

Royal Commission into Institutional Responses to Child Sexual Abuse

Consultation Paper on Records and Recordkeeping Practices

Thank you for the opportunity to provide input into this consultation. This submission has been prepared by Relationships Australia NSW staff from Wattle Place, where a range of specialised trauma services are provided, including the Royal Commission Community Based Support Service. Our responses are grouped under each sub heading of the consultation paper.

Contemporary records

1-7 – As discussed at the Records and Rights of Child seminar organised by Melbourne University's e-Scholarship Research Centre which was held in Sydney on 14th September, the importance of clear and full recordkeeping was emphasised as an crucial requirement for people to understand what happened to them and why it happened. It is imperative that good record keeping practices are established and maintained from the outset with such records being comprehensive, up to date and easily retrievable.

Records maintenance

10-12 – Efficient and effective access to records requires safe organised record storage and good indexes. It is likely that in some case historical records are unorganised and unindexed and where possible organisations should be encouraged to organise their records to a level where effective retrieval is possible. In regard to 20th century child care records, the federally funded Find and Connect programme provided grants and assistance to past providers of child care to enable them to organise their records so that access is improved.

13 – The *Access to Records by Forgotten Australians and Former Child Migrants* document adopted by the Department of Social Services in June 2015 outlines the best practice principles for access and retention of care records. Principle 12 suggested that records of defunct institutions should become the responsibility of the state. This is currently the case in NSW.

Access to records

19-21 - The *Access to Records by Forgotten Australians and Former Child Migrants* document was only aimed at government organisations, many of whom have varied and different access requirements, redaction policies and turnaround times in regard to records requests. Our Wattle Place services request records from a wide variety of government and non-government agencies, both in NSW and from interstate organisations, but we have not noticed any changes or amendments in the process in regard to records requests via government agencies. There is still a far from standardised approach in regard to the identity requirements, with some states still requiring identification documents to be certified by a Justice of the Peace. Different organisations also still appear to have widely different views on redaction and the way such redactions are explained. Although the *Access* document was aimed at government organisations Wattle Place has advocated for its adoption by non-government agencies as well through our interagency meetings. It was apparent from the feedback received from the various agencies that many of them welcomed the guidelines offered by the *Access* document as they had previously had very little guidance in regard to records access.

23 - Access to records created by institutions relating to individuals should be free of charge for those same individuals.

24 – It is essential that institutions are aware that reading files and care records can be a potentially devastating and destabilising experience for some people. People can be distressed by information in the file such as pathologising language/descriptions or details of abuse. They can also be distressed by things omitted from the file or scarce or limited records. It is the experience of Wattle Place that most people experience at least some level of distress when accessing care records. One of the most important things an organisation can do in this regard is to provide support to clients throughout the entire process, ie. before, during and after reading their files. Organisations doing this work need to have a trauma informed approach. The other essential element is to have staff who have been trained in this very specific area of work, ie. therapeutic file reading. Wattle Place has developed a training package to address this need and provide guidelines on supporting clients throughout the process from beginning to end. It is also essential that people wanting to access their records are able to do so without the need to contact the organisation responsible for their care in childhood. While some people are happy to do this, for others it is deeply distressing and re-traumatising. There needs to be a neutral third party who can contact organisations on behalf of those who are too distressed to make contact themselves.

25 - From our experience of the various Wattle Place services in requesting records from a large number of government and non-government organisations it would appear that redaction of information in files in line with third party privacy and other legislation seems to be subjective and inconsistent from organisation to organisation and from state to state. Where explanations are provided regarding redactions that have taken the legal language used is often difficult to comprehend and the real reason for the redaction is often not clear. Similarly, only very few

organisations provide information about the context of the information may have been redacted – this was one of the suggestions made in the *Access to Records by Forgotten Australians and Former Child Migrants* document adopted by the Department of Social Services in June 2015.

Additional matters

30-31 - We would welcome the establishment of an independent, trauma informed records advocacy service. Despite the recommendations of the *Access to Records by Forgotten Australians and Former Child Migrants* document adopted by the Department of Social Services in June 2015 requesting records can still be a complex and time consuming exercise. Many individuals are not comfortable in dealing directly with the organisations in which abuse took place and would therefore benefit from the aid of an independent third party service advocating on behalf of their behalf. Obtaining records can be re-traumatising and it is therefore important that the service is trauma informed and has the professional capacity to provide appropriate counselling, support and assistance. The service could act on behalf of individuals to request records from institutions and organisations, provide support file releases for any records obtained, provide trauma informed counselling and support for survivors of child sexual abuse and advocate on their behalf.

32 – The currently existing range of services offered by Relationships Australia at Wattle Place and the Aftercare Resource Centre have many years' experience in requesting records and advocating on behalf of care leavers and people subject to child sexual abuse.

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