



ARTICLE

# The Challenge of Actualising Research in Practice: Implementing the Charter of Lifelong Rights in Childhood Recordkeeping in Out of Home Care

Frank Golding<sup>1</sup>, Sue McKemmish<sup>2</sup> and Barbara Reed<sup>3</sup>

<sup>1</sup>Care Leavers Australasia Network (CLAN) and Federation University, Melbourne, Australia;

<sup>2</sup>Monash University, Melbourne, Australia; <sup>3</sup>Monash University, Melbourne, Australia

## Abstract

This paper addresses the challenges encountered when actualising research in practice, using the implementation of the Charter of Lifelong Rights in Childhood Recordkeeping in Out of Home Care as an illustrative example. We begin with overviews of the recordkeeping failures of the past and present, and the development of the Charter to address them. We imagine transformed recordkeeping and archiving systems engaging children, young people and Care leavers as creators and decision-makers about their records. We identify challenges and barriers to implementation and discuss the strategies designed to engage major stakeholders in implementing the Charter. The paper concludes by challenging recordkeeping regulators, recordkeeping and archival institutions, current records creators and holders, and the recordkeeping and archival profession to play their essential role in enabling the realisation of this goal and identify the broader relevance of reconceptualising person-centric recordkeeping.

**Keywords:** *Child-centred recordkeeping; Charter of Lifelong Rights in Recordkeeping; Recordkeeping systems; Strategic intervention*

## Prelude: Positioning ourselves in the research

### Frank Golding

My interest in the history of institutionalised child welfare arose when I was two years old and charged with the offence of being ‘without sufficient means’ and I was placed with various foster families and institutions. With the aid of scholarships, I became a teacher and principal in state schools, then worked in teacher education and as a principal policy officer in the Victorian Education Department in the area of social justice and student welfare, and as head of the state’s child migrant education programme. Later I managed equal opportunity units at Deakin and Victoria Universities. I am a Life Member of the peak body Care

\*Correspondence: Barbara Reed, Email: [barbara.reed@recordkeeping.com.au](mailto:barbara.reed@recordkeeping.com.au)

Leavers Australasia Network (CLAN) and have participated in national projects related to Care leavers and in formal inquiries into out-of-home Care run by the Senate of Australia, the Victorian Parliament, and the Royal Commission into Institutional Responses to Child Sexual Abuse. As a researcher and author, I have presented at national and international conferences. I have a PhD from Federation University Australia. In 2018, I was awarded the Order of Australia Medal (OAM) for service to child welfare and social justice.

#### *Sue McKemmish*

My worldview and values were formed during my childhood and are deeply rooted in my Scots, Irish and working-class heritage. Thanks to the introduction of Commonwealth scholarships, I became part of the first generation of first in family university students. I was later recruited by the National Archives of Australia (NAA) and also worked at the Public Record Office Victoria. At NAA, I was involved with a major transfer of records from the Victorian Department of Aboriginal Affairs when responsibility passed to the Commonwealth. Those records are a devastating indictment of the ongoing colonial project in Australia and drove home to me the role that recordkeeping played and is still playing as an instrument of colonialism. Joining Monash in 1990, my research focussed on Records Continuum theory and conceptual modelling, and recordkeeping metadata. More recently, I have focussed on community-centred, participatory recordkeeping and archiving research relating to rights in records, in partnership with those with lived experience of Out of Home Care, and First Nations communities in Australia. Developing inclusive, reflexive research design and practice in partnership with communities is critical to this research. All of the threads have woven together to form the social justice and human rights values and worldview that have motivated and informed my research and education journey.

#### *Barbara Reed*

My career has oscillated between the academy, teaching and researching recordkeeping, and the practical implementation of recordkeeping conceptual approaches as a consultant in the field. Archival qualifications preceded immersion in the Australian series system at the National Archives of Australia, followed by practical experience in a range of positions supporting an integrated records and archives approach which became known as recordkeeping. Joining Monash in 1994, I worked with Sue McKemmish, Frank Upward and a range of creative colleagues during the evolution of the records continuum theory. Close involvement in the development of standards for records practice and subsequent instantiation of theory in practice has led to an emphasis on governance controls to support inclusive and expansive recordkeeping informatics. Recent activity has included involvement in person-centric empowerment through recordkeeping in support of human rights and social justice in a range of environments.

#### *Introduction*

Years of determined advocacy, the testimony and findings of a string of inquiries, the writings and art of Care leavers, and major research projects have combined to highlight critical recordkeeping failures in the Out-of-Home Care (OOHC) sector. In response, recordkeepers and archivists have worked to overcome structural issues. Concentrating on the records of the past, improvements have been made in processes to ensure the retention of records and to improve access for individuals and their descendants. A degree of participation by those documented in the records has normalised the inclusion of alternative versions or the supplementation of official records. Such responses are seen as a form of institutional redress for the deficiencies of the past. However, the convenient relegation of these problems to history belies the continuation of many of these practices today.

The Australian Research Council-funded project, Charter of Lifelong Rights in Childhood Recordkeeping in Out of Home Care,<sup>1</sup> was a response to the recordkeeping and archival needs of children and young people in Care, and Care leavers. It focussed particularly on non-Indigenous people. Further research is underway to redevelop the Charter to address the specific needs of First Nations children and young people in Care, and to explore the rights-based needs of other stakeholders in the sector – families, foster parents and kinship carers. Customised implementation guidelines have been developed for current record holders and archival institutions, recordkeeping and archival regulators, service providers, social workers and practice case managers in the Care sector, and Care sector regulators. The guidelines include strategies for service providers, case managers and social workers to support children in understanding recordkeeping and participating in the creation and management of their own records. Recordkeeping literacy is conceptualised as a key component of agency and rights for children throughout their lives. Using human rights as foundational framing principles, recordkeeping becomes an instrument to actualise these rights in multiple situations, over considerable time spans. The implementation strategies developed for the Charter also address the role of sectoral leadership and mandates for change, creating strategic levers as part of the systemic requirements on service providers and supporting the interdisciplinary pursuit of significant change in organisational recordkeeping culture and practice.

In this paper, which follows on from a previous paper in *Archives & Manuscripts* titled ‘Towards Transformative Practice in Out of Home Care: Chartering Rights in Recordkeeping’ (2021), we discuss the challenges encountered when actualising research in practice. We use the implementation of the Charter of Lifelong Rights in Childhood Recordkeeping in Out of Home Care (the Charter), funded by the Australian Research Council and the Jean and Phyllis Whyte Fund, as an illustrative example. We begin with overviews of the recordkeeping failures of the past and present, and the development of the Charter to address them. We imagine transformed recordkeeping and archiving systems engaging children, young people and Care leavers as creators and decision-makers about their records. We then focus on the strategies we designed to engage major stakeholders in implementing the Charter, identifying the barriers we have encountered along the way. We conclude the paper by challenging recordkeeping regulators, recordkeeping and archival institutions, current records creators and holders, and the recordkeeping and archival profession to work with other key stakeholders to play their essential role in enabling the realisation of this goal. As the issues of power imbalance, information inequity, institutional focus and bias are playing out in many systems to the detriment of individuals, the findings of the Charter research project are relevant more broadly. Human rights-based recordkeeping and archiving has the potential to open up significant opportunities for recordkeeping by supporting more humane systems co-design and operation, and extending the application of such approaches to all people-centric recordkeeping systems.

