

Find & Connect web resource project, The University of Melbourne

Response to the Royal Commission into Institutional responses to Child Sexual Abuse Consultation Paper: Redress and Civil Litigation

2 March 2015

Thank you for the opportunity to make this response to the Consultation Paper on Redress and Civil Litigation, published by the Royal Commission into Institutional Responses to Child Sexual Abuse in January 2015. We welcome the Royal Commission's focus on the complex issue of redress, which we see as an essential element of any efforts to give justice, acknowledgement and recognition to survivors of abuse.

This submission is written from our perspective as the team responsible for the development and maintenance of the Find & Connect web resource (www.findandconnect.gov.au), a website with information about Australia's history of institutional 'care' of children, specifically the Forgotten Australians and Former Child Migrants. A major objective of the Find & Connect web resource is to help people locate and access and understand records about their time in 'care'. In this response, we will discuss the strong connections between redress and the issue of records access. We will argue that past providers of 'care' can make a substantial contribution to redress by:

- improving management, appraisal and preservation of surviving records
- adopting a proactive and liberal approach when providing access to the vital information in these records for Forgotten Australians, Former Child Migrants, other Care Leavers, and their families
- providing support and training for staff involved in records management, records appraisal and records access, including trauma-informed practice training
- providing supported access to these records where required

Improved records management and enhanced access to records are part of what the Royal Commission's consultation paper describes as the 'direct personal response' that institutions can make to survivors of abuse. This submission will discuss practical and achievable steps that past providers and record holding organisations can make to respond to the wrongs of the past through records management.

Importance of records to redress

The vital importance of records to people who experienced institutional 'care' as children has been clearly demonstrated by a series of government inquiries, into the Stolen Generations (1997), Former Child Migrants (2001) and Forgotten Australians (2004). All of these reports contained recommendations to improve the management of and access to records. The Find & Connect web resource was funded by the Australian government following the national apology to Forgotten Australians and Former Child Migrants in 2009, as a response to the harm that resulted from these children's loss of family, loss of identity, and for many, abuse and neglect during their time in 'care'.¹

The Royal Commission's consultation paper on Redress and Civil Litigation confirms the importance of records to survivors of abuse. In the section about 'Direct Personal Response' (pp.12-13), it states that institutions' response to survivors can include assistance with accessing records, memory & commemoration projects. Such measures provide a way for institutions to go beyond the minimum requirements of a direct personal response - that is, 'an apology, a meeting with a senior institutional representative and an assurance or undertaking about steps taken to protect against future abuse' (p.92) – and to take responsibility for past harm and wrongs through projects related to records management, supported access to records, family tracing and reunions, memorials and commemoration.

Gaining access to personal records may help many survivors to understand and reclaim their identities and histories. Generally, the need for assistance in obtaining records is most pressing for those who were in residential institutions, particularly Forgotten Australians, Former Child Migrants and members of the Stolen Generations.

In some cases, people seek records because of their experience of institutional child sexual abuse. For example, they may need records to support a claim for redress or for litigation for institutional child sexual abuse. In other cases, they seek records not because they experienced institutional child sexual abuse but because they are seeking records of their childhood in residential institutions or, less often, in foster care (p.94).

Along with gaining access to records, the consultation paper also refers to 'memory projects' (activities that record and publicly commemorate survivors' experiences), commemorative events, family tracing and family reunion as ways that institutions can respond to past injustices.

¹ For more information, see Find & Connect web resource, 'About – background', <http://www.findandconnect.gov.au/about/background/>, accessed 26 February 2015.

In the section about 'Justice for Victims' (p.44), the Royal Commission's consultation paper lists a number of measures that survivors have found to be beneficial, including:

- personal apologies for the abuse
- recognition and acknowledgment that the abuse occurred through public apologies and memorials
- practical assistance with matters such as employment, housing, literacy, and drug and alcohol addictions
- support for survivor networks and reunions

Appendix A and Appendix B of the Consultation Paper demonstrate that access to records has been an important element of past redress schemes in Australia and internationally. For any redress scheme proposed by the Royal Commission to be effective, government, religious and charitable institutions will need to manage their records effectively. Records can provide proof of identity for applicants, confirmation of the person's time in 'care', and in some cases, evidence of abuse and the institution's response to it.

