

Submission
Victorian Parliamentary Inquiry
Child Abuse
by Religious and Other Organisations

Records Management
The Evidence Burden & Paper Chase



**Former Manager Information & Record Services and Principal Advisor
Capability & Risk for the Department of Human Services Victoria**

9 April 2013

The Department of Human Services Victoria must forget about past mistakes and engage with other states dealing with the same challenges. The challenges are real and although the problem is unique in Victorian government; it is not unique within Australian government.

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Inquiry into the Handling of Child Abuse by Religious and Other Organisations

'The Committee is seeking information about how data is recorded by religious and other organisations in the context of reports on child abuse.'¹

This submission is concerned with point **15. DATA, PRIVACY AND PUBLIC INTEREST**

15.1 Does the organisation maintain comprehensive records data on the incidence and prevalence of abuse against children in the organisation? If so, are such records publicly available?

Although the terms of reference of this Parliamentary Committee of Inquiry only refer to non-Government and Religious Organisations, as outlined below, the Department of Human Services (DHS) holds records from many non-Government and Religious Organisations who were, or still are, involved in the provision of out of home services in relation to children who were wards of the state, private placements or who are currently within the child protection system. Accordingly, this Committee should be acutely aware that records held by DHS may specifically relate to the records of organisations of direct relevance to this Inquiry.

In particular, the terms of reference refer to the practices, policies and protocols regarding the handling of criminal abuse allegations by religious and non-government organisations, whether there are systemic practices in such organisations that operate to preclude or discourage the reporting of criminal abuse of children and whether changes to law or practices in such organisations are required to help prevent the criminal abuse of children.

Given that DHS is essentially the holder of the records of such organisations, both presently and historically, and given also that DHS is in many cases, the legal guardian of children who were or currently are in protective care, the practices, policies and protocols of DHS record keeping for former wards and those in the child protection system must form an integral part of this Committee's Inquiries and Recommendations.

Submission by [REDACTED]

Former Manager Information and Record Services and Principal Advisor Capability and Risk, experience includes over 40 years working in records management in all tiers of government, strategically managing records appraisal, custody, legal transfer or disposal during and after major organisational changes including; privatization, site closures and amalgamations. Approached in 1998 by DHS, to provide records management business analysis and consultancy, since this time I have provided evidence to the Victorian Auditor General Office (VAGO) 2008 audit into Records Management in the Public Sector; Subject Matter Expert on the Record Keeping Business Case 2010 approved by the DHS board; identified and removed reliance on 14 unsupported computer systems managing legacy collections in the DHS repository; identified all 70 critical foundation projects driving the introduction of the Records Management Improvement Strategy (RMIS); reviewed the Victorian Ombudsman Report into Child Protection Out of Home Care 2010 to identify records management risks; key contact and member of the Who Am I project Victoria and the Commonwealth Find and Connect project; in 2011 responsible for providing the Victorian Ombudsman with the information requested as part of the Own Motion Investigation into the Storage and Management of Ward Records. Researched all state and federal reports relating to

¹ Parliamentary Inquiry Terms of Reference

Forgotten Australians, Child Migrants and Stolen Generation during extensive sick leave accumulating in a draft business case for the introduction of a Preservation and Digitisation Unit presented to DHS management, on return to work. This report was not commissioned by DHS, and remained in draft and unsupported; this document was referenced in the Victorian Ombudsman report.

In my 15 years at the department, my various roles have allowed me to circle the whole records management spectrum, while gaining extensive insight into the challenges faced by the department in managing Ward and other legacy collections. Since the release of the Victorian Ombudsman report and the changes as part of the DHS restructure, the role of Manager Information & Records Services and the Principal Advisor Capability and Risk are no longer supported, in the DHS structure.

Department of Human Service Records Management Structure

DHS has recently undergone an organisational restructure to align services to the government's vision for making Victoria a stronger, more caring and innovative state. In the new structure the DHS records management function now reports to Information Management and Technology (IMT). This trend is common across Victorian government with the Department of Justice going against the trend and aligning records management with governance and compliance.

The new Manager Records Management role created as part of the new DHS records management structure, fails to mandate records management experience as one of the key selection criteria. This change of the basic skill requirements is a high risk decision and may have attributed to the allocation of tasks and responsibility to an inexperienced contractor to appraise and sentence highly litigious records, resulting in client records being destroyed (see point 23).

The decision by DHS to move records management under the management of IMT is another high risk decision which may appear logical, if you view the change in relation to technology only. However, records management is about the content of the message with the primary goal to create and preserve evidence; mandated by legislation and is not about the delivery method (the technology).

There is only limited legislation governing technology, possibly due to the constant changes; by the time legislation is passed - it is already obsolete. While we all embrace the advances in technology and use it on a daily basis; evidence is something that may prove to be a victim of the new age, as a consequence of always focusing forward and failing to see what has been left behind.