### **Recordkeeping failures of the past and present**

The history of Out of Home Care and associated recordkeeping failures in Australia have been well documented in recent years. From colonial times, actions taken to remove children from family were the result of deliberate social policy driven by racism and classism. While this is clear in the preponderance of working class children removed from family and the forced adoption inflicted on single mothers and children, the most egregious application was the policy to ‘breed out indigeneity’ and destroy culture for First Nations children who were stolen from their families. For First Nations people, the resulting inter-generational trauma continues to reverberate through the lives of today’s children who are conservatively estimated to be 10.4 times more likely to be in OOHHC than non-Indigenous children.<sup>2</sup> Groundbreaking

research and development relating to legislative frameworks, policies, programmes, processes and practice for Aboriginal and Torres Strait Islander children and young people in Care and Kinship Care has been undertaken by SNAICC – the National Voice Representing the Rights of Aboriginal and Torres Strait Islander Children.<sup>3</sup>

Frank Golding has been drawing on historical research and lived experience for many years to help expose the consequences of the recordkeeping failures of the past. He recounts how orphanages and children's homes, the mainstay of OOH in colonial Australia, persisted until the 1980s. They controlled a child's whole being, suppressing their individuality by subjecting them to disciplined routines around food, clothes, sleep, work and play – and, for some but not all, schooling. These institutions limited or forbade contact with family, discounted children's needs or feelings, and subjected them to close surveillance. Recordkeeping was poor or non-existent.

When Care leavers gain access to their files many are shocked by their meagreness, significant gaps and omissions. One person was devastated to find '18 years of my life on two sheets of paper'.<sup>4</sup> Systems-wide deficiencies resulted in failure to track the movements of children and no form of integrated file followed the child through various placements.<sup>5</sup> Care leavers are appalled to find errors ranging from incorrect entry dates and birthdays to serious misrepresentations of facts such as the report of a death which named the wrong sibling. They expect but fail to find reports of their abuse and punishment of offenders, explanations of why they were transferred between institutions, information about siblings and parents, medical incidents and milestones in education. Instead, they are confronted by insulting and disparaging commentary about themselves or their parents, blatant racism, sexism and class bias.<sup>6</sup>

Care leavers also struggle to understand the process of being made a ward of the state. They were not criminals, yet they find in their files that they were charged, convicted, committed – and finally when they aged out, discharged. They are incredulous to find they were removed from their parents for status offences such as being in the company of 'undesirables', 'being in moral danger', deemed to be 'lapsing into a life of vice or crime' or being 'uncontrollable'.<sup>7</sup> The shocking, relentless and pervasive negativity is retraumatizing. Care leavers ask: didn't I ever do anything right? Did I never achieve anything when I was a child? The system and its dominant culture regarded them as 'rubbish' children,<sup>8</sup> as reflected in the Director-General of the NSW Child Welfare Department's view in 1960: 'Wards [in NSW] are a selected segment of the juvenile population with a heavy bias towards emotional instability, mental retardation, and inadequacies of character, the consequences of defective home environment in early childhood'.<sup>9</sup>

From the latter half of the twentieth-century, reforms in the Care sector aimed to provide more child-centred Care through foster and kinship Care, and group homes run by not-for-profit and, problematically, profit-making organisations. In 2009, the United Nations issued Guidelines for the Alternative Care of Children.<sup>10</sup> They stated that the assessment, planning and review underpinning decision making on Care 'should involve full consultation at all stages with the child, according to their evolving capacities, and if possible with their parents or legal guardians', with all parties concerned to be provided with the necessary information on which to base their opinion.

Following a plethora of inquiries which exposed the widespread sexual, physical and mental abuse of children in Care, significant reform has occurred in recent times, but it would be a mistake to conclude that the mistakes of the past no longer occur. Most recently, the report of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings 2021–2023 reaffirmed the findings of 22 previous reviews on the impacts on children in Care and risks of child abuse associated with poor support for children's involvement in decision making and poor recordkeeping, leading to a recommendation

to develop: ‘an empowerment and participation strategy for children and young people in out of home care to strengthen children’s say in their own care and in the way the out of home care system works’.<sup>11</sup>

Care activists continue to advocate for the child care system, recordkeeping regulators, archival institutions, the recordkeeping profession, current record creators and holders to address the recordkeeping recommendations of past inquiries as a matter of urgency, to act to ensure that recordkeeping supports the agency, wellbeing and dignity of children in Care today, and to break the vicious cycle that condemns Care leavers of the future to experience recordkeeping-associated trauma with at times life-threatening consequences. Agency and participation are critical to a child’s growth and wellbeing. Silenced and powerless children are much more likely to suffer abuse.

The experience of children in Australian OOHC, both historically and in current conditions, is specific to Australia.<sup>12</sup> Disturbing echoes can be found worldwide. A range of research-related projects have addressed the challenge of better recordkeeping to empower children in OOHC.<sup>13</sup> Some have prototyped systems enabling children’s agency in records,<sup>14</sup> while others have developed functional requirements for system design.<sup>15</sup> Professional responses have been developed, but these largely respond to records of the past.<sup>16</sup>

In our research, we combine ethics of care approaches appropriate to participatory research with communities, with rights-based approaches to transforming recordkeeping practice in the child care sector. We address systemic issues, power imbalances and inequities that continue to oppress the communities we research with. In designing our research, we are guided by the lived experience of significant numbers of children and young people whose Caregivers simply did not care in circumstances where their rights are not recognised or they are subject to abuse. Rights-based approaches aim to bring about systemic change by transforming archival and recordkeeping practices to support the empowerment of those whose voices have been silenced in recordkeeping and archiving, and the actualisation of their human rights. Shifting power balances inevitably involves law and policy reform, regulatory standard setting powers at federal and state levels, people-centred system design and innovative implementation strategies, as well as organisational cultural change. We aim to develop strategic solutions to redress recordkeeping failures and build people-centred recordkeeping and archival systems.<sup>17</sup>

### **Transforming recordkeeping in the future**

To achieve systematic change at all nodes of the extensive child care networked systems, there is a need for an overriding recordkeeping framework in which all participants are focussed on the outcome for the child. The Charter provides one such framework to galvanise and provide a touchstone mandate for change.

What would child-centred recordkeeping look like if it engaged children and young people in records creation and long-term management, and enabled participation in decision making about their Care?

*Imagine* ... children and young people in Care today participating in decision making about all matters that affect their lives, with participation in recordkeeping as a critical enabler. Social workers, foster carers, counsellors and institutional caregivers would include them in decision making and explain that records of that decision making will be made. Information about and participation in recordkeeping are introduced and developed over time. Their views and opinions will be heard and recorded, and the records shown to them as they are created (social worker and counsellor case notes, incident reports, placement reports). They are also told about other records containing information about their time in Care made in different parts of the system, and are informed that these are also their records.

Records are secured in trusted recordkeeping infrastructures which respect both legal and their community concepts of privacy. They are able to ask to look at records at any time and told that these will be accessible or copied for them (except in specific cases where the law currently says not – for example the initial child protection report), including records about their family. They are told about and can get access to records that they are not involved in creating (e.g. records of relevant government departments, contracted third-party providers records, school records, medical and mental health records). They are consulted about requests for access to their records (e.g. for research purposes), and their decisions are recorded and implemented. They are supported in creating their own records as part of their life story. If they decide they want to make their own archive, advice is available on finding third-party applications if systems are not provided in the Care system for this purpose. They can request copies of all records for inclusion in their archive. As part of the process of transitioning out of Care, a safe archiving service is available to them, or they are supported to continue with their third-party application, or to consult with the Australian Orphanage Museum about depositing their records there. They continue to be consulted about requests for access and management decisions related to their records and their decisions are recorded and implemented.