Whatever is proposed by the Royal Commission in regards to redress, proper management of the institutional records is vital. The Universal Declaration on Archives, adopted by the 36th Session of the General Conference of UNESCO on 10 November 2011, asserts the 'vital necessity of archives ... for protecting citizens' rights, for establishing individual and collective memory, for understanding the past, and for documenting the present to guide future actions'.²

Most recently, the Royal Commission's activities have clearly demonstrated how documentary records have considerable shortcomings as proof or validation of institutional abuse. To inquire into sexual abuse and institutional responses to it, the Royal Commission has gathered much of its evidence through private sessions, written submissions and public hearings. These activities are creating new records that will be vital to our understanding of this issue, and the way it is documented. These records will be crucial to any redress scheme proposed by the Royal Commission, and it is important that its standard of proof takes into account the shortcomings of documentary records, and takes survivor testimony and other records into account.³

² International Council on Archives, *Universal Declaration on Archives*, <http://www.ica.org/13343/universal-declaration-on-archives/universal-declaration-on-archives.html>, accessed 26 February 2015.

³ A journal article from 2012 examines the Swedish Commission to Inquire into Child Abuse and Neglect in Institutions and Foster Homes and the different standards of proof required by inquiries as opposed to schemes for financial redress. The lack of *documentary* evidence that abuse and neglect occurred was used by some as an argument against providing financial compensation for abuse survivors. See Skold et al (2012), 'Conflicting or complementing narratives? Interviewees' stories compared to their documentary records in the Swedish Commission to Inquire into Child Abuse and Neglect in Institutions and Foster Homes', *Archives and Manuscripts*, vol.40, no.1, pp.15-28.

Liberalising access to records

Most institutions had very little idea how important the records they were creating about the children in orphanages and other institutions would become, years or decades later. When providing access to records of institutional 'care', record holding organisations are working in a landscape that can be complex and confusing – there is a web of Federal and state legislation, disposal freezes, organisational policies, service agreements, recommendations from government reports (such as the Senate's 'Forgotten Australians' report of 2004), and an environment where public interest in these records is on the increase. Record holding organisations face challenges finding the resources to manage records effectively, responding to requests for access, and balancing people's right to information with others' right to privacy.

We submit that organisations holding records relating to Forgotten Australians and Former Child Migrants need guidance and support to manage these records appropriately. We note that the Department of Social Services (DSS) is funding a project currently to develop Access to Records principles and Best Practice Guidelines. The Records Access Working Group is undertaking significant consultation with various stakeholders to develop these national principles, with an overall objective to liberalise access to records by Forgotten Australians, Former Child Migrants and their families.

Using the Find & Connect web resource to improve access to records

Since the Find & Connect web resource first went live on 15 November 2011, the website has grown from 6,000 to over 16,000 entries, depicting organisations, significant events, glossary terms, legislation, people, places; and, related publications, photos and information about records and the links between them. Wherever possible the collection descriptions of the records held by relevant organisations were documented.

Many past providers and record holding organisations now use the Find & Connect web resource to share information with the public about what records they hold and how to access them. The project team has developed strong working relationships with the Find & Connect support services in all states and territories, with government departments, cultural institutions and past and current providers.

Despite the progress that has been made since this project began, keeping the information on Find & Connect up-to-date is a significant task - people searching for their records can still experience difficulty finding out who is the right person to contact in an organisation to request access to records, particularly when there is staff turnover; organisations move, merge or get de-funded; records get moved from one repository to another; new records get discovered. For many organisations, the Royal Commission has been a driver for organisations to undertake projects to find out more about their records, and make improvements to how they are documented, managed and preserved. It can take some time before this new knowledge makes it way to the Find & Connect web resource, and thus be made available to the people who stand to benefit most.

We would like to take this opportunity to urge organisations documented on Find & Connect, to check the information that is currently published about their administrative history, and about their records. Putting information about records and organisational history on the Find & Connect website is a way that organisations can ensure that they get the maximum impact from projects and initiatives to help people locate and access their records (such as the projects referred to on p.94 of the Royal Commission's consultation paper). If any new information has come to light, or any information is inaccurate or out-of-date, get in touch with the Find & Connect web resource team and the website will be updated.⁴

Trauma-informed records management

The Royal Commission proposes that 'trauma-informed care training for institutional representatives who interact with survivors may well be of considerable assistance in ensuring that they have a good understanding of child sexual abuse and its impacts. It can also ensure that they do not do any further harm' (p.102).

We strongly agree with this proposition, and suggest that trauma-informed practice would be beneficial for staff in organisations that hold records relating to Forgotten Australians and Former Child Migrants, whether a person interacts directly with survivors or not.

Find & Connect web resource staff attended trauma-informed training provided by Australians Surviving Child Abuse (ASCA) in November 2014. In response to this training, team member Mike Jones considered the relevance of this training to the archival profession, arguing that archivists need to be aware of the effects of complex trauma, and how for survivors of abuse, records can be the key to a person's identity, healing and achievement of justice:

Archivists need to be aware of this, and archives need to provide training and support to their staff wherever possible. Staff need to be informed about the effects of trauma, and understand that the confronting behaviour of some users may be the result of the traumatic events which inspired those users to visit the archives in the first place. Rather than reacting to that behaviour, we need to understand the needs of the person.