- DHS record-keeping is a high risk activity due to constant scrutiny and litigation; only time will tell whether the change of direction will be beneficial or spark further controversy and scrutiny.
- Records management at DHS comes with over 150 years of people's lives and histories embedded in it. IMT is seen as the driver for change and always looking to streamline business processes with the focus on improving the current system availability and response times.

IMT and records management do align at a superficial level and each can complement the other but only when the long term goals are totally aligned; this can only occur once the importance of the evidence (records) is accepted as equal and not sub servant to the delivery method. The concept of records hundreds of years old is foreign to today's technology.

Now is a pivotal point in the information evolution and only the future will reveal whether evidence is protected or has evolved into something else, to further challenge the next generation of Care Leavers.

Department of Human Service Record Holdings

Records Management is simultaneously one of the most important, and one of the most neglected, functions of government. This neglect is not unique to government and is also evident in religious and other organisations that have transferred physical records into Victorian Government custody. Often records are transferred without any details of when, where or why? Government and non-government organisations both seem to have the same aversion and distaste for the filing process. It is only decades later, when care leavers try to find out what happened to them that the full extent of poor practices are revealed.

Victorian government in good times has thrown millions of dollars at the Department of Human Services (DHS) estimated 80 kilometers of hardcopy records, introducing systems, processes and projects with varying degrees of success reinventing the wheel, again, and again. The problem and the client records are permanent but the funding is always fleeting. Decision makers seem unaware of the impact of not finishing records projects and how this further compromises the ability to retrieve these same records now and in the future. History has repeatedly highlighted the added cost of training staff in the resultant data sets, not considered in times of tight budgets. **The undated Ward Record Plan**, released by DHS, fails to recognise work that has been previously funded; in some cases completed and is throwing money at the problem again

One of the most important projects funded by DHS in 2008, was the Vital Findings Aid Project part of the Records Management Improvement Strategy (RMIS), noted by the Victorian Ombudsman with the following extract from the DHS project brief.

*'There is no one system available to DHS that holds a full comprehensive description of all active and inactive records collections (accessions / consignments), or the location and identity of key registers, indexes and finding aids. Many of the collections have been transferred into the department's custody from former hospitals, institutions children's homes and other sources.'*²

Funding for this project was cancelled without warning and the project archivist was let go after spending over 18 months concentrating on children's homes, orphanages and institutions' records; completing extensive surveys of the collections and capturing content history.

- a) This experience cannot be purchased and is only valuable to DHS or other states dealing with similar records.
- b) This knowledge has to be relearned by DHS and the work repeated as per the new Ward Record Plan. Yet this work had a solid foundation and can be built on saving considerable time and money, the new plan fails to identify or acknowledge this work and prioritises these same activities again.

The Ward Record Plan also includes projects that have been previously funded and fully completed such as the Ward Card digitisation project, quoting as a top priority the need to digitise 98 boxes of index cards, by February 2014.

² Ombudsman Victoria Investigation into the storage and management of ward records by the Department of Human Services page 27 point 135

- c) These 98 boxes hold 42,000 client registrations already digitally available in the records system, providing ward intake, admissions and discharge histories for all wards of state between 1960-1989.

- (1) This information is available to program areas dealing with former wards saving the previous fourteen day turnaround period.

- d) This project was completed in conjunction with the Public Records Office Victoria (PROV) over 2 years ago and recognised with a Sir Rupert Hamer Records Management Commendation in 2010.

This raises concerns that the Ward Record Plan has been developed in isolation and without consultation with the people on the ground; reinventing the wheel, rather than building on an already solid foundation. The work is multifarious and requires skills far beyond mere records appraisal, to piece together the fragments of a person's life and remove the blindfold currently inhibiting full record discovery.

'In order to ensure all records in scope of the Ward Records Plan are identified a thorough survey of

<i>Index Cards</i> <i>(Register, sentence, digitise & conserve)</i>	<i>Digitisation Team</i>	<i>98 boxes</i>
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departmental holdings state-wide will be completed (including holdings at PROV)'.³

With the best intentions and commitment in the world, poor strategic planning and failing to source information from the appropriate people will negatively impact records well into the future and will have a cost overhead; rather than a budget saving. It is hoped that the Royal Commission, the Victorian Parliamentary Inquiry and the pressure applied to the department as a result of the findings by the Victorian Ombudsman and Victorian Auditor General will ensure this issue is addressed once and for all.