### **The Charter of Lifelong Rights in Recordkeeping in OOHC**

The Charter, primarily developed by Professor Sue McKemmish with Dr Antonina Lewis and Dr Frank Golding, is designed to realise this imagining and Frank Golding's axiomatic principle:

Every child placed in the custody and control of a welfare agency should absolutely expect that the agency will keep full and accurate records about their experience in Care and in a contemporary situation the child should participate in the process of making and keeping those records.

It is grounded in the lived experience of Care leavers sourced from inquiry testimony and advocacy from Care leavers and members of the Stolen Generations; the voices of children in Care represented in reports of CREATE (an organisation that supports and advocates for children in Care), State Child Commissioners and Guardians, Indigenous service and advocacy organisations, and research findings; and works authored or performed by Care leavers and Stolen Generations, including histories, memoirs, truth telling and artwork. The ultimate goal of the Charter is to embed a construct of the child as having agency and rights to participate in decision making about their lives and related recordkeeping, resulting in transformed archives that include the voices of those who in the past have been powerless captives of the archives (Figure 1).

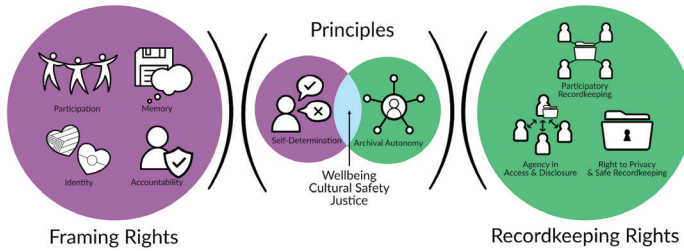
The Charter and a suite of implementation guidelines are among the major outcomes of the Australian Research Council-funded research project on the lifelong recordkeeping and archival needs of children and young people experiencing Care and their adult selves. The framing rights for the Charter derive from human and cultural rights relating to having a voice in all matters that affect them, remembering and forgetting, identity, truth telling and accountability. Its core principles are child safety and wellbeing, cultural safety, and self-determination linked to archival agency and autonomy. Specific recordkeeping rights include the right for children and young people to participate in recordkeeping that supports decision making in all matters that impact them, including records creation; decision making about access, use, and records retention or destruction; and setting the record straight. This is essential if records are

# The Charter of Lifelong Rights in Childhood Recordkeeping in Out-of-Home Care



The Charter of Lifelong Rights in Childhood Record-keeping in Out-of-Home Care focuses on the critical, lifelong and diverse information and recordkeeping needs of Australian children and adults who are experiencing, or have experienced Out-of-Home Care. The principles and values underpinning the Charter relate to child well-being and safety, self-determination, linked to archival autonomy, agency, and child safety.

The Charter applies while a child or young person is in Care and throughout the duration of their life, supporting child safety principles, the well-being of children and young people in Care and meeting the lifelong information needs of Care leavers and Stolen Generations, including those relating historical justice and redress.



### Framing Rights

#### Participatory Rights

Individual right to:

- Participate in decision making/have a voice in all matters that impact you

Collective right to:

- Participate in developing frameworks, legislation, policies and processes that impact the collective

#### Memory Rights

Individual and collective memory rights to:

- Remember/forget
- Be remembered/be forgotten

#### Identity Rights

Individual and collective rights to:

- Cultural, family and self-identity
- Know who you are and where you belong
- Practice your culture
- Have your cultural or community recordkeeping practices recognized in legal, bureaucratic and other processes that involve records creation
- Have your self-identity acknowledged in records about you, including, but not limited to, name, gender, and ethnicity

#### Accountability Rights

Individual and collective right to:

- Held society, governments and service providers to account for actions that impact on you as an individual or community
- Governance frameworks and accountable systems that support transparent decision making based on accurate, complete and reliable evidence

### Recordkeeping Rights

#### Participatory Rights and Record Creation Rights

Rights to participate in decision-making about:

- Setting recordkeeping and archival frameworks (metadata, classification, categorisation, identifiers, making policies/approval, access, disclosure, transfer, disposal, decision-making about legal and administrative processes (PACIE) a collective right for community member organisations)
- Deciding how your records are used and who has access to your records
- Determining how long to keep records, and in what form
- Deciding to delete records about you

Records creation rights to:

- Participate in decisions about what types of records that should be created about you in organisational recordkeeping systems
- Create your own personal records in organisational settings
- Reverse (re)challenge the record (break talking/right of erasure)

#### Privacy & Safe Record-keeping Rights

Privacy Rights

- Individual and collective privacy as understood in your culture and worldviews
- Not to have your records used for other than their original agreed purpose without consent

Safe Record-keeping Rights:

- Safe and secure recordkeeping infrastructure, processes and systems
- Safe and secure keeping places for records
- Accountable recordkeeping systems that provide accurate, complete and reliable evidence of actions that impact on you as an individual or community

#### Rights in Disclosure, Access and Records Expertise in Records and Archives

Disclosure rights relating to:

- Knowing and being informed of where your records are held, including restricted files
- Being informed about the type(s) of records held about you
- Being informed of when and why others are given access to your records
- Knowing when and who records about you are destroyed

Access rights relating to:

- Lifelong access to your records
- Reasonable copies, timely and low-cost access
- Special accelerated access where circumstances require it
- Having a bar in intergenerational access
- Consenting to access and use of your records by others

Rights regarding records expertise:

- The right to be provided, and at no cost, with the index terms or other metadata necessary for locating and retrieving records about oneself
- The right to request and be provided with a records specialist or other expert in locating, introducing and challenging records
- The right to have a records expert testify regarding the historical and bureaucratic circumstances surrounding the creation, management, reproduction, translation and reliability of records about oneself

**Figure 1.** The Charter of Lifelong Rights in Childhood Recordkeeping in Out-of-Home Care.

to be full, accurate and detailed as specified in the Royal Commission’s recordkeeping principles.<sup>18</sup> Access rights are vital to well-informed decision making, and are enabled by disclosure rights and rights to access records expertise. Privacy and safe recordkeeping rights ensure that records are only shared with third parties in line with privacy principles, while the provision of safe and sustainable personal recordkeeping and archiving enables children, young people and Care leavers to sustain their own recordkeeping and archiving practices. Child-centred recordkeeping in which children and young people have a voice is critical to improving the quality of recordkeeping and addressing the many failures of recordkeeping in the Care sector. Without the transformation of recordkeeping practice, the trauma and problems currently encountered by Care leavers when trying to access records will be perpetuated.

