network Governance Model** is a crucial part of this transformation to define the ways in which the different components integrate to form an infrastructure. It will encompass the designing of an innovative and adaptive interoperability framework incorporating supporting policies, protocols, and tools requirements, as well as developing mechanisms for holistic oversight and accountability.

The development of conceptual reference models for the Lifelong Living Archive will be progressed through the Rights in Records by Design ARC Discovery Project. It will include connecting with other child-centred recordkeeping initiatives, e.g. NSW FaCS Child Story, Barnardos MyStory, etc.

ACTION AND ADVOCACY AGENDA

While acknowledging the need for structural transformations in the medium to long term, discussions at the Summit also canvassed what could be achieved through co-ordination of improvements to existing practices. These ideas have been used to form the foundation of an action and advocacy agenda.

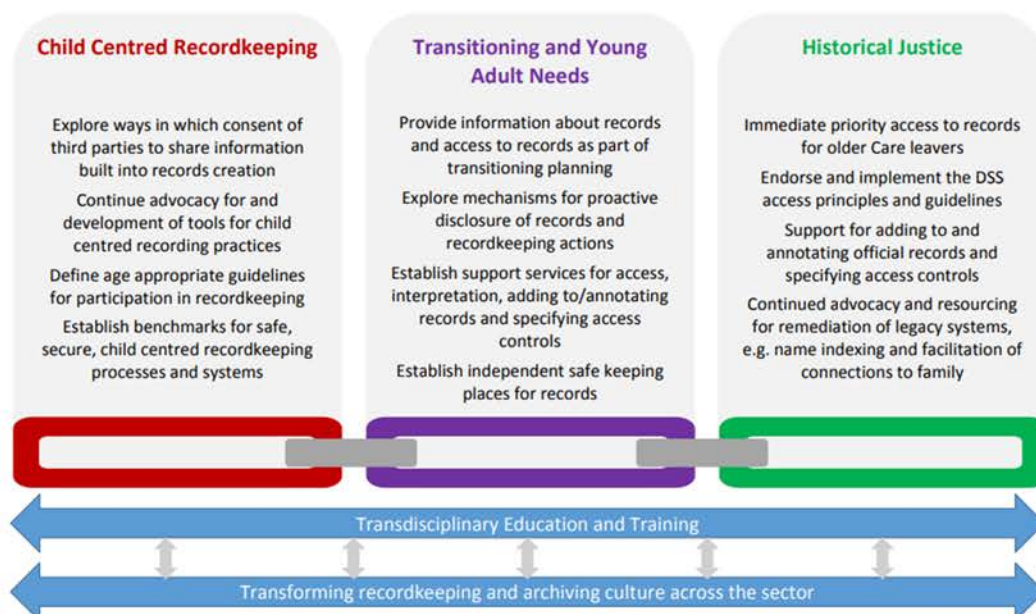


Figure 3: Towards an Action and Advocacy Agenda

A key feature of this agenda is to strive for interconnections between in care, transitioning and post Care needs. As a chain of responsibility and accountability it can only be as strong as its weakest link.

HISTORICAL JUSTICE

- Immediate priority access to records for older care leavers
 - Endorse and implement the Commonwealth Department of Social Services (DSS) Access Principles and Guidelines
 - Use administrative discretion to release not to withhold
 - Configure FOI/RTI processes and forms around proactive disclosure i.e. the right of people to know what records are held about them
 - Full unredacted release of records unless it is clearly unlawful to do so
 - Explain and discuss redactions where they must be used
 - Lobby Birth, Deaths and Marriage Registrars for a consistent, agreed and national approach for free access to second generations (i.e. me, parents, grandparents) of certificates
- Support for adding to/annotating official records and specifying access controls
 - Normalise this existing right to incorporate individual's stories into the record
 - Present the person's story first
 - Enable access wishes to be clearly expressed and honoured, including informed consent for access by researchers
- Continued resourcing for remediation of legacy systems
 - Continue advocacy for resources to remediate older systems, particularly name indexing and facilitation of connections to family
 - Create clear plans for addressing older records
 - Develop guidance for organisations transitioning from current service provider to legacy record holder
- Encourage and support initiatives that enable individuals and communities to tell their stories of 'care' experiences and the impacts of institutional systems