³ Department of Human Services Ward Record Plan Undated

Challenges in Locating Care Leaver & Abuse Records

1. The majority of Victorian Forgotten Australians, Child Migrants and Stolen Generation records were created, filed and boxed before the enactment of the Victorian Public Records Act in 1973.
 - a) The Act applies to records created and received by government, Ward records transferred from religious and other organisations became Public Records when received by DHS.
 - b) The Forgotten Australians Senate report recommends all records for former care leavers, prior to 1989 to be kept indefinitely.
2. PROV has listed Forgotten Australian records as permanent in the Child Protection and Family Services Retention & Disposal Authority (RDA) PROS 08/12. Although client information created prior to 1989 is now protected, this submission will highlight that not all information related to care leavers is where it should be and can be disguised as low value financial records or handwritten handover notes and therefore, not easily recognised as a page or chapter of a child's time in care. Indications of abuse may be documented in handwritten incident reports of a lower category, or behaviour changes noted, in handover dairies and day books without being reported outside of the immediate care staff. (See incident reports)
3. DHS Ward Record Plan (undated) - Extract
'The Ombudsman's primary recommendation was that the department, in consultation with the Keeper of Public Records and other relevant stakeholders, 'develop a three year plan with specific actions, timelines, measures of progress and funding strategies for the identification, indexing, conservation, storage, management and provision of ready digital access for all records relating to former wards of the State of Victoria'.⁴
4. Another challenge in compiling a full care leaver history is service agreements, contracts, and client funding and related payments. These records often form part of a disposal program as common administration and financial records of limited value. Yet in most cases, these are the only records that validate the exact service expectation and location of a client, at a particular point in time.
 - a) Financial payments to foster carers and others providing care, do not form part of the client's file but can provide evidence for litigation purposes.
5. Staff rosters and payroll records may be the only records still in existence, of when a particular employee was on duty, within an orphanage or institution. Yet, these records are common administrative records and over time some have been legally destroyed, while others are still in storage waiting to be destroyed. There is a strong possibility that these records, as well as invoices for this period will be destroyed as quick wins, to free up valuable storage space, to facilitate the Ward Record Plan project timelines.
 - a) The DHS Ward Plan fails to recognise the importance of these records to wards and specifies that administration records will be the last priority.
 - b) Finance records and batched invoices, regardless of the subject have a 7 year retention value, as financial records and usually destroyed, without the importance of the content being considered in relation to a full client history.

⁴ Department of Human Services Ward Record Plan

- c) The other gap in the Ward Record Plan is the failure to include incident reports which is a major oversight and must be factored in to the plan immediately. (See incident reports for the importance of these records).
6. It is important to strategically map the full record creation lifecycle of care provision from incident report guidelines, inspection reports, management reports, policy documents, staff rosters, day books, and most importantly service agreement and contracts. DHS must engage with former workers from institutions, Find and Connect, Care Leaver Australia Network (CLAN) and others that can help to provide background so DHS can develop appropriate training programs.
7. **Precious time spent on these activities will help prevent chaos later, when kilometers of records and thousands of boxes are being accessed and assessed by many. It is unlikely that employees engaged to work on the 3 year Ward Record Plan, will have exposure to projects of this magnitude and training will be a critical success factor.**

History of Care Leaver Records

8. It is difficult to understand the records created by children homes and orphanages and the capture of abuse records without understanding the technology limitations, governance and available communication tools used. Most homes operated using rudimentary administrative processes related to day to day operations. The storage and long term management of records was not a priority and records survived more by accident, than precedent.
9. Institutions communicated with and between staff in writing using hardcopy registers, client files, day books and staff rosters to record care information, consolidated information was summarised for governance and reporting purposes; without the concept of long term retention or the possibility of retrieving this information, in decades to come.
10. Wards of state were registered and funded by DHS and whilst voluntary placements were not, voluntary placements and wards were managed by the same employees and subject to the same conditions. When records were transferred into DHS custody, voluntary placements and ward records shared the same boxes, files, and reports. Voluntary placements are recorded in the same documents without their names being known or retrievable by DHS.
11. The employees who originally created the information did not always make the distinction between voluntary placements and wards in documents, notes or reports. In some cases care leavers do not know whether they were a voluntary placement or ward. It is quite likely that when care leavers make a request for information, DHS will search to see if the person was a ward and if not, will be unable to find records, even though the records may be in DHS custody.

Physical Records

12. The technology, available to children homes, orphanages and institutions was paper, typewriter and carbon paper. Paper is a known commodity and easily taken for granted. It has proven its longevity and provided evidence for hundreds of years. Today's technology is yet to meet this challenge. However, paper is worthless if it is not managed appropriately!
13. It is pointless to blame the system because there wasn't any. Filing was given to the lowest man on the totem pole and was usually seen as an unfair and unjust punishment. Added to this, were the limitations of technology, including the inability to reproduce multiple (readable) copies of

documents. There were no rules because filing was unimportant; unfortunately a perception that still exists today and until the importance of records management is embedded in all work practices, the problem will continue.

14. Fortunately for the employees performing filing duties they only had one document to file; per subject - somewhere? It is the somewhere that is the challenge today where to look for documents put somewhere, by anyone decades ago. The first place a researcher will look is on the client file, yet this is one place the most controversial information is less likely to be. If the subject is related to siblings, then there is a chance that the oldest child, may have some details of their younger siblings on their ward file. However, it is unlikely when it relates to abuse.
15. Other challenges include the filing of forms, used to record common practices in a uniform and consistent manner; used extensively in the mid 20th century in childrens' homes, orphanages and institutions. To streamline the filing of forms, it became common practice to file forms by type and date range, rather than by subject, topic or client or, as evidence suggests not filed at all and put in a manila folder then in a box with other unfiled documents and stored for decades. Researchers have no way of knowing these records exist.