For children and young people, there is a critical link between participation in recordkeeping, and empowerment, voice and agency. Learning how to participate and take more control of their lives is a significant part of ageing and growing into adults. Participation in this context is:

... an on-going process of children’s expression and active involvement in decision-making at different levels in matters that concern them. It requires information-sharing and dialogue between children and adults based on mutual respect, and that full consideration of their views is given, taking into account the child’s age and maturity.<sup>19</sup>

Participation in decision making brings to the process the perspectives of children and young people who have valuable insights to contribute based on their experiences of Care. Their engagement in both decision making and recordkeeping strengthens accountability, and results in better quality records, while developing their capacities as active participants. It is critical to protecting children:

Children who are silenced and passive can be abused by adults with relative impunity. Providing them with information, encouraging them to articulate their concerns and introducing safe and accessible mechanisms for challenging violence and abuse are key strategies for providing effective protection.<sup>20</sup>

Increased participation can also start to address the long-term impacts of the Care system and its recordkeeping which have contributed to the vulnerabilities, disadvantages and poorer life outcomes for those who spend time in Care (including high rates of suicide, poor mental health; a shockingly high level of non-completion of high school, and low levels of participation in higher education).<sup>21</sup>

### **Implementing the Charter: The challenges and barriers**

We are currently engaged with child care activists in an advocacy campaign to convince Australian federal and state archives to use their regulatory standard setting powers to mandate the implementation of the Charter in their jurisdictions. This would be the most effective lever to bring about a transformation of recordkeeping in the sector. Endorsement and promulgation of the Charter of Lifelong Rights in Childhood Recordkeeping in OOHC by key stakeholders would support the reimaged scenario presented above. Implementing the related best practice guidelines would enable rights-based, child-centred recordkeeping. To this end, the research team made presentations to and consulted with many key stakeholders, and made submissions to related commissions, inquiries and reviews.<sup>22</sup>

There is an irony in the work undertaken in developing implementation strategies for the Charter. It is oriented to the individual rights of a child encountering OOHC during their childhood, complemented by collective rights enabling strategic engagement with informed communities of advocacy. The Charter then, has as a primary audience, the child within the OOHC system. Yet our implementation guidelines are, by necessity, aimed not at the child, but at the organisations that are delivering or responsible for the provision of the services. To address this issue, we have built into the relevant guidelines the ways in which case workers and social workers can support children and young people's participation in recordkeeping and the creation of their own archives, including sharing information about OOHC recordkeeping systems, and the existence of third party archival systems and how to access and use them.

The service providers and their regime(s) of regulation provide the frameworks and systems that actually frame the Care for children and are responsible for recordkeeping about and for the child. They determine the rules for recordkeeping which impact the organisational recordkeeping culture in service provider organisations; they provide the monitoring and regulation; and they audit the recordkeeping and report on the implementation of the rules. Thus, the implementation strategy is aimed at both regulators and service provider organisations.

The child protection environment in all states and territories is in flux as models for service delivery are changing in response to clear acknowledgement of defects in past and present models. This is potentially a major barrier to the implementation of the Charter, but also a possible lever given the broader push for change towards a more child-centred OOHC system. Another barrier is the fact that State-provided services are now largely managed by contracted service providers with contract monitoring and oversight provided by state and territory provisioning agencies, a model endorsed as the most appropriate for service provision in the most recent 2023 Tasmanian Inquiry.<sup>23</sup> Contracts for services require reporting and performance standards. Service providers



can be provisioned in and out. Carers are licensed to service providers. Locating service provision in communities, or with specialist service providers can result in uncertainty impacting organisational continuity, producing vastly complex distributed recordkeeping responsibilities. The ecosystem of nested contractual obligations and recordkeeping responsibilities distributed across an ever-changing array of providers is another implementation barrier. Introducing a model that allows for-profit making within the system also complicates and potentially increases instability within the service provider operatives. For children seeking to assert recordkeeping rights over time, this means navigating a hugely problematic and badly connected set of potential records creating bodies. Difficult both to understand and trace over time, the recordkeeping implications of such complex structures are daunting even to those within the system, let alone a child attempting to assert recordkeeping rights.

As in many contemporary operating environments, there is an implicit assumption that technology will provide the key. These techno solutionist<sup>24</sup> approaches envisage quick and ‘flawless’ ways to solve complex real-world problems that in fact are better addressed by social approaches. Too many promises are made by technologists and vendors, with a focus on organisation-centric and superficial change, often at the whim of the market. Recordkeeping requirements are rarely front of mind in such situations, with the result that vendors are effectively colonising Australian practice with the end-of-life assumptions about managing records (where this is considered at all). Technology approaches are therefore not a productive locus for attaining strategic recordkeeping outcomes. While such systems must have their place, these should be considered the end point of a reimagined means to implement change, and should be deployed to serve these requirements, rather than being the immediate ‘fix’. To enable children in Care to realise their lifelong requirements for records, the need for sustainable records across multiple technologies, employed by multiple service providers and multiple layers of monitoring and reporting, must be well understood and designed into these systems.

Recordkeeping voices are largely silent here. As a sector, recordkeeping professionals have yet to stand up and seriously advocate for change to organisational mindsets and requirements to assist in creating the environments needed to assert human rights in records. This is an ongoing challenge but one that everyone involved with recordkeeping must step up to. While business and industry may broadly understand specific processes and be able to identify user requirements for records in specific processes, recordkeeping professionals can specifically add advocacy for future requirements to extend recordkeeping beyond the immediate here and now.

To date, interventions from recordkeeping regulators have also been inadequate or ineffective. For example, the Royal Commission into Institutional Responses to Child Sexual Abuse dedicated a whole volume of the final report to recordkeeping. It included proactive statements of recordkeeping principles and commended these to all organisations involved in the child protection environment. At a strategic level, recordkeeping was almost immediately brought in under the umbrella of Child Safe standards by the Australian Human Rights Commission, with recordkeeping explicitly addressed as a subsidiary component to Principle 7 of those standards.<sup>25</sup> As each state and territory created their own versions of the Child Safe Standards in their jurisdiction-specific legislation or regulation, even this oblique attention to records was lost. Somehow all records needs are now subsumed into complaints processes. This is not the empowered vision that the Royal Commission recommended for recordkeeping, and, frustratingly, it appears that the strategic importance of records is no longer a front-of-mind consideration within jurisdiction-based child-safe standards and charters of children’s rights.

### **Implementation strategies: Top down, bottom up and external**

In recognition of the reality of organisations – including inherent complexities, shifting dynamics and complex nested components – developing implementation strategies for the Charter focussed on actions that could be achieved here and now. Realistic expectations about the speed of change are acknowledged,<sup>26</sup> with the publication of the Charter and the release of toolkits only the beginning of a long process.

Multiple strategies have been adopted to assist the implementation of change required to make the Charter a reality for children in the OOHC system. These strategies primarily focus on creating mandates for action, and targeting the policies and procedural layers within organisations. Locating implementation here can effectively address expectations, change behaviours and enable flexibility to encompass incremental change. It also enables focus on what can be done now, in the hands of practitioners. Practice then changes organisational culture, strategic focus and hopefully, over time, technology requirements.

The implementation strategies for the Charter can be crudely characterised as comprising top down, bottom up and external levers. An endorsement strategy creates the mandate – the top down approach. A toolkit for implementation has been published,<sup>27</sup> addressing the bottom up and pragmatic action agenda. Oversight, audit and monitoring of recordkeeping is recommended as an outside-in strategy from recordkeeping and children and young people's regulators can create the levers for change. Care leavers and advocates continue to revisit and reinterpret their experiences, as outlined above, and thus create what might be characterised as part of the inside-out/outside-in strategies.

#### *Endorsement strategy – Top down*

The primary top down strategy pursued is endorsement of the Charter. The aim is to create a mandate for specific jurisdictions to implement the Charter. This requires involvement from key players in the OOHC sector, identified as: the regulators and monitors of the child protection systems; the government departments responsible for OOHC administration; advocacy organisations engaged in improving children's recordkeeping; selected care provision agencies and the recordkeeping regulators. We started by reaching out to those who have previously engaged with academic research through attendance at the 2017 National Summit,<sup>28</sup> including requests for targeted recommendations that could be used for snowballing. Additional direct contact was made with each of the Children and Young People's Guardians and Commissioners and recordkeeping regulators. The recordkeeping regulators (State and Territory archives and records authorities) are those responsible for the recordkeeping frameworks in place for each jurisdiction and are our own known community. Professional peak bodies for records and key advocacy bodies for children were also included in the endorsement strategy.

