MAXIMISING ACCESS TO CARE LEAVERS' RECORDS

NOVEMBER 2021

COUNCIL OF AUSTRALASIAN ARCHIVES AND RECORDS AUTHORITIES

CAARA

Council of Australasian Archives
and Records Authorities

Table of Contents

Background

Why was this document created?

Providing a person who has experienced out-of-home care with access to records can be critical to building their life story, as the records may offer information about their development, history, context and identity.

The purpose of this guideline is to show what success looks like when records holders or archival institutions (Records Holders)[1] provide access to out-of-home care records that is consistent with key principles identified in Access to Records by Forgotten Australians and Former Child Migrants (Best Practice Guidelines) published in 2015.[2]

In 2018, the Council of Australasian Archives and Records Authorities (CAARA) established a working group[3] to consider practical implementation of the Best Practice Guidelines. An analysis across CAARA institutions indicated limited policies and practices focussing on the principles of access, annotation and support.

To address this gap, this guideline focuses on the following principles:

Principle 1 and 2: Maximising provision of access to records and all information about themselves, and core identifying information about close family

Principle 8 and 10: [Applicants have a] right to know about support and assistance services; and are entitled to use the Find and Connect Services and … other support services to assist [with access to records]
Principle 9: Care Leavers may annotate records to tell their story and express their wishes to limit access to records
Principle 11: Record Holders will work collaboratively to enhance access [to records]

---

[1] Records Holders is used to describe the institutions which have custody of Care Leavers' records. Some of these records are still held by the Government department responsible for managing out-of-home care, others have been transferred to archival custody.

[2] The Best Practice Guidelines were published by the Commonwealth Department of Social Services in 2015 and were jointly developed by the Records Access Working Group and the Find and Connect Advisory Group. Both the Working Group and Advisory Group included membership of the Find and Connect Support Services, representative organisations and state and territory governments.

[3] The working group is the CAARA Working Group on Access to Records of Out-of-Home Care (OOHCWG) and consists of representatives from CAARA institutions who are involved in providing access to records.

For information about the other principles (listed below) see the Best Practice Guidelines.

- The right to receive free copies of records (Principle 3 & 4)
- Time limits to respond to requests for records (Principle 5)
- Ability to seek review or appeal a decision (Principle 6)
- Provision of records in context and alerting of applicants to possible causes of distress (Principle 7)
- Government state or territory records holders are the repository of last resort (Principle 12)

Who is it for?

This document is primarily targeted at Record Holders within CAARA institutions and government organisations, however other organisations concerned with out-of-home care may find the content useful to guide their practices.

What records does it cover?

While the Best Practice Guidelines address records of former child migrants and forgotten Australians for the period 1920-1989, this document is intended to offer approaches that that could be considered for access to records of any person who has experienced out-of-home care where appropriate. Note while there may be overlaps in practice, specific cultural considerations for access to records of Indigenous Peoples affected by past separation policies are not covered in this document.

Introduction

Care Leavers may seek access to records about their time in out-of-home care for many reasons. They may, for example, seek information:

- about their genetic and medical history
- about family members to help with tracing or reconnection
- to help them understand or remember what happened to them (why was I removed, how long was I in out-of-home care, where did I go to school?)
- for legal matters, including Redress scheme applications

It is important to remember that records located with Records Holders may be the only avenue for a Care Leaver to piece their history together, as they do not have access to records accumulated within a family setting that people who grew up with their parents or caregivers do.

Barriers to access can have a significant impact on Care Leavers. Some of these barriers relate to the past (and present) conduct of Records Holders. Records Holders should minimise these barriers by implementing clear and consistent policies and procedures.

This guideline offers a practical approach to providing access that is responsive to the needs of people who experienced out-of-home care. It should be read in conjunction with the Best Practice Guidelines on Access to Records by Forgotten Australians and Former Child Migrants.

This document frequently refers to Care Leavers. The term 'care' for some people does not reflect their childhood experience in an institution, similarly, there may be shortcomings with other words used in this guideline. We hope that no one feels misrepresented or offended by the words used and apologise if this occurs.[4]

---

[4] Please see the Terminology section for an explanation of the terms used in this document.

What does success look like?

Records Holders of out-of-home care sector records have an important role in creating, and / or managing records about Care Leavers. Facilitating maximum access to out-of-home care records by Care Leavers and other eligible persons is a key responsibility.

Although there are legislative differences across jurisdictions, achieving general consistency in processes and policies will help Care Leavers to better understand these processes and to access records about themselves, regardless of where the records are located.