TRANSITIONING AND YOUNG ADULT NEEDS

- Provide records and information about records as part of transitioning processes
 - Develop briefing material for people moving out of care about their records, and how to access them
 - Without removing any rights for full access to records, identify key and critical documents to provide a pathway through voluminous case files
 - Proactive disclosure - consider establishing a process of showing people their records and/or providing a copy as part of transition, along with explaining safe keeping and ongoing access protocols
 - Proactive disclosure of access to and ongoing use of childhood records

TRANSITIONING AND YOUNG ADULT NEEDS (CONT'D)

- Establish support services for access, interpretation and safe keeping of records
 - Collectively define age appropriate guidelines about what young adults might be able to see/need/understand
 - Establish independent safe keeping places for key documents

CHILD CENTRED RECORDKEEPING

- Develop standard ways in which consent of third parties to share with the 'subject' can be expressed as records are created
- Continue to advocate for and support the development and implementation of child centred recording practices, e.g. using resources such as the Who Am I Induction Kit, identifying best practices for records co-creation, etc.
- Collectively define age appropriate guidelines for access to records (i.e. what a child may be able to see/need/understand at what age) and participation in recordkeeping
- Establish benchmarks for safe and secure child-centred recordkeeping and archiving processes and systems

EDUCATION AND TRAINING

- Records release training – work collaboratively to develop guidelines and training on how to release records with minimal redaction (i.e. only where absolutely necessary), including informative disclosure of reasons for redactions, accessible processes for appeal, effective monitoring and oversight to ensure fair and consistent practices and specialised release mechanisms over reliance on generic FOI/RTI processes.
- Research ethics – work collaboratively to devise protocols and obligations for researchers in dealing with access to case files and personal information in out of home care research.
- Records creation - lobby TAFE, universities and professional standards bodies to pay appropriate attention to writing case notes and other important aspects of recordkeeping in courses
- Recordkeeping systems – increase the knowledge and skills of those involved in delivering child protection and out of home care services, as well as recordkeeping professionals for the development and implementation of child/person safe recordkeeping and archiving processes and systems.
- School, professional and community education – support for impacted communities to create their own histories, exhibitions, memorials, commemorations, storytelling and other activities etc. to be incorporated into primary, secondary, university and other curricula

RESEARCH AND DEVELOPMENT AGENDA

The scope, size, scale and complex nature of the issues associated with recordkeeping and archiving discussed at the Summit indicate the need for a co-ordinated research and development agenda. This needs to work in concert with the action and advocacy agenda and towards the development of the national framework. While archival and recordkeeping researchers have a responsibility to take the lead in the development of this agenda, it must also be transdisciplinary and embrace the multiple community and disciplinary stakeholders of the child protection sector.

The Way Forward

The Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA) represents a watershed moment for the archives and recordkeeping community and all stakeholders in the child welfare and protection sector in Australia. It has highlighted many of the records and recordkeeping challenges, emphasising the harm that poor recordkeeping practices can cause. We are looking forward to the RCIRCSA's report in December 2017 and hopeful that its recommendations will encompass:

- Acknowledging the special childhood recordkeeping needs for those who experience out of home care, past, present and future,
- Enabling access to records as a way to enact historical justice and assist in (financial and non-financial) redress,
- Addressing the systemic problems with existing recordkeeping and archiving infrastructure,
- Tackling the current dysfunctions and disconnections through the development of a national and unifying approach,
- Establishing mechanism for independent oversight and advocacy, and
- Ensuring the mandate, the resources and the implementation plan for the development of a national, participatory and independent recordkeeping and archiving regime able to represent and enact multiple rights in records.

In reflecting on the lessons to be learned from past inquiries we advocate for:

- An implementation plan to ensure that those responsible for implementing records and recordkeeping recommendations are held to adequate account, and
- The website and records of the RCIRCSA to not disappear from the public arena once it winds up. They must remain accessible as a constant reminder of the size, scope and scale of the investigations and as a continual spur to implementing recommendations.

The Summit has demonstrated that there is a willing community ready to take up the challenge of transforming recordkeeping and archiving frameworks, processes and systems. We share with the RCIRCSA the goal of making sure that the future will tell a different story than the past.

We set the target of developing the National Framework for Recordkeeping for Childhood Out of Home Care by 2020, and to pursue its implementation, monitoring and evaluation over the following decade, i.e. 2020-2030. We also commit to further development and refinement of the priority plan of action and advocacy for immediate co-ordinated improvements outlined in this document by mid 2018.

If you would like to:

- provide feedback on this strategic plan,
- develop activities for its promotion, refinement and development,
- discuss how you or your organisation might get involved, and/or
- have an event that you would like a speaker from the Initiative to take part in

then please contact:

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