Abuse Records

16. The below will not be unique to Victoria. Abuse if it was recorded was usually recorded in handwritten incident reports, dairies and notes, which were rarely placed on the client's file, for various and sometimes obvious reasons.

*Sexual abuse incidents have been found in a collection of DHS children homes administration files dating from 1940-1989. 7 instances of abuse were uncovered in the first 6 of the 48 boxes, as well as 2744 references to clients in various documents, files and manila folders noted in the Victorian Ombudsman's report.*⁵

17. The files in this collection are titled and arranged alphabetically by institution, childrens' homes or orphanage and were predominately created by DHS and its predecessors to hold consolidated policy, governance, management reports and correspondence with childrens' homes and institutions. This accession also includes detailed correspondence and management reports naming employees, individual wards and voluntary placements often in the one document. The records in this accession could be the only remaining records of this period, detailing Victorian Care History.

FOR EXAMPLE:

- a) One file holds the details and outcomes of an investigation into alleged abuse at a former boy's home.
 - b) Another administration file contains a police report of an incident where two boys were taken out of the state by an employee of the home and abused.
18. Because of the small number of boxes, high client and historical value this accession was flagged as a pilot digitisation project, to help scope the resources needed to capture key historical and

⁵ See page 14 item 71 Victorian Ombudsman Investigation into the storage and management of ward records by the Department of Humans March 2012

client records stored in larger collections held by DHS. This project was stopped shortly after the Victorian Ombudsman released his findings where examples of content from these records were noted in his report.

19. Another consignment which was negatively impacted (see point 23) by the Ombudsman Investigation is accession number AS/1997/119. In late 2011, a contractor identified large volumes of client information in this consignment thought to hold general administration records. The accession held large volumes of client information including the only known records still in existence related to Tally Ho Boys Home.⁶
 - a) The RMIS Vital Finding Aids Project added the following note in 2009 before funding for the project was also suspended;
*'THIS ACCESSION CONSISTS OF ACCOMMODATION AND SUPPORT FILES CONCERNING CHILDREN - YOUTH AND FAMILIES - TALLY HO - FAMILY GROUP HOMES - RESIDENTIAL KINDER - FOSTER CARE - YOUTH TRAINING CENTRES - THE FILES ARE NOT IN ANY PARTICULAR ORDER - THE ACCESSION REGISTER CONTAINS A FILE TITLE LIST WITH DATE AND FILE NUMBER' -*⁷
 - b) Most of the content consisted of manila folders with no official registration as a record; possibly boxed on the closure of an institution, gathered from various filing cabinets and somehow combined, boxed and transferred to DHS archive storage with records from DHS Eastern Region child protection Unit.
 - c) Some DHS administration and policy files were in the collection, mixed with folders containing handwritten incident reports and large envelopes for individual clients containing documents related to official child protection investigations.
20. A search of the records system indicated that the clients' details had been transferred into the records system from the overnight interface from the child protection case management system CASIS; the envelopes held the intake and investigation filing that had yet to be attached or physically created, as child protection files. The envelopes ended up being placed in a box and stored for close to 2 decades, while the records system noted that no paper records existed for these clients. Again, highlighting the risk of not embedding records management seamlessly into work practices. If these clients or caseworkers had tried to access this information they would not find any records.
21. In these same boxes, the Victorian Ombudsman investigator pulled out a handwritten incident report regarding the sexual assault of a client. This was a single document with no supporting information identifying what, where or how the matter was dealt with. The box contained Child Protection incident reports and the sexual abuse incident noted in the Ombudsman report was in an untitled manila folder with the content, captured in 1997.
 - a) The incident did not identify the client status as a ward or child protection client, yet the incident did relate to sexual abuse.

⁶ See page 14 item ,73 Victorian Ombudsman Investigation into the storage and management of ward records by the Department of Human Services March 2012

⁷ Extract from Records Management Complaint letter dated May 2012

22. It is unclear in the DHS Ward Record Plan whether sexual abuse against clients that entered the system after 1989, will be captured as part of the project and whether the incident noted by the Ombudsman investigators, is subsequently in or out of scope.

*'My investigators also identified critical incident reports (sexual abuse) from other homes amongst another recently discovered collection of former ward records.'*⁸

23. Unfortunately, the content of these boxes have been further compromised or destroyed as a consequence of DHS Management, instructing an inexperienced and unsupervised contractor, to appraise the content.

- a) The contractor identified large volumes of client documents for destruction, including records relating to Tally Ho boys home.
- b) When asked why she hadn't kept these records as part of the Forgotten Australian's Senate Report and the Crimes (Document Destruction) Act Vic 2006, she said, she was not aware of any of these requirements.