This section looks at what success looks like when facilitating maximum access to out-of-home care records in accordance with the Best Practice Guidelines principles, including:

- Access to records
- Collections of records
- Contextual records
- Engaging with Care Leavers
- Redactions
- Training
- Annotating or amending records
- Support services
- Records Holders working collaboratively to enhance access

These principles apply to accessing all Care Leaver records, irrespective of where they are located.

When measuring success, a gap analysis of current practice is a good method to develop a baseline. Consider how the principles are being addressed now and what needs to occur to improve. From here a strategy can be developed with clear targets and milestones to address any gaps.

Maximum provision of access to records and all information about Care Leavers, and core identifying information about close family

Record holders are successful in achieving this principle, if they provide a Care Leaver with all available information about their care, and their identity and that of their family, through an access process which is as simple as possible.

There are number of ways to support access to records and information about Care Leavers and close family. While the content below has been broken into categories to illustrate the different areas where positive change in practice can be enacted, all are important, and Record Holders are encouraged to take a holistic approach to providing maximum access to records.

Access to records

Success is:

- ensuring that **maximising access** to records for Care Leavers is at the centre of policies, procedures and decisions
- offering options for **informal release** of records (outside an Act). See for example, the NSW Information and Privacy Commission *Out-of-Home Care records*[5]
- providing access **free of charge**. See for example, section 153 of the *Children and Young People (Safety) Act 2017* (SA) which provides an option for free access to documents related to time in care
- having **simple, clear and consistent policies and processes** in place that ensure out-of-home care records are released in part or in full to applicants unless there is a compelling reason not to. This avoids situations where, for example, redactions are applied inconsistently over time, or because they were made by different staff members.
- **explaining reasons for not providing access**, including on the basis of privacy, in plain English, and without relying solely on references to legislation under which the redaction was made, so the Care Leaver understands why the decision was made
- **not requiring Care Leavers to justify requests** for access

See Case study 1: Access to records (including contextual records) – Department of Communities, Western Australia *and* Case study 2: Access to records – Tasmanian Archives

---

[5] More information on contextual records, redaction and maximum access to records, is available from the Access to Records by Forgotten Australians and Former Child Migrants (Best Practice Guidelines) and the Monash University Literature Review: Charter of Lifelong Rights in Childhood Recordkeeping in Out-of-home Care

Collections of records

Success is:

- **information about collections** including administrative arrangements is readily available
- collections are managed by **staff with archives or records management qualifications**
- **records are catalogued** and/or indexed to facilitate discovery and access
- **linkages between records** such as Care Leavers' case files and contextual records are defined
- **records are appropriately managed and stored** to mitigate the risk of damage or loss
- Records Holders provide **clear advice about the policies and processes** for requesting access to records
- information is readily available about **gaps in holdings** where known, including where it was not the practice to create files for individuals, where records are incomplete, inaccurate, damaged, destroyed or lost.

See Case study 3: Collections of records

Contextual records

Contextual records, such as annual reports and school records, may provide vital information when individual records such as case files have not survived (or never existed) or are limited in content or context.

Success is:

- Records Holders are aware of and **document collections of contextual or related records** that inform the out-of-home care experience
- relevant **contextual or related records are shared with Care Leavers** as part of the formal response to their request
- Records Holders have **resources available to help people understand and locate** contextual records that are useful for those seeking access to out-of-home care records.
- Record Holders **prioritise identifying contextual records** and related records in their collection

See Case study 1: Access to records (including contextual records) *and* Case study 4: Contextual records

Engaging with Care Leavers

Success is:

- **providing a simplified approach to access**:
  - implementing policies and procedures that reduce the amount of paperwork needed to be completed by Care Leavers to facilitate and support access to out-of-home care records
  - limiting the number of Record Holder staff contacts, ideally one key staff contact point is provided
  - requesting the minimum amount of personal information needed to identify an individual and offering flexible identification verification options so as to not discourage individuals from seeking access to information
  - considering the possibility of impaired literacy arising from disrupted schooling or other factors and not assuming that Care Leavers applying for records either can or cannot read
  - triaging the provision of records in response to a request to avoid providing large quantities of unnecessary records, for example, multiple copies of documents and printouts of emails
- **providing personalised support**:
  - taking the time to work with Care Leavers to understand what they are seeking and to identify records that meet their needs
  - informing the Care Leaver of the option to have a support person with them during the access process
  - referring to or engaging a culturally suitable support person for the Care Leaver, if they choose to have one and cannot identify one themselves
  - meeting with the Care Leaver in person whenever possible and being with them when they are given their records
  - providing records in the applicant's preferred format; some applicants may not have the technology to support digital access
  - clearly explaining language, jargon and acronyms used in records
  - advising applicants about search strategies and records searched to respond to their application, even if no relevant records are located
- **following up and providing ongoing support**:
  - maintaining a register of applicants and request details so that staff can notify applicants if (and when) additional relevant records are available
  - encouraging applicants to make subsequent requests when they discover new information
  - defining a set period in access procedures where staff follow up with the applicant to offer any additional assistance or services Care Leavers may like to engage in