The invitations provided a clear outline of the Charter, its intentions, and aspirations, and also included an offer for a briefing session. Briefings conducted by McKemmish and Reed, with specific expertise provided, where possible, by Golding, were presented to eight Children's Commissioners and Guardians at federal, state and territory levels, including sessions for Aboriginal and Torres Strait Islander Commissioners where independent positions existed. Each session outlined the background and development of the Charter, the importance of recordkeeping for children in Care, a high-level view of the rights identified and details of implementation guidelines. Explicit invitations to endorse the Charter were extended, with endorsement received from four Commissioners and Guardians to date.

A similar strategy was pursued with recordkeeping regulators and peak recordkeeping bodies. CAARA, ASA and RIMPA have endorsed the Charter, as have four State and Territory archives (including NZ), one Information Commissioner and one Privacy Commissioner.

Others stated that their implicit endorsement was included in their engagement with the peak bodies. The two key advocacy bodies for children in OOHC, CLAN and CREATE, have also explicitly endorsed the Charter.

There are some indications levels of endorsement could be directly linked to the circumstances of OOHC in various jurisdictions. All involved with the sector know the complexities and embedded problems with the ways current systems deliver OOHC. Specific inquiries were underway or recently completed in a number of jurisdictions. Media reporting has kept the issues and problems in front of the public’s attention. Jurisdictions with direct, recent experience of reviews were more receptive to adopting the Charter as one mechanism to affect change. Experience with inadequate or inaccurate recordkeeping also seemed to affect which jurisdictions were open to engagement, at both Commissioner/Guardian and government department levels. We actively pursued engagement with those who were most interested, with the hope that those less engaged would follow industry leaders.

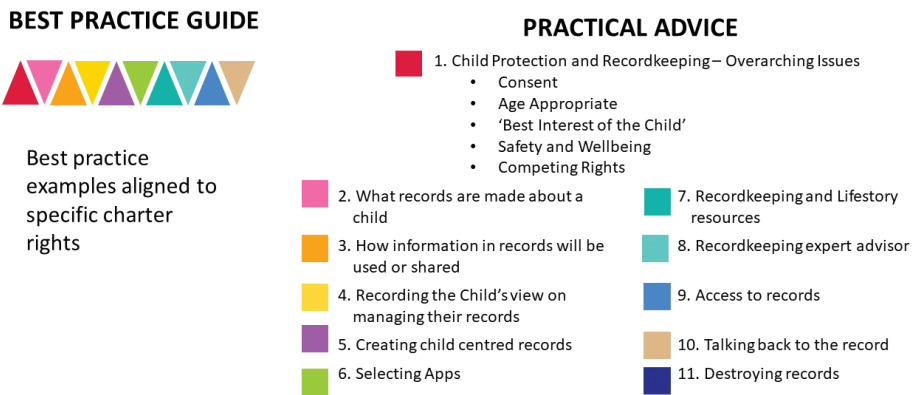
Similar considerations determined engagement with recordkeeping regulators. In that community there were some perceptible concerns about adopting a Charter which was clearly aspirational: that is, the Charter outlined what was wanted and needed, rather than what was in place. Other hypothesised concerns included the extent to which the Charter’s provisions could be monitored or required by the recordkeeping regulators.

At the time of writing this strategy has led to endorsement of the Charter by 16 key organisations.<sup>29</sup> However, endorsement is in itself relatively easy. Does it make a difference? Has it had a lasting impact on the systems within jurisdictions that have endorsed it? Can children in Care use the Charter to assert their rights? How can implementation be achieved and measured? Knowing the difficulties involved in all of these areas led to the development of further implementation guidance.

*Best practice guidance and practice guides – Bottom up*

Our experience to date suggests that organisations seeking to implement the Charter require more directed assistance than simply being asked to endorse the framework. The Implementation Toolkit (Figure 2) attempts to address this through a Best Practice Guideline aimed largely at the strategic management of service providers. This links specific recordkeeping rights to the indicators of best practice and to the pragmatic practice guides which support it.

## Implementation Toolkit



**Figure 2.** Implementation toolkit overview.

The Guidelines use the testimony of survivors of OOHC to emphasise the impact that will be provided by actualising those rights.

Reed developed a set of 11 Practice Guides aimed at service provider practitioners and recordkeeping specialists. These provide a summary discussion of why specific recordkeeping actions will improve practice, what best practice looks like and how they can be implemented, along with links to further resources to enable further exploration.

The Practice Guides push the boundaries of both social workers' practice and existing recordkeeping paradigms. They also acknowledge the significant changes seen in the social work profession, which has worked to create records that are child centred, paying attention to the importance of language, stressing the positive and remaining child-focussed. These aspects of social work are brought into focus in Practice Guide 5: Creating Child Centred Records. Extending changes in writing records are practices for sharing the record with the child (and family, if relevant) at the time of record creation. The intention here is to enable transparency, demystify 'the system', and ensure the appropriate capture of the right details and relevant information, potentially removing many downstream problems. If a child knows and participates in decision making and what has been written about them, can see the resulting records about them, knows their views have been incorporated, and can obtain copies, the access problems that have so plagued older Care leavers virtually disappear. Similarly, some of the daunting monolithic barriers of 'the welfare' bureaucracy are demystified and dismantled if there is transparency about what records are created, and where this happens in the complex ecosystem of child protection (Practice Guide 2: What records are kept about me?); and knowledge about information sharing practices embedded in the system, along with processes for obtaining explicit consent where sharing is not mandatory (Practice Guide 3: How information in records will be used or shared with others).

An individual recordkeeping plan supporting children and young people is outlined in Practice Guide 4. Plans are seemingly the backbone of child protection services, and while notably observed in the breach, this new addition to the planning regime provides a mechanism for recording the wishes of the children concerning their decisions about their records – what they want to be kept, whether and how they wish to receive copies of records, access permissions, and consent and destruction of records. These are rights outlined in the Charter, and the plan is a way of ensuring such rights are renewed, kept up to date and available for the organisation to monitor implementation.

Recordkeeping rights are quite complex. Understanding both the ecosystem of interrelated organisations that provide, commission and monitor OOHC, how to record individual requirements in a plan, and the long-term implications for some decisions requires support for the child. Access to records requires knowledge of where the records are – the right of disclosure. To support individual children navigating these issues, a new role – the recordkeeping expert advisor – has been developed. Their job is to advocate for the child, ensuring that their wishes are implemented and supporting decision making in relation to records (e.g., a requirement that an individual's records be destroyed once they leave Care). Recordkeeping professionals may not always be the best people to fill this role. As with supported access to records, a deeply knowledgeable social worker may be more appropriate, trained to be both an empathetic communicator with the child and an advocate for that child in asserting recordkeeping rights (Practice Guide 8: Recordkeeping Expert Advisor).

Activating recordkeeping rights for children in Care challenges some of the recordkeeping norms. These include how records are created, and changing the focus to centre the child, not the organisation. Granular definitions of rights affecting the management of records defy what current recordkeeping systems are designed to do, and what practitioners take as normal practice. These include rights relating to access, privacy, ownership and approval for information sharing.

Similarly, authorising the destruction of records by the child (supported by a recordkeeping expert advisor, as outlined in Practice Guide 11) is deeply challenging to many recordkeepers. The Practice Guides aim to create sufficient context to enable recordkeeping practitioners to act on behalf of the child, in conjunction with changing social work practice.