24. The rush to complete this work was possibly as a kneejerk reaction to the following comment in the Ombudsman's report and hopefully not as a ploy to plead ignorance (plausible deniability). *'My investigation was also told by a senior staff member from the department's Information & Records Services that, despite the department's having become aware of this collection in November 2011; the boxes are yet to be appraised in any great details owing to a lack of staffing resources in the Archival Services area.'*⁹

25. Fortunately, some of the records were saved after the intervention of three senior staff members, during a visit to the archives to review the contents of these highly litigious boxes. After several attempts to locate the boxes, they were eventually found on a pallet waiting to be picked up for destruction. Concerns related to this work were immediately escalated to director level management.

26. The guarded response from the DHS records unit was that the 20 of 100 boxes were placed on the pallets, by mistake. However, the content of all the boxes in 97/119 were taken out of the original boxes and consigned elsewhere, possibly re-boxed and mixed with other records. Again creating another data set and a challenge for future researchers. Note; Photographs were taken of the empty consignment boxes and other consignments on the pallets.

27. The following extract from the PROV advice 18-2007 was not considered by DHS management when allocating this work to the contractor who lacked adequate supervision, training and records management experience.

'PROV 18 Crimes (Document Destruction) Act 2006: Implications for government recordkeeping

All Victorian Government departments and agencies familiarise themselves with the Crimes (Document Destruction) Act 2006 (hereinafter referred to as the Act) and its effects.

⁸ See page 14 72, Victorian Ombudsman Investigation into the storage and management of ward records by the Department of Human Services March 2012

⁹ See page 14 item 75 Victorian Ombudsman Investigation into the storage and management of ward records by the Department of Human Services March 2012

- a) *All departments and agencies build an explicit prohibition against the criminal destruction highlighted in the Act into their records management, information management, risk management, and other relevant policies and procedures.*
- b) *All departments and agencies include coverage of the Act's effects in relevant staff training, which must be given to any employee or contractor who is in a position to destroy documents and records.*
- c) *All departments and agencies refrain from destroying records or documents that they know are reasonably likely to be needed in evidence in future litigation, regardless of whether or not the destruction would otherwise be in accordance with a PROV Retention & Disposal Authority (RDA), or any other relevant standard authorised by PROV.*
- d) *All departments and agencies refrain from destroying records or documents that have been requested in legal discovery in a concluded lawsuit, if the nature of the lawsuit is such that further actions may follow (eg. product liability, mass personal injury).*
- e) *The implementers of RDA sentences (i.e. the people actually performing records disposal within an agency) be made aware that they cannot simply initiate a destruction based on a sentence contained in an RDA, if there is a known possibility of litigation related to the subject of the records.*
- f) *Departments and agencies in highly litigious areas of business refrain from destroying records or documents relating to incidents, activities or situations where litigation may occur, even if no cases are yet commenced.*
- g) *A comprehensive analysis should be undertaken of possible gaps existing in records management processes within and the nature of documents held by the organisation.*
- h) *Following this analysis, a risk management decision must be made on the retention of documents to avoid breaching provisions of the Act, and subsequent litigation.¹⁰*

28. It is unknown what happened to the folder reviewed by the Ombudsman Investigators. There is a possibility that these records were sentenced as temporary value of only seven years or under and already time expired, without confirming a copy has been placed on the client file or consideration of the Crimes (Document Destruction) Act Vic 2006 , or the Forgotten Australians Senate Report. (see incident reports for further details regarding the legal retention requirements for incident reports)¹¹

29. All record management disposal programs must consider past filing practices and limitations before appraising batched records, documents in manila folder and loose documents. This can be accomplished by randomly sampling content to confirm copies / originals are on the client file. If as suspected the client files do not have a copy attached then the records must be retained.

¹⁰ Public Records Office Victoria advice 18 recommendations

¹¹ See page 14 item 72 Victorian Ombudsman Investigation into the storage and management of ward records by the Department of Humans March 2012

Incident Reports

30. Incident reports are the process used by DHS and its predecessors to record, escalate and address different levels of behaviour and incidents involving clients, staff and other people that are involved in the clients' lives. These reports are completed by care provider organisations and sent through to DHS. Up until the mid 1990's incident reports were mostly hand written and incidents relating to children in care / institutions rarely involved just the one child; challenging the records management process.

31. Behaviour changes are often noted in category 2 & 3 incident reports and in the PROV standard PROS 08/12 Retention and Disposal Authority specifies these reports are retained for 7 & 5 years for minor incidents (with an assumption) that a copy has been placed on the client's file.

a. **Extract from PROS 08/12.1.5.2**

'1.5.2 Records of Category Two incident reporting, investigation and review Category Two incidents include: injury for which medical treatment is sought, but which does not require hospitalisation; assaults that do not classify as category one incidents; serious threats made against clients or staff; unethical behaviour by staff, particularly if it involves taking advantage of clients; client behaviour that poses a threat to other clients or staff; criminal behaviour resulting in police intervention; incidents that have the potential to escalate to a category one incident; and/or repeated incidents of a lower category that appear to be systemic; Includes any briefings given to the Secretary or other stakeholders that result from incident investigation and reporting. Also includes records of any decisions made regarding the resolution of issues or risk mitigation that may assist in the prevention of similar incidents occurring.