- **informing applicants about their rights**
  - informing applicants about their right to appeal a decision to deny or restrict access
  - informing applicants about their right to express their wishes to limit access to records that contain information about themselves and how the Record Holder responds to such requests

See Case study 5: Engaging with Care Leavers – Child and Youth Protection Services, Australian Capital Territory

Redactions

Success is:

- redactions are **kept to a minimum** to ensure Care Leavers have maximum access to records about themselves
- identifying information that is in the **public domain** or has already been disclosed previously
- implementing policies and processes that reflect the principle of **maximum access to records**
- decision-making on **redacting is consistent** with policies and processes that support legislative requirements and made by skilled and authorises personnel
- providing **plain English reasons** when redactions are made, and clear advice about appeal or review processes

See Case study 6: Redactions – Department of Communities and Justice, New South Wales

Training

Success is:

- Record Holders **invest in the training** of their staff to ensure the necessary skills and qualifications appropriate to their organisation's services to Care Leavers
- having **appropriately qualified and trained staff** to manage and support applications from Care Leavers and other eligible persons for access to records – this may include qualifications in therapeutic or counselling services if this is relevant in the organisation's context
- having **qualified archivists and records managers** employed to manage Care Leaver records
- **encouraging staff to share their skills and knowledge** through internal and external training opportunities and access to relevant resources to support their work e.g. literature, service networks
- ensuring staff are **well informed** about:
  - the out-of-home care sector in Australia
  - support services available to Care Leavers
  - other information resources about Care Leavers
- ensuring staff have **specific knowledge and training** about:
  - their organisations' records, including an understanding of sensitivities in historical records

- specific considerations for Care Leaver cohorts, such as child migrants, forgotten Australians or Indigenous Peoples
- vicarious trauma and wellbeing support
- the process for applying for access to out-of-home care records
- legislative requirements in their jurisdiction relating to out-of-home care records, including the rights of applicants
- trauma-informed/Care Leaver-informed practice to enable the delivery of supportive and caring service to Care Leavers and other eligible applicants
- clear and concise communication styles – using plain English to convey messages to applicants
- the role, if any, their organisation played in out-of-home care, including any formal apologies issued by their organisation or relevant governments

See the Australian Society of Archivists, *A Trauma-Informed Approach to Managing Archives* online course, 2020, https://www.archivists.org.au/events/event/a-trauma-informed-approach-to-managing-archives

See Case study 7: Staff training – Department of Communities and Justice, New South Wales

Care Leavers may annotate records to tell their story and express their wishes to limit access to records

Care Leavers should be given the opportunity to have a voice in their records. Record Holders demonstrating best practice have developed and implemented processes that are respectful and sensitive to the needs of Care Leavers enabling them to record their perspective and articulate their access wishes. More complete and accurate records benefit both the Record Holder and the Care Leaver.

Annotating or amending records

Success is:

- **implementing a process** that enables individuals to annotate, modify, or add to records about themselves
- advising Care Leavers of their **rights or opportunities to annotate**, modify, or add to records about themselves and how the Record Holder will respond to such requests; and where this is not possible, communicating this clearly
- **amending or annotating records to correct information** that is inaccurate, misleading, or out-of-date (where legislation permits)
- enabling a **wider representation of voices** in records and a more balanced view of how Care Leavers experienced out-of-home care

Applicants have a right to know about support and assistance services; and are entitled to use the Find and Connect Services and … other support services to assist with access to records

All Care Leavers have the right to be informed of and, should they choose, engage in support and assistance services. Record Holders that support this position are proactive in providing information, keep abreast of service changes and provide an environment that encourages Care Leavers to access these services.

Supported release

Success is:

- providing advice about and encouraging the **use of supported access services** available for Care Leavers to seek access to records [6]
- **promoting internal services** that may help Care Leavers to access records
- understanding the role of **not-for-profit and other non-government services** available to ensure the appropriate support services are offered to Care Leavers
- respecting the right of the Care Leaver **if they choose not to engage a support service**
- **advocating for the use of support services** including trained professionals within social service organisations

---

[6] Further advice on support services can be found in the Access to Records by Forgotten Australians and Former Child Migrants (Best Practice Guidelines).