#### *Strategies for regulators – Outside in*

The implementation strategies above focus on the Charter as a mandate (top down), and the identification of best practices through pragmatic guides (bottom up). As discussed, changes can be frustratingly slow to implement, particularly where recordkeeping is largely invisible to achieving strategic outcomes for children. Regulators have a specific role to play in creating momentum to facilitate organisational change. This creates an outside-in implementation strategy.

Specifically, both the children and young people's regulators and the recordkeeping regulators can provide mechanisms to promote action in supporting recordkeeping rights. Reed developed two Implementation Strategies (Figures 3 and 4), one for each set of regulators, to suggest 9 pragmatic actions that each could implement now to support changes in recordkeeping practice within organisations supporting children in OOHC.

As yet, there is little indication that any such strategies have been implemented, despite the endorsement of the Charter.

#### *Testing organisational reactions in training*

Working with one of the implementation partners in this research, Child and Family Services (CAFS) at Ballarat, the team of Dr David McGinniss and Ember Parkin of Ashtree Projects developed training sessions using the research outcomes. Anecdotal reactions, particularly to the training on better ways to create records (Practice Guide 5: Creating child centred records, and Practice Guide 7: Recordkeeping and Lifestory Resources), immediately identified that the practices outlined were not only of relevance to children in OOHC but to all recordkeeping for all the services that CAFS supports.

This was a very heartening response. Once the importance of recordkeeping is contextualised within a service such as CAFS, it can become a central plank for delivering life-long support to anyone assisted by their services. CAFS conceptualises all these people as current and ongoing clients. The relevance of current practice and responsibility for the long term is seen as a continuing commitment – something for which recordkeeping is a fundamental support. The ease with which the participants realised the broader impacts of recordkeeping rights on individuals and their life chances inspires hope that widespread adoption of human rights-based recordkeeping is possible.

### **Rising to the challenge**

Archival institutions could use their current recordkeeping regulatory, standard setting and advisory roles to support children and young people in Care today and into the future. They could:

- Endorse the Charter
- Work with Children and Young People's Commissioners to develop specific guidelines for creating full, accurate, reliable and authentic records that include the voices of children and young people in the OOHC sector
- Develop a standard for relevant government agencies across all jurisdictions relating to implementing the Charter
- Provide a child-centred, participatory recordkeeping role model for government agencies
- Require contracts for outsourcing to private sector providers to include the provision for implementing the Charter and eventually depositing related organisational records with State or Territory archival institutions

## Charter of Lifelong Rights in Childhood Recordkeeping in

### Out-of-Home Care

#### Implementation Strategies for Recordkeeping Regulators

*Records kept for and about children in Out of Home Care have an impact for a lifetime. Empowering children to participate in decision making and recordkeeping, to know about and have free access to records throughout their time in Care and at any time in their life can significantly affect life chances. Recognising this, Recordkeeping Regulators can constructively engage with all layers of the child protection system to enable child-centric recordkeeping.*

Endorse/Adopt	Develop	Pilot
<p><b>1</b></p> <p><b>Endorse and promulgate the Charter of Lifelong Rights in Childhood Recordkeeping in Out-of-Home Care.</b> The Charter provides a mandate for reconceptualised child-centred recordkeeping.</p>	<p><b>4</b></p> <p><b>Develop</b>, in conjunction with peer organisations, <b>National Standard on Recordkeeping for children in Out-of-Home Care</b> aligned to Child Safe Standards. Cross jurisdictional, national recordkeeping standards enable consistency and a focus on child-centred recordkeeping.</p>	<p><b>7</b></p> <p>Work with partner organisation to <b>pilot implementation of national standard.</b> Provide proactive support to early adopting service providers.</p>
<p><b>2</b></p> <p><b>Endorse and promulgate Best Practices Guidance for Service Providers - within and between jurisdictions.</b> Adopting uniform Best Practice Guidance for Service Providers focusses recordkeeping on requirements of children.</p>	<p><b>5</b></p> <p><b>Develop jurisdictional arrangements for ensuring long term retention of service provider records.</b> Orphaned records, left with private organisations which may or may not continue to provide Out-of-Home Care services have been clearly identified as a problem for children leaving Care. Incorporating proactive measures to provide long term maintenance and access to these records is required across all jurisdictions.</p>	<p><b>8</b></p> <p><b>Work with Children and Young People sector Regulators to develop audit methodology for recordkeeping for children and young people.</b> CYP Regulators monitor and investigate service provider practices on behalf of children – incorporating recordkeeping into these processes assists implementation of best practice.</p>
<p><b>3</b></p> <p><b>Support implementation of Best Practice Toolkit.</b> The Toolkit addresses consistency of practice and identifies achievable improvements in practice.</p>	<p><b>6</b></p> <p><b>Develop model recordkeeping contract clauses for service providers of OOHC.</b> Service providers need contractually binding requirements for recordkeeping, during and after contract terms.</p>	<p><b>9</b></p> <p>Practical guidance on maintaining records through technology system change. Service Providers need practical assistance to ensure reliable records across systems changes</p>

**Figure 3.** Implementation strategies for recordkeeping regulators.

If archives are open to learning the lessons of the past and present, and dare to take transformative action to realise a reimagined future, the experiences of children and young people in Care and Care leavers could be very different from those described in the first part of this paper. It is not as though there is a shortage of warrants for such action in the United Nations Guidelines for Alternative Care, the

# Charter of Lifelong Rights in Childhood Recordkeeping in Out-of-Home Care

## Implementation Strategies for Children and Young People Commissioners or Regulators

*...every child placed in the custody and control of a welfare agency should absolutely expect that the agency will keep full and accurate records about their experience in Care (and in a contemporary situation the child should participate in the process of making and keeping those records)* Frank Golding

Endorse/Adopt	Incorporate	Review
<p><b>1</b></p> <p><b>Endorse and promulgate Charter of Lifelong Rights in Childhood Recordkeeping in Out of Home Care.</b> The Charter provides a mandate for reconceptualised child-centred recordkeeping.</p>	<p><b>4</b></p> <p><b>Include recordkeeping in all reviews and monitoring of services.</b> Child-centred recordkeeping is a key component of all services. Incorporating recordkeeping in all reviews and monitoring activity ensures on-going attention to recordkeeping is adopted in practice.</p>	<p><b>7</b></p> <p><b>Conduct recordkeeping audits on departments and Contracted Service Providers.</b> Working with Recordkeeping Regulators to develop practical audit methodologies enables effective reviews of practice.</p>
<p><b>2</b></p> <p><b>Incorporate recordkeeping into existing Charters of Rights for Children and Young People.</b> Update existing Charters to include, at minimum, a reference to children’s rights in records.</p>	<p><b>5</b></p> <p><b>Ensure contracts for service provision and carers include lifelong recordkeeping rights for children.</b> Advocate for use of recordkeeping model contract clauses and monitor their implementation in practice.</p>	<p><b>8</b></p> <p><b>Audit arrangements to ensure that records will be accessible for the child’s lifetime.</b> Attention to life-long accessibility of records reinforces requirements beyond current systems.</p>
<p><b>3</b></p> <p><b>Recommend adoption of Charter (and Recordkeeping Best Practices Guidance) for all service providers.</b> Promulgate recordkeeping improvement using best practice guidance to all providers as part of the protective framework for children.</p>	<p><b>6</b></p> <p><b>Ensure recordkeeping is explicitly addressed in practice manuals, guidance to contracted service providers, carers.</b> Recordkeeping should be clearly specified and embedded in practices at all levels of the child protection system.</p>	<p><b>9</b></p> <p><b>Call out recordkeeping deficits where they impede either reviews or rights of children and young people.</b> Explicitly referencing recordkeeping deficiencies or good practice in reviews keeps recordkeeping visible as a protective mechanism for children and young people.</p>

**Figure 4.** Implementation strategies for Children and Young People Commissioners or Regulators.

National Framework for Protecting Australia’s Children 2009–2020 endorsed by the Council of Australian Governments,<sup>30</sup> the findings of all the federal and state inquiries and reviews, Care leaver testimonies and publications, the research reports and so on.