Temporary - Destroy 7 years after the date of incident or any resulting investigation¹²

32. Some of the category 2 incident report categories are subjective and could easily disguise sexual abuse as noted by the Victorian Ombudsman Investigators. (There is a strong possibility that these records may have been destroyed as time expired. See point 23)

a. **Extract from PROS 08/12.1.5.4**

'1.5.4 Records of Category Three incident reporting, investigation and review Category three incidents are considered to be those that interrupt normal work or routines, but the significance of the incident does not extend beyond the workplace or facility e.g. a broken window or similar minor damage to the facility, loss or breakage of client personal items (not including theft).

b. *Category Three incidents are not reported to Head Office, and are dealt with at the Regional Office level Includes records of any decisions made regarding the resolution of issues or risk mitigation that may assist in the prevention of similar incidents occurring; includes summary record.*

Temporary - Destroy 5 years after the date of incident.¹³

¹² PROV Retention and Disposal Authority for Records of the Child Protection and Family Services Functions page 21

¹³ PROV Retention and Disposal Authority for Records of the Child Protection and Family Services Functions Page 21

33. However the following is also documented in the same specification

a. **Extract from PROS 08/12.1.2.2 '1.2.2**

Case records of Child Protection Services clients where the first intake of the child occurred during or before 1989. Includes those clients that have relocated interstate or to New Zealand.

b. *Includes records of: Notification/s and investigations leading to intake, Client Id and personal details, Family details including addresses, names and relationships, Transcripts of interviews and meetings, Requests for reports and assessments, management and action plans requesting and receiving reports and assessments reports of in-home monitoring of the child and family, application for the transfer of custody of the child under a court order and subsequent custody orders, reports from Out of Home Service Providers and/or carers, medical reports and **incident report copies** Other progress or situational reports.*

Permanent - Retain as State Archives Transfer hard copy or electronic copy to PROV when administrative use has concluded.¹⁴

34. There is no reconciliation between the incident report and the client file during the record appraisal process, and with respect to the thousands of documents in questions, if the incident report is not filed on the client file by the organisation, institution, program area, administrative support officer or case worker, once it is boxed and stored reconciliation is impossible. Again highlighting the risk of not embedding records management, seamlessly into all work practices.

35. The number of unfiled incident reports found in administrative consignments in DHS Archives is alarming and shows the level of commitment and funding needed to capture all of a client's history to tell the whole story.

a. The only way to ensure that the evidence is available to past care leavers, is to put a freeze on the destruction of batched incident reports for child protection, institutions, orphanages and children's homes as well as Youth Justice facilities prior to 2011.

b. The Ward Record Plan must clearly identify how these critical event driven records will be protected and discoverable, ensuring these potentially crucial reports with respect to possible litigation can be accessed as per the provisions of the Crimes (Document Destruction) Act Vic 2006

36. DHS have released new Incident Report Guidelines in 2011, which specifies that Community Service Organisations (CSO) place copy/copies of incident reports on the client file.

a. The records management component of the guideline must provide more detail and guidance to address past filing mistakes.

b. DHS must review and update the incident report guideline to identify which of the multiple copies must be retained as the record and disseminate to all staff and community sector employees working with electronic and hardcopy (batch or loose) incident reports.

¹⁴ PROV Retention and Disposal Authority for Records of the Child Protection and Family Services Functions
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37. '5.2.6 Incident report records management

Service providers are required to file copies of all incident reports (completed to part 5) relating to the client in the client's file and review incidents as part of quality assurance. Service providers must maintain a critical client incident register or database. The register or database must be available for audit. Paper incident reports and related electronic data must be stored securely and only accessed by staff who have a business purpose for doing so. Paper reports should be stored in locked filing cabinets. Access to electronic data should be limited to appropriate staff only.¹⁵

Department of Human Services Records Management Improvement Strategy and Steering Committee (RMIS) & (RMISSC)

38. In late 2007, a project manager was appointed to manage a program of works for 70 key projects identified to address legacy records management issues at DHS. The Records Management Improvement Strategy (RMIS) was funded and prioritized foundation projects, which when completed would provide a framework for the management of records for DHS and later the Department of Health.

39. In Early 2008, DHS convened a Records Management Improvement Strategy Steering Committee (RMISSC) with senior representatives from each DHS division and as well as the Keeper of Public Records, Justine Heazlewood. One of the key terms of reference for the RMISSC was to provide high level direction and governance to the Records Management Improvement Strategy (RMIS).