Record Holders will work collaboratively to enhance access to records

Record Holders that support collaboration to improve access to Care Leaver records pursue opportunities to work with organisations and colleagues locally, and across jurisdictions, to reach a common position on maximising access strategies reducing barriers for Care Leavers.

Success is:

- **working across jurisdictions and organisations** to achieve change, such as forming Record Holders communities-of-practice where links to records can be made between organisations in the out-of-home care sector, including not-for-profit and social services organisations
- participating in **collaborative forums** with a solution mindset to address policy and procedural barriers that impact access to records for Care Leavers
- having regard to sensitivities in the records, undertaking projects to enhance access to records, such **as indexing and digitisation of records** and considering where appropriate the use of commercial services or volunteers
- being aware of, and taking part in, **learning opportunities** that raise awareness of the issues and experiences of seeking access to out-of-home care records

Terminology

Annotation and amendment	Changes that may be made to records that are held by Record Holders. All CAARA jurisdictions have the ability for people to annotate records about themselves. The types of changes that can be made, and the process for making these changes, are usually defined in legislation, although agencies may also decide to facilitate annotation or amendment in an informal way. Annotation or amendment may include attachment of additional information to the records or the removal of incorrect information from the records.
Applicant	The person seeking to access records about out-of-home care. This person may be a Care Leaver or another person.
Archival institutions	Government archives, religious archives and private archives that may manage records relating to the out-of-home care sector. In the context of this document, archival institutions are Record Holders.
Care Leaver	A person who was in institutional or other out-of-home care as a child.
Case files	The records that may have been created about Care Leavers during their time in out-of-home care, including for example, case or client files, registers, medical records, summary cards. It is important to note that case files were predominantly created and kept by organisations providing out-of-home care rather than the Record Holders who manage the Case files now.
Contextual records	Records that are related to out-of-home care records which: • provide additional meaning or insight to out-of-home care records • contain information about Care Leavers which may not be contained in out-of-home care records.

Eligible persons	The Care Leaver or other person with rights to seek access to out-of-home care records from Record Holders, for example, a child requesting access to their parents records.
Jurisdiction	A locality or area which applies consistent standards, legislation, policy, or processes to creating, managing, keeping, and accessing records. For example, the state of New South Wales or the state of South Australia may each be described as a jurisdiction.
Out-of-home care (OOHC)	"Any type of residential care for children provided by organisations and institutions outside of a family setting, including foster and kinship care, and care provided in orphanages, missions, family group homes or children's homes of any kind."[7] Typically, we may refer to the Stolen Generations, former child migrants, forgotten Australians, and Care Leavers as people who have experienced out-of-home care.
Out-of-home care sector	Alternate caregivers who provide care to children and young people aged 0-17 who are unable to live with their primary caregivers. Common types of out-of-home care in Australia are: • *"Residential care*: placement in a residential building where there are paid staff • *Family group homes*: homes for children and young people provided by a department or community-sector agency that have live-in, non-salaried carers who are reimbursed and/or subsidised for the provision of care • *Home-based care*: placement is in the home of a carer who is reimbursed for expenses for the care of the child or young person. There are four categories

[7] Australian Society of Archivists, *A Trauma-Informed Approach to Managing Archives* online course, 2020, https://www.archivists.org.au/events/event/a-trauma-informed-approach-to-managing-archives Introduction/Terminology page.

	of home-based care: relative or kinship care; foster care; third-party parental care arrangements; and other home-based, out-of-home care • *Independent living*: includes private board and lead tenant households • *Other*: placements that do not fit into the above categories. This may include boarding schools, hospitals, hotels/motels, and the defence forces".[8] Note: organisations that provide OOHC services may be public or private sector; the records they create will have different access arrangements. Children and young people may have moved between institutions and across state borders, meaning records about them may be held across jurisdictions and be subject to different access arrangements.
Privacy	In this context, privacy is about protecting who can see or use information about an individual. It is a term which is referred to when explaining issues that Care Leavers and other applicants may encounter when seeking access to records. It can refer to the privacy of the Care Leaver, the privacy of the applicant or the privacy of another person who is referred to in the records.
Record Holders	Organisations that hold records relating to out-of-home care. Record Holders may include, but are not limited to, government agencies, religious organisations, and private organisations. A Record Holder may be the current custodian of the records and may not be the creator of the records.
Redaction	The process of obscuring or removing information from copies of records before release to an applicant.

---

[8] P.43 – Australian Institute of Family Studies (2018). Children in Care [online]. Available at https://aifs.gov.au/cfca/publications/children-care. Accessed 7 July 2020.