Most of all, our profession needs to talk about how we can provide better, more welcoming spaces for different types of users. We need to talk about what trauma-informed practice might look like in our institutions, and change some of what we do to better meet the needs of the community. We need to have scope within our professional associations and educational organisations to train and support archivists working with trauma affected users.

⁴ The best way to get in touch is through the 'Send feedback about website' link in the footer, or filling in the online form at: <http://www.findandconnect.gov.au/contact/ask-us/>

Helping people seeking records and evidence can be a vital part in the healing process, and archivists have a vital role to play.⁵

Reflecting on the Records Access Documentation Project (RADP)

Finally, in this submission we would like to reflect on a project that provided assistance to non-government record holding organisations in Australia to improve access to records of Forgotten Australians and Former Child Migrants. The project revealed the challenges faced by organisations in this sector, the effectiveness of providing funding of this nature and the need for archivists to build capacity within community organisations.

The Records Access Documentation Project (RADP) was funded by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA, which became the Department of Social Services in September 2013) in 2012-2013. RADP offered cash grants of up to \$15,000 to eligible not-for-profit organisations to document, index and release records relating to children placed in Homes, orphanages and other forms of out-of-home 'care' during the 1920s–1980s. Priority was to be given to funding past providers with records for release which were likely to have the greatest impact for Forgotten Australians and Former Child Migrants, with a particular focus on the records of Forgotten Australians and Former Child Migrants for whom there is no surviving government information.

Twenty-nine organisations received grants under the RADP scheme. In addition to the grant money, representatives of these organisations participated in a training workshop and accessed training resources available on the Find & Connect web resource. A simple, Excel-based cataloguing tool was developed by the eScholarship Research Centre at the University of Melbourne and made available free-of-charge to organisations wanting to document information about records in their custody. The training materials and the cataloguing tool remain available to the general public here:

<http://www.findandconnect.gov.au/resources/radp/>.

After completing the work on their records, RADP grant recipients were required to share information about their records, their access policies and who to contact with the Find & Connect web resource. This led to significant updates and additions to the information on the website about these organisations' records.

At a series of stakeholder meetings organised by the Find & Connect web resource in 2014, RADP grant recipients reflected on what had been achieved. It was clear that the grant funding made possible significant work on records, but also that many of these organisations were under-resourced when it came to archiving and records management (particularly when the organisation was providing front-line services to people in crisis). Most of the organisations did not employ staff with qualifications or experience in archives and records management. Many of the grantees continued to work on archival projects after the grant money had been spent, getting extra funding from the organisation and/or using volunteers to continue work.

⁵ Mike Jones, 'What would trauma-informed archival access look like?', <http://www.mikejonesonline.com/contextjunky/2014/11/04/trauma-informed-archives/>, accessed 25 February 2015.

At the Queensland stakeholder meeting, two record-holding organisations spoke of the improvements that had resulted from RADP. One religious organisation reported that the project had significantly reduced the time staff spent looking for records when they received a request from a former resident. The indexing project had uncovered records about children in its 'care' that the organisation had not known existed.

Another Queensland organisation reported that their response time had been reduced from 6 weeks to 3 days. The RADP grant had discovered 'lost history that would have been sitting in a box somewhere and no one would have known about'.

This grant recipient reflected that although their organisation had been in the press for abuse suffered by its former residents, the RADP funding and the organisational investment in records management had made it possible for clients to 'reclaim their past'. One anecdote was about a former resident who got in touch with the organisation – he remembered having won awards for BMX as a child, and his son was now interested in BMX also. The organisation located records relating to this man including photographs, awards and medals. This man was able to share proud memories from his childhood with his son.

The training involved in RADP, and the opportunity to talk about practice with other organisations, resulted in increased capacity in these organisations, and gave staff the confidence to make decisions about access to records in their collection. One participant said that the organisation had changed its practice, and now gave original records – like school reports and birthday cards – to the applicant, with the organisation keeping a copy of documents on file.

The Australian government's investment in the RADP grants and training program resulted in significant improvements in the participating organisations' records management, with clear benefits for the people whose lives are documented in their records collections. We encourage organisations to look at the training resources on the Find & Connect website, and to get in touch with organisations that took part in RADP to learn from their experience.

From our experience on the Find & Connect project (and before this, on the Victorian 'Who Am I?' project), we believe that there is great value in record-holding organisations forming 'communities of practice', where issues around records management and records access can be discussed, and examples of good practice can be shared. In this way, past providers can make a direct personal response to survivors of abuse, Forgotten Australians and Former Child Migrants, and their families, through improved records management.