40. The first priority of the RMIS was to develop functional specific Retention & Disposal Authorities (RDA). Until this project was completed, DHS were unable to appraise, sentence or destroy any of its 80 kmls of records specific to services provided by the department. This project was highly complex requiring extensive research, interviews with internal and external stakeholders, legal signoff, and detailed analysis in conjunction with the Public Records Office and final approval with the Public Records Advisory Committee (PRAC).

The outcomes of this project resulted in new authorities for;

- a) PROS 08/12 Child Protection and family services released in 2008,
- b) PROS 08/16 Youth Services and Youth Justice released in 2008,
- c) PROS 08/15 Public Health released in 2008,
- d) PROS 08/13 Disability Services released in 2008,
- e) PROS 08/14 Housing released in 2008,
- f) PROS 09/10 Aged Care Services released in 2009,
- g) PROS 09/09 Mental Health, Alcohol and Drugs released in 2009,
- h) PROS 12/05 State-wide Health released in 2012,

¹⁵ DHS Critical Client Incident Management Institution 2011 page 17 point 5.2.6

41. This and the digitisation of Ward index cards were the only 2 of the 70 projects fully completed before funding evaporated. Other foundation projects were funded and the most critical projects were given top priority, started and left stranded when funding was cancelled. This has negatively impacted on the records and the retrieval of the new and old data sets.
- a) **Example;**
One hundred boxes of records are transferred into DHS custody from a former institution or childrens home. A project is funded to index the records. The initial boxes have a rudimentary hardcopy listing of the content in the boxes. 30 boxes are completed before project funding is stopped.
- b) Now you have 30 boxes managed one way and the other 70 the original way. Add to this scenario that this has happened many times, over several decades but each time the initiative is stopped or started using more advanced technology.
42. Physical files and boxes are rarely touched or physically changed in any way but the process for finding the records could vary greatly and in some cases the boxes will be duplicated in the system and allocated another number, yet the physical box still stays in the same place with the original number.

Victorian Community Service Organisations and Funded Sector Records Management Initiatives

43. The Victorian funded sector record managers have come together in the Who Am I project, forum. As part of the forum different records managers from these organisations, openly discuss, the initiative they are undertaking. Some embracing the advances in technology and boasting about removing the reliance on paper, yet few are aware of the strict requirements and the need, to ensure that the digitised records cannot be altered and can be opened outside the system that created them - **forever!**
44. One sector records manager said, they have developed their own MS Access database and others were saying they have no database and their predecessor used an MS Excel spreadsheet but it is password protected and they have been forced to devise their own system.
45. One incident that highlights this issue is the transfer of adoption records into DHS custody, in early 2001 from an organisation on closure. The organisation had digitised the records onto an in-house computer system.
- a) The organisation transferred a bag of computer cassettes tapes to DHS. When it came time for DHS to look for information on the tapes they were unable to access the content.
- b) Attempts to access this information by DHS Information Technology (IT) staff proved impossible, other technical companies were asked to access the information, to no avail. Requests to staff from the closed organisation failed to uncover the fate of the original records.
46. DHS have also been guilty of the same type of initiatives, seeing opportunities in untried technology but fortunately had not taken the fatal step of destroying the original records; prohibited by the Public Records Act 1973.
- a) Keyfile was a system introduced into DHS archives around the year 1999/2000. With considerable time and effort 30% of ward index cards were captured into the system,

without anyone being aware that it would be impossible to remove the information from the system.

- b) As systems were upgraded and amalgamated the objects on Keyfile remained behind unable to be extracted. Fortunately the original records were still available and now properly captured digitally to the strict PROV specifications and the originals will be retained permanently.

Conclusion

- 47. In the past, the system was the process, so for children in institutional care evidence of daily activities would be saved to the file most suited for the subject. E.g. activities involving more than one child will be on an administration file for the simple reason that it doesn't belong on any one child's file and belongs to all; the overhead of reproducing the document and filing a document onto each file was not considered. If the information was needed, it was easily found for the day to day operational needs.
- 48. Inactive records would have easily been packed away with no overarching legislation with the thought of short-term retention or imminent disposal and not stored for retrieval, in decades to come. The filing systems used through time could not foresee the future demand for these records, by the very people the record was about.
- 49. As emphasised in this submission past record-keepers only had to choose where to file one document, even if it related to more than one client - trying to find it today is the challenge, requiring considerate resources and more importantly thought. Unfortunately, the burdensome job of filing continues today under the same assumption that anyone can do it; but only if they have nothing better to do!
- 50. The more complex the service and the more sensitive the information being dealt with as part of the service, the greater the risk and the greater need for a supported and fully funded records management program. Without immediate intervention future victims of abuse, will also be victimised and traumatised by poor evidence management, requiring future intervention at the Federal Level.
 - a) Capturing records today into a hybrid environment with the advances in technology, is problematic and is further complicated by multiple copies paper and electronic, versions, drafts and revisions being put somewhere.
- 51. Ignorance and neglect can no longer be tolerated. It is critical that government learn from the mistakes of the past, by seamlessly embedding records management in all future system deployment and business processes.