Staff	Employees of Record Holders and any other organisations that may: • manage information resources • care for and manage collections of records • help with providing services to Care Leavers.
Supported release	Where someone, such as a staff member from an organisation like Find and Connect or Link-Up, who has knowledge about the applicant, their history and their records will work with the applicant to help them access and understand records in a safe and supportive environment.

More detailed information about the various terms relevant to out-of-home care, and the out-of-home care sector in Australia, are available from the Access to Records by Forgotten Australians and Former Child Migrants (Best Practice Guidelines).

Case studies

The case studies shared below are offered as examples of progress towards improving access to records of Care Leaver records. CAARA acknowledges that whilst progress is being made, more work is required by all organisations to maximise access to Care Leaver records. Record Holders are encouraged to consider these case studies and build on these practices to continuously improve support for Care Leavers.

Case study 1: Access to records (including contextual records) – Department of Communities, Western Australia

The Western Australia Department of Communities plays an important role in access to records and archives for Care Leavers both as a custodian of records, and in its work with care providers. The Department demonstrates Best Practice Principles and Guidelines from 2015 by providing Care Leavers with as much personal information about themselves, family factual information; and a clear and easy to follow process for accessing this information. This relates to both historical and current Care Leavers.

Through its organisational knowledge and careful management of records, the Department is able to identify records/reports that will provide a Care Leaver with comprehensive and detailed information about their time in care. The Department also creates a **Child History Folder** for every child in care, which is provided to Care Leavers. This folder contains documents such as school reports, certain medical reports, photographs, birth certificates and care plans.

The Department has published a flow chart on its website to provide the public (particularly Care Leavers) with easy-to-understand information about how to access their records along with a list of frequently asked questions – see http://dcp.wa.gov.au/ChildrenInCare/Pages/Access-to-Information.aspx.

The Department also initiated a project called **Restricted Archives Preservation Project** to identify, access and extract information from archives 'administrative' records held at the State Records Office of Western Australia. The main purpose of this work is to provide people who were in out-of-home care with information about that period of their lives that may not be available elsewhere. The information extracted from these records would not ordinarily be found in searches for individual files. Department of Communities staff who manage Freedom of Information requests use this information as part of their searches for records. Additional work continues with the digitisation of historic Departmental records for the purposes of providing better access.

Source: Department of Communities WA (Information Release), November 2020

Case study 2: Access to records – Tasmanian Archives

The Tasmanian Archives has two online guides to records to help Care Leavers access Tasmanian records:

- Adoptions, fostering and out-of-home care
- Child and youth migrants in Tasmania 1924 to 1976

As a marker of success, these guides illustrate how effective communication between relevant government agencies, community groups, and with Care Leavers can result in more efficient access to records. Working within the parameters of the relevant legislation – such as the *Personal Information Protection Act 2004 (TAS)* – that determine access to records in Tasmania, these guides provide clear pathways for Care Leavers on how to access their records.

These guides are written with the Care Leaver in mind, using second-person language. This provides a more personal and sensitive approach and communicates directly to the Care Leaver.

These two guides were produced in consultation with agencies and community groups to ensure that the guides are up-to-date and relevant for Care Leavers. For example, consultation was undertaken with:

- Child Migrant Trust
- Adoptions, Permanency & After Care Support Services
- Communities Tasmania

By talking to as many relevant people as possible, the Tasmanian Archives have developed quality guides to support and help Care Leavers.

Source: Tasmanian Archives, January 2021

Case study 3: Collections of records – Caroline House – Tasmanian Archives, Tasmania

This case study provides an example of an organisation that initiated contact, and then worked closely with the Tasmanian Archives, with the aim of preserving, documenting, and making their records more accessible for the 2000 women and children who had been in their care.

Caroline House was established in 1978 to provide crisis accommodation to women in southern Tasmania. It operated two different houses in Hobart and provided a range of support services around mental health, and drug and alcohol counselling.

In 2011, the care services provided by Caroline House were taken over by another organisation, Hobart City Mission, and Caroline House Incorporated ceased as an organisation. It was at this point that Caroline House identified the Tasmanian Archives as a place to deposit their records, to ensure that these records would be cared for, and to allow long-term accessibility.

Caroline House worked closely with the Tasmanian Community Archives, which is the team within the Tasmanian Archives that is responsible for non-government record deposits. The key elements of this process included:

- An archivist visiting to view the records and providing advice on what records needed to be kept. Those that were identified in this process included client records and contextual information, including minutes of meetings and policy documents.
- The archivist also identified and discussed which records did not need to be kept, for example, routine accounting documents.
- Advice was provided by the Tasmanian Community Archives team around the preparation of the records for deposit, to facilitate records access such as nominal listing, dates and box numbers for easy retrieval.
- Caroline House undertook several months of work themselves to prepare and arrange their records for deposit.
- The Caroline House Board acknowledged the importance of records access, and elected to delegate requests for access to personal records to the State Archivist. Client Records and any other records with personal information were assigned a restricted access of 75 years, with access provided on application to the State Archivist.