If they do dare, Care leavers accessing their files will no longer be shocked by their absence or meagreness. They will not be confronted with dossiers made in secret by the people who controlled their lives, in which their voices were silenced. They will no longer be appalled to find so many gaps, omissions and misrepresentations. Their expectations of finding why they were transferred between institutions, information about siblings and parents, medical incidents and milestones in education will be met. Records will no longer include insulting and disparaging commentary about them or their parents, or blatant racism, sexism and class bias. The shocking negativity will be replaced by records that include happy times, achievements and talents, as well as more challenging content. And most important of all, children and young people in Care will become recordkeeping agents participating in improving the quality of recordkeeping and calling all those responsible for providing quality Care to account.

### **Towards the future: Human-centred, rights-based recordkeeping and archiving**

Recordkeeping professionals working with child care advocates with lived experience have reimagined recordkeeping as a core component of Care, enabling ongoing participation in how the children in Care are represented in records, and how records are created, managed and accessed, to enable assertions of human rights embodied in recordkeeping rights. As we imagine the ways in which recordkeeping rights can be implemented, it is evident that the same rights and the same issues are being experienced through recordkeeping relating to all people.

Children in Care are in a position of extreme vulnerability, and not all people experience systemic vulnerability to the same extent. But anyone, and potentially everyone, will be enmeshed in systematised recordkeeping, whether hidden behind the increasing social surveillance imposed through technologies such as facial recognition, or through exposure to algorithmic decision making and the obsessive data collection associated with everything from web browsing to using our cars.<sup>31</sup>

The recent report of the Royal Commission into the Robodebt Scheme<sup>32</sup> exposed the vulnerability of people being assessed by the ethically dubious application of machine learning technologies. As is common knowledge, the way this harsh practice was implemented led to multiple suicides. While not tested, it is expected that there will be an intersection between Care leavers and those caught up in the Robodebt scheme. And the harms inflicted by using data badly, particularly against people who have been stigmatised or marginalised in some way, are not restricted to Australia. For example, over 20,000 people in the Netherlands faced similar harms when falsely accused of fraud related to the distribution of Child Care benefits through ethically flawed and racist means.<sup>33</sup> The Danish government's use of machine learning to identify these welfare recipients are eerily similar to the Robodebt scheme.<sup>34</sup>

Where data, information and records are potentially weaponised against citizens – often the most marginalised and vulnerable citizens – the need for individuals to redress the power imbalances inherent in such practices becomes critical. The lessons learnt from working with children in Care in relation to recordkeeping rights and the ability to assert those rights could become a significant challenge to the way recordkeeping professionals conceptualise their practice. Enabling individuals to challenge 'the system' will require quite different thinking about ownership, stewardship and custodianship of records and information. Future recordkeeping systems which enable recordkeeping rights will look quite different to the organisational repositories now in place.

The implications for the broader recordkeeping and archival sector are far-reaching. For example, recordkeeping and archival education and training programmes would need to include a curriculum relating to: actualising participatory rights in recordkeeping and archiving for all those involved in the activities documented in records; people- and community-centred rather



than organisation-centric recordkeeping system co-design and implementation; and strategies for effecting cultural change in institutional archives and organisational settings. There might be a similar shift in the work consultants do in organisations, and hopefully increasingly with communities, and in archival and recordkeeping standards now and into the future. There are implications too for the future research required to support significant change, including comparative studies of initiatives in different global contexts, and strategies to mitigate the problematic service provision issues that arise in Care sectors increasingly driven by profitmaking motives.

Centring human rights and recordkeeping rights offers a very different view of the professional responsibilities of recordkeeping professionals, institutional archives and organisational recordkeeping. As a professional community, there is a chance to make a different future for rights-based recordkeeping, but to do so will need strong and courageous leadership, cultural change, reconceptualisation of roles, systems and tools, and the willingness to rise to the challenge.

### **Acknowledgements**

Funding for research on the Charter of Lifelong Rights in Childhood Recordkeeping in Out of Home Care has been provided by the Jean and Phyllis Whyte Fund (Faculty of Information Technology, Monash University) and the Rights in Records by Design Project through an Australian Research Council (ARC) Discovery Grant DP170100198: Chief Investigators Associate Professor Joanne Evans (Monash University), Associate Professor Jacqueline Wilson (Federation University Australia), Professor Sue McKemmish (Monash University), Associate Professor Philip Mendes (Monash University), Professor Keir Reeves (Federation University Australia) and Dr Jane Bone (Monash University), with postdoctoral fellow Dr Gregory Rolan (Monash University) and research fellow Dr Frank Golding OAM (CLAN and Federation University). CLAN and the Community and Family Services (CAFS) regional office in Ballarat have been community partners in the project.

The Charter's development was endorsed by the 2017 *National Summit on Setting the Record Straight for the Rights of the Child*. The National Summit was convened by Monash University in partnership with Care Leavers Australasia Network (CLAN), an advocacy and support group for older Care leavers; the Child Migrants Trust, an advocacy and support service for child migrants/deportees from Britain and its colonial posts; Connecting Home, a service for the Stolen Generation; the CREATE Foundation, the national consumer body representing children and young people with Care experience; Federation University Australia and the University of Melbourne.

Members of the research team who developed the Charter were Dr Frank Golding OAM, Dr Antonina Lewis, Professor Sue McKemmish, Barbara Reed and Dr Greg Rolan. The suite of implementation guidelines for the Charter was developed by Barbara Reed. Dr David McGinniss (formerly Federation University, now Melbourne University) and Ember Parkin developed related training materials and worked closely with community partner Child and Family Services (CAFS) Ballarat in the project.

### **Notes on contributors**

**Frank Golding** is an Honorary Research Fellow at Federation University Australia, where he completed a PhD entitled *Care Leavers Recovering Voice and Agency through Counter-Narrative*, and a Life Member of Care Leavers Australasia Network (CLAN), the national Care leaver advocacy body. A social historian, Frank has contributed to formal inquiries dealing with the institutionalisation of children and to projects with the National Museum, the National Library of Australia and the National Summit on Rights in

Records. He has written more than a dozen books, as well as book chapters and refereed journal articles and has presented papers on child welfare in the UK and several European countries.

**Sue McKemmish** Joining Monash in 1990, Sue McKemmish's research focussed on Records Continuum theory and conceptual modelling, and recordkeeping metadata. Her Records Continuum theory-building and modelling work has continued throughout her career. More recently, she has focussed on community-centred, participatory recordkeeping and archiving research relating to rights in records, complemented by ethics of care, in response to advocacy by those with lived experience of Out-of-Home Care, and First Nations peoples in Australia. Developing inclusive, reflexive research design and practice in partnership with communities has been a critical part of this research.

**Barbara Reed** is currently working as a part-time Research Fellow on the Rights in Records projects of Monash University. As an independent archives and records consultant she has worked with a range of government, non-government, private and non-profit organisations, in Australia and internationally. Much of her work has been focussed on developing recordkeeping practices and competencies, transforming recordkeeping into digital practice, and working with a range of stakeholders to create strategic interventions through standards and best practice guidelines. She has taught archives and records subjects at a number of Australian Universities.