Recommendations

- 52. DHS Victoria must forget about past mistakes and engage with other states dealing with the same challenges. The challenges are real and although the problem is unique in Victorian government; it is not unique within Australian government.
- 53. DHS Victoria Ward Record plan be distributed for critical review, by relevant stakeholders and external experts to ensure the project aligns to legislation and community expectations and not just another technical solution, data set and future challenge; reducing the likelihood of

wrongful destruction or retaining real low value records, such as the leasing/purchasing equipment and stores, in storage that could be easily destroyed.

- a) DHS must engage with former workers from institutions, Find and Connect, Care Leaver Australia Network (CLAN) and others that can help to provide background so DHS can develop appropriate training programs.

54. Record management forms a separate component of the Royal Commission with separate terms of reference and a records management sub-committee formed from state government records professionals reporting to the Commission. The sub-committee would be responsible for developing a past and future records management strategic framework.

- a) Federal and State Governments support mandatory records management requirements in all government services, with severe non-compliance penalties and clauses. The current penalties are weak and do not act as a deterrent.

55. The records management sub-committee considers the best repository for the past and future records and secure funding for the long term management and retrieval of these records.

- a) The recommendation that the records be removed from DHS Victoria custody mentioned in various submission and reports is considered in line with other states and territories.
 - i) The Victorian State Library and the Public Records Office Victoria options introduce their own challenges and perhaps there are other opportunities yet to be considered at a strategic level.

56. Incident reports all categories prior to 2011, must have an immediate disposal freeze placed on them, to ensure the availability of the evidence for current and future litigation.

- a) DHS Victoria and other states dealing with the same challenges must provide clear guidelines for the management of incident reports in Community Service Organisations, as well as government, by identifying the final complete record and protecting it from inappropriate destruction.

Definitions

Accession / Consignment

A group of records transferred from a single source into the department's custody.

Administration Records

Administrative records common across Victorian government agencies

Appraisal

The process of evaluating business activities to determine which records need to be captured and how long the records need to be kept to meet business needs, the requirements of organisational accountability and community expectations.

Care Leaver

A person who has left institutional or out-of-home care.

Child Protection Client

A child who has entered the system after 1989

Community Service Organisation

A non-government agency funded by the State of Victoria to provide services.

Crimes (document destruction) Act 2006

Prevention of a document or other thing of any kind from being used as evidence in legal proceedings.

Department (DHS)

The Department of Human Services Victoria

Departmental Records

Records kept by the Department of Human Services and its predecessors.

Digitisation

A method of converting physical format records into digital format records (i.e. from paper to a digital image).

Finance Records

The function of managing the agencies financial resources and payments

Hamer Awards

The Sir Rupert **Hamer** Records Management Awards, recognising achievements in good records management practice within Victorian government Agencies and local Community Archives.

Institutional Records

Records created by children's homes, receptions centres and other institutions providing out of home care to children.

Permanent Record

A public record which has been appraised by the *Keeper of Public Records* as required to be kept as part of Victoria's State Archives. Permanent records are specified in Retention and Disposal Authorities issued by the Keeper.

Public Records Advisory Committee (PRAC)

The Public Record Office Victoria (PROV) is advised by a Council called the Public Records Advisory Council (PRAC). Council members are appointed by the Premier and Minister for the Arts, Ted Baillieu MLA. The role of PRAC is to advise the Minister on matters associated with The Public Records Act 1973 and to provide a reference group of stakeholders for PROV.

Public Record Office Victoria. (PROV)

Public Record Office Victoria is the archives of the State Government of Victoria.

Public Record

A public record is defined under the Public Records Act and includes any record made or received by a public officer in the course of his or her duties.

Public Records Act

The *Public Records Act 1973*.

Retention & Disposal Authorities (RDAs)

Standards issued by the Keeper of Public Records under section 12 of the Public Records Act that define the minimum retention periods and consequent disposal actions authorised for classes of records described in those standards. RDAs provide continuing authorisation for the disposal of these classes of records. RDAs may be specific to an agency or applicable to more than one agency.

Sentencing

The process of identifying and classifying records according to a RDA, recording/registering the appropriate disposal decision and action for the records, and applying the disposal actions specified in the authority.

Temporary Record

A public record which has been appraised by the Keeper of Public Records as being required to be kept for a specific period of time for legislative or other requirements, before it can be destroyed. Destruction must be in accordance with standards issued under section 12 of the Public Records Act. Temporary records are specified in RDAs issued by the Keeper.

RMIS

Records Management Improvement Strategy

RMISSC

Records Management Improvement Strategy Steering Committee

Voluntary Placement

Children placed in institutional care by their parents or guardians who are not under the care of the State of Victoria

Wards

Children removed from their families for any reason and placed either in the direct care of the State of Victoria or placed by the State of Victoria in private institutions pursuant to the *Neglected Children's Act 1887* or the *Social Welfare Act 1970*.