The Tasmanian Archives team continues to work on the Caroline House records. Several series are listed in the Tasmanian Archives catalogue, under the Caroline House Inc agency listing (NG3564). Those records that are currently unprocessed in the Tasmanian Archives can still be located and retrieved because of the work that Caroline House did in preparation for their deposit in the Tasmanian Archive collection.

Source: Caroline House, August 2021

Case study 4: Contextual records – Tasmanian Archives

We are in a unique position at the Tasmanian Archives, as our institution houses both archival records and library collections. As such, these resources are of critical importance during personal consultations with Care Leavers, and in answering research enquiries. The importance of contextual records for Care Leavers is a strong focus of our guides to records on adoptions, fostering and out-of-home care.

We recognise – as is reflected through our guide to records – that contextual records play an important role in complementing the more formal records produced by the state welfare services, providing context and insight into different aspects of life as a child.

Moreover, we are greatly aware that in many instances, contextual records are more than just contextual, but are of vital importance. Many Care Leavers do not have any personal possessions from their childhood. These contextual records (photographs in an annual report for instance) held within our archive can be the total of a Care Leaver's childhood possessions. This was discussed in more detail in a YouTube video of a talk given for Family History Month in August 2020.

Our guides to records provide numerous examples of annual reports, newsletters, photos for out-of-home care homes in Tasmania. In the guide, we provide several detailed examples, including one for the Clarendon Children's Home. Here, we list all open items (annual records, pamphlets, photos and a film) held in our collection on Clarendon.

Source: Tasmanian Archives, January 2021

Case study 5: Engaging with Care Leavers – Child and Youth Protection Services, Australian Capital Territory

The Child and Youth Protection Services (CYPS) has been providing access to records to children who have left the care system since 1999. The *Children and Young People Act 2008*, provides this provision at s850, outside of an FOI process. Based on this capacity, a Freedom of Information (FOI) access process was supplemented by an additional and separate, business process. Access requests received by CYPS may come directly to the service or may be referred to the service when an access request for out-of-home care records is received by the FOI unit.

There are some key considerations that the CYPS encounters in their work, namely, it is essential that:

- dedicated and trained staff are responsible for managing access to out-of-home care records
- each request is thoroughly understood, researched, and responded to – depending on the individual needs of the applicant
- an advocate or support person – particularly someone who already has an established and trusting relationship with the applicant – should be offered to the applicant through this process
- expectations are managed concerning the information that may be found for an applicant – there are times when there are gaps in public records concerning out-of-home care
- the use of language in responding to access requests is clear, appropriate, and empathetic to the circumstances of the applicant and their request
- a feedback link exists between CYPS staff with this responsibility and operations in order to inform record keeping standards and continuous improvement processes

CYPS see that the most effective way to achieve this is through the development of Therapeutic Life Story for young people. **Therapeutic Life Story** work brings together information from public records and records held by CYPS and non-government agencies, in a sensitive and trauma informed way and communicated in a manner that assists young people to understand their history.

Generally, this process involves:

Step 1: establish what the applicant is seeking – are there specific questions that they want answered

Step 2: negotiate an approach and timeframe for the response with the applicant

Step 3: undertake research including, but not limited to:

- browsing relevant files and applying a legal lens to determine what information can be accessed, a judgement lens to determine how you will present the information to the applicant in a sensitive way, and a therapeutic lens
- reading and writing about the information gathered, removing value judgements from the information
- always including dates and sticking to the facts from the research
- looking for everything that may be relevant to the access request – this can include amusing and personal stories from case files that convey details of the personality or life experience of the applicant as a child

- copying original client specific drawings, poems, photos and so on from the file and providing the originals to the applicant (keep the copy on the original file).

Step 4: regularly communicate with the applicant on the progress of the access request

Step 5: prepare support options for the applicant as part of your duty of care – the applicant is likely to need support when receiving information related to their access request, as well as support after they have received the information

Step 6: prepare the report which contains all of the information and research collected for the access request including, but not limited to:

- paying particular attention to checking and proofreading the work with assistance from other colleagues who did not undertake research for the access request
- adding in 'alert pages' to the report which clearly flags areas that may cause the applicant distress and would ideally be read with a support person present.

Step 7: provide details of what is on the case file, rather than the file itself, and explain if you have not located information that the applicant is seeking as part of the access request and/or if there is information that you are not able to provide access to due to legislation

Step 8: offer details about subsequent support services to the applicant including, but not limited to, information about accessing the Redress Scheme.

Source: Child and Youth Protection Services, Community Services Directorate, Australian Capital Territory, December 2020

Case study 6: Redactions – Department of Communities and Justice, New South Wales

In 2020 Care Leaver Records Access (CLRA) in NSW Department of Communities and Justice implemented a new framework for decision-making when redacting information that is restricted by either legislation or policy position at CLRA. The Principle Based Decision Making Framework (the framework) replaced a rules-based approach framework that positions the Care Leaver at the centre of decision-making and is designed to promote consistency in decision making, providing a fair and transparent process based on objective standards and legislation. The framework is also designed to mitigate the impact of officers bringing their own personal experiences, values and beliefs to the decision-making process, by requiring officers to reflect on their own biases when making decisions.

CLRA contacts Care Leavers before their records are processed to discuss what information is available, what information is of most interest or value to them, and what they are looking for. This gives agency to the person and ensures that decisions are made with their wishes in mind. This can also help guide future discussions and organising support depending on what information is located.

The framework assists officers in making person-centred decisions by defining what personal information is and considering the context of the Care Leaver. The framework defines a Care Leaver's personal information as any information or an opinion directly relating to the Care Leaver. In order to transparently review and assess information that is being released, officers must consider three components:

1. To decide whether *the information falls within the parameters of the Care Leaver's request*
2. To decide whether the information is *personal information relating directly to the Care Leaver*
3. To identify whether there is any *legislation or CLRA policy position which restricts the disclosure of the information*

Officers will continually review and assess information using these considerations to make decisions around releasing information. In addition to this, the framework requires officers to consider any consider any gaps, limitations or personal biases that may apply, such as:

Could there be more context or information in records yet to be considered that could influence my decision-making?

Are the assumptions I have made about the applicant or anything else related to the information reasonable?

Have I accounted for my own personal values, beliefs and biases about the information?

Key decisions that are made using this process are then documented by the officer which helps to promote transparency in the process. By taking all of these considerations into place to make and document the decisions, the framework puts the Care Leaver at the centre of decision making and mitigate any biases officers may have.

Source: Department of Communities and Justice, New South Wales, August 2021

Case study 7: Staff training – Department of Communities and Justice, New South Wales

Care Leaver Records Access (CLRA) at the NSW Department of Communities and Justice delivers a comprehensive training program in a group setting over two weeks with an aim to provide staff with contextual knowledge about the history of out-of-home care in New South Wales, the historical impact on Care Leavers, particularly the Stolen Generations, child migrants and forgotten Australians as well as provide information on Government reports and responses.

The training program provides a legislative overview that supported child protection practices from as early as the 1930s till present to further enhance their contextual understanding. In addition, an overview of casework practice is explained to provide staff with insight into the casework journey and how this is reflected in the evolution of record keeping practices and information systems used by the Department of Communities and Justice over time.

The fundamental basis of how we respond to Care Leaver applications is guided by the Principle Based Decision Making Framework (PBDM). This framework assists the file reviewer in making information release decisions in response to applications for care history records. The main objectives that underpin the PBDM framework include a Care Leaver's entitlement to access their personal information, and transparent decisions are made about information release, the privacy of third parties who may be named in Care Leaver records is protected, applicants are treated with dignity, respect and support through the file review process and CLRA complies with relevant legislation.

A component of the training program focusses on the Care Leaver experience, Care Leaver trauma associated with accessing records as well as potential vicarious trauma that staff can experience. Staff are educated on client contact and service delivery within a trauma-informed framework, as well as sharing support services that are available to Care Leavers.

The above-mentioned modules are put into practice with in depth training and ongoing mentoring by a Team Leader for an additional 8 to 10 weeks with the aim to have staff processing Care Leaver applications confidently and independently after 3 months of training. Beyond this point, ongoing support and monthly supervision will continue to be provided to staff according to their individual development needs.

Source: Department of Communities and Justice, New South Wales, August 2021

More information

CAARA Organisations

Archives New Zealand

National Archives of Australia [federal (national) public records]

NSW State Archives and Records

Libraries and Archives NT

Public Record Office Victoria

Queensland State Archives

State Records Office of Western Australia

State Records South Australia

Tasmanian Archives

Territory Records Office (ACT)

Australian and New Zealand Government legislation

Australian Capital Territory Legislation Register

Federal Register of Legislation (Australian national legislation)

New Zealand Legislation

NSW Legislation Register

Northern Territory Legislation Register

Queensland Legislation Register

South Australia Legislation Register

Tasmania Legislation Register

Victoria Legislation Register

Western Australia Legislation Register

Other resources

AIATSIS. *Link-Up*. [online]. Available at: https://aiatsis.gov.au/family-history/you-start/link . Family tracing and reunion services available to members of the Stolen Generations.

Archives New Zealand, New Zealand, 2021. *Royal Commission of Inquiry into Historical Abuse*. [online]. Available at: https://archives.govt.nz/royal-commission-of-inquiry-into-historical-abuse .

Australian Society of Archivists, 2020. *A Trauma-Informed Approach to Managing Archives.* [online course]. Available at: https://www.archivists.org.au/events/event/a-trauma-informed-approach-to-managing-archives.

Australian Society of Archivists, 2020. *Out-of-Home Care Records Toolkit* [online course]. Available at: https://www.archivists.org.au/events/event/out-of-home-care-records-toolkit .

Care Leavers Australasia Network, 2020. *CLAN Charter of Rights in Records.* [online]. Available at: https://clan.org.au/wp-content/uploads/2021/04/CLAN-Charter-Rights-Records-Rev-update.pdf .

Department of Social Services, Australian Government, 2015. *Access to Records by Forgotten Australians and Former Child Migrants* (Best Practice Guidelines). [online]. Available at: https://www.dss.gov.au/families-and-children/programmes-services/family-relationships/find-and-connect-services-and-projects/access-to-records-by-forgotten-australians-and-former-child-migrants-access-principles-for-records-holders-best-practice-guidelines-in-providing-access .

Department of Communities, Child Protection and Family Support, Western Australia, 2015. *Advocacy for Children and Young People in Care.* [online]. Available at: https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Advocate%20for%20Children%20in%20Care/ACIC%20Service%20and%20Protocols%202015.pdf .

Department of Communities, Child Protection and Family Support, Western Australia *Charter of Rights for Children and Young People in Care [ages 0-6].* [online]. Available at: https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Advocate%20for%20Children%20in%20Care/CharterOfRights_0to6.pdf .

Department of Communities, Child Protection and Family Support, Western Australia *Charter of Rights for Children and Young People in Care [ages 7-12].* [online]. Available at: https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Advocate%20for%20Children%20in%20Care/CharterOfRights_7to12.pdf .

Department of Communities, Child Protection and Family Support, Western Australia *Charter of Rights for Children and Young People in Care [ages 13-18].* [online]. Available at: https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Advocate%20for%20Children%20in%20Care/CharterOfRights_13to18.pdf .

Department of Communities and Justice, New South Wales, 2020. *Accessing your care records.* [online]. Available at: https://www.facs.nsw.gov.au/families/out-of-home-care/about-out-of-home-care/were-you-in-out-of-home-care .

Department of Premier and Cabinet, South Australia, 2018. *Provision of information to Care Leavers.* [online]. Available at: https://www.childprotection.sa.gov.au/__data/assets/pdf_file/0011/107102/provision-of-information-care-leavers-guideline.pdf .

Find and Connect Web Resource Project for the Commonwealth of Australia, 2011. Find and Connect: History & information about Australian orphanages, Children's Homes & other institutions. [online]. Available at: https://www.findandconnect.gov.au/about/ .

Find & Connect Web Resource Project for the Australian Government, 2011, *What to Expect when Accessing records about You.* [online]. Available at: https://www.findandconnect.gov.au/resources/what-to-expect-when-accessing-records/ .

Forgotten Australians Coming Together Inc., Western Australia, 2021. *Tuart Place.* [online]. Available at: https://www.tuartplace.org/ .
West Australian resource service for adults who were in any type of Out-of-Home Care during childhood, including foster care and children's Homes.

Healing Foundation, The, (hosted by Australian Society of Archivists), 2021. *Better Access to Stolen Generations Records Learning Module*). [online]. Available at: https://www.archivists.org.au/events/event/better-access-to-stolen-generations-records .

Information and Privacy Commission, New South Wales, 2019. *Information Access Guideline 8 – Care Leavers' access to their Out-of-Home Care Records*. [online]. Available at: https://www.ipc.nsw.gov.au/information-access-guideline-8 .

Monash University, Victoria, 2022. *Charter of Lifelong Rights in Childhood Recordkeeping in Out-of-Home Care*. [online]. Available at: https://www.monash.edu/it/clrc.

Future contributions:

If you would like to contribute a case study or share practices, submissions can be provided for consideration to the CAARA Executive Officer, via the Director of the Government Archives and Records Authority in your State or Territory.

We also welcome any references to resources that provide guidance on cultural considerations for Indigenous Peoples.