## ORCID

Sue McKemmish 

Barbara Reed 

## Notes

1. Development of the Charter has been funded as part of the ARC Rights in Records by Design Project, available at <https://rights-records.it.monash.edu/research-development-agenda/rights-in-records-by-design/recordkeeping-rights-charter/>, accessed 18 February 2024. We use the term Care with a capital C ironically as the Care system has failed to care for many generations of children. OOHC references any child who has been removed from family - orphans, children in orphanages, and children's Homes, child migrants sent to Australia after World War II, and those in more recent forms of statutory care (kinship, foster and residential care).
2. SNAICC, Family Matters Report, 2022, available at [http://www.snaicc.org.au/wp-content/uploads/2023/09/221123\\_16\\_Growing-Up-Strong-Children-1.pdf](http://www.snaicc.org.au/wp-content/uploads/2023/09/221123_16_Growing-Up-Strong-Children-1.pdf), accessed 18 February 2024. These figures vary by jurisdiction. The most recent figures published by the Victorian Yoorook Justice Commission identified that, in 2023, First Nations children were 5.7 times as likely to be the subject to a report to child protection services; 7.6 times as likely to have finalised investigation by child protection services, 8.5 times as likely to be found to be 'in need of protection' by child protection services and 21.7 times as likely to be in out of home care. Yoorook Justice Commission, Yoorook for Justice. Report into Victoria's Child Protection and Criminal Justice Systems, 2023
3. SNAICC, Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle: A Resource for Legislation, Policy and Program Development, SNAICC, Eltham Victoria, 2017, available at [https://www.snaicc.org.au/wp-content/uploads/2017/07/Understanding\\_applying\\_ATSICCP.pdf](https://www.snaicc.org.au/wp-content/uploads/2017/07/Understanding_applying_ATSICCP.pdf), accessed 18 February 2024; SNAICC Values Statement on Children's Rights, available at <https://www.snaicc.org.au/about/vision-and-purpose/values-statement-aboriginal-torres-strait-islander-children/>, accessed 2021.
4. Senate Community Affairs References Committee, Forgotten Australians: A Report on Australians Who Experienced Institutional or Out-of-home Care as Children, Commonwealth of Australia, Canberra, 2004, Submission 3.
5. The Committee of Inquiry into Child Care Services in Victoria (Norgard Report) (1976) commented that 'The Department's present provisions for record-keeping and reviewing progress of its wards requires

- thorough overhaul'. In 1991, John Paterson, the Department's Director-General, described the system as 'pitiful', CSV, Annual Report 1991, Melbourne, p. 10.
6. F. Golding and J.Z. Wilson, 'Lost and Found: Counter Narratives of Dis/located Children', in Kristine Moruzi, Nell Musgrove, & Carla Pascoe Leahy (eds.), *Children's Voices from the Past: New Historical and Interdisciplinary Perspectives*, Palgrave Macmillan, Cham, 2019, pp. 305–329.
  7. Senate Standing Committee on Social Welfare, *Children in Institutional and Other Forms of Care-A national perspective*, Commonwealth of Australia, Canberra, ACT, 1985, p. 11.
  8. D. Jaggs, Interviewed by Jill Barnard in the *Forgotten Australians and Former Child Migrants Oral History Project*, National Library of Australia, Canberra, ACT, 2011, Session 1 of 6, available at <http://catalogue.nla.gov.au/Record/5079534?lookfor=Donella%20Jaggs&offset=1&max=9>, accessed 18 February 2024.
  9. R.H. Hicks, 'Public and Voluntary Child Welfare Services in New South Wales, International Child Welfare Review vol. XIV, 1960 qu', in J. Penglase (ed.), *Orphans of the Living: Growing Up in 'care' in Twentieth-Century Australia*, Curtin University Books, Fremantle, 2005, p. 233.
  10. UN General Assembly, *Guidelines for the Alternative Care of Children, Resolution Adopted by the General Assembly: A/RES/64/142*, 2010
  11. Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings 2021–2023, 2023, Volume 4.2
  12. C. Tilbury and J. Thoburn, 'Children in Out-of-Home Care in Australia – International Comparisons', *Children Australia*, vol. 33, no. 3, pp. 5–12, 2008. See also, for example, The Danish Welfare Museum (Danmarks Forsorgsmuseum), University College Copenhagen (Københavns Professionshøjskole), The Danish National Archives (Rigsarkivet) and TABUKA - The Association of Children placed in care and care-leavers. 'The Right to your own history' You Tube, 2023, available at <https://youtu.be/z8b5Zgi2M9g>, accessed 18 February 2024.
  13. For example, Professor Joanne Evans, *Rights in Records by Design project from Monash University, 2015–2019*, available at <https://rights-records.it.monash.edu/research-development-agenda/rights-in-records-by-design/>, accessed 18 February 2024; The MIRRA project. *Memory-Identity- Rights in Records – Access 2017–2021*, University College London, available at <https://blogs.ucl.ac.uk/mirra/about/>, accessed 18 February 2024.
  14. G. Rolan, H.D. Phan, and J. Evans, 'Recordkeeping and Relationships: Designing for Lifelong Information Rights.' in *DIS '20: Proceedings of the 2020 ACM Designing Interactive Systems Conference*, Eindhoven Netherlands July, 2020; E. Shepherd, V. Hoyle, E. Lomas, and A. Finn, 'Towards a Human-Centered Participatory Approach to Child Social Care Recordkeeping', *Archives and Museum Informatics*, vol 20, no. 3–4, 2020.
  15. E. Shepherd, A. Sexton, E. Lomas, P. Williams, M. Denton, and T. Marchant, 'A Participatory Recordkeeping Application Software Requirement Specifications (SRS)', MIRRA research project, 2021, available at <https://doi.org/10.5281/zenodo.5599430>, accessed 18 February 2024.
  16. For example, CAARA, *Maximising Access to Care Leavers' Records*, November 2021, available at <https://www.caara.org.au/wp-content/uploads/2022/04/Maximising-Access-To-Care-Leavers-Records-Version-1.1.pdf>, accessed 18 February 2024, or ICA, Section on Archives and Human Rights, *Access rights of adults to documents relating to their own childhood experience of adoption or being in care, DRAFT*, February 2024.
  17. We note that ethics of care research methods should not be confused with radical empathy in the context of feminist ethics of care. The latter has been proposed as an alternative to rights-based approaches by Michelle Caswell and Marika Cifor. More recently they have discussed how empathetic archivists could also engage in dismantling oppressive structures and rebuilding liberatory structures. We view rights vs radical empathy as a false binary, opting instead for the transformative power of combining the ethics of care with rights based strategies. In our view, rejecting rights approaches in favour of feminist ethics of care is too dependent on the work of empathetic archivists and their capacity to effect scaleable, systemic change in the structures in which they are embedded. See: M. Caswell and M. Cifor, 'From Human Rights to Feminist Ethics: Radical Empathy in the Archives', *Archivaria*, vol. 81, Spring 2016, pp. 23–43; M. Caswell and M. Cifor, 'Revisiting an Ethics of Care in Archives: An Introductory Note', in Elvia Arroyo-Ramirez, Jasmine Jones, Shannon O'Neill, and Holly Smith (eds.), *Radical Empathy in Archival Practice*, Special issue, *Journal of Critical Library and Information Studies*, vol. 3, no. 2, 2021, available at <https://journals.litwinbooks.com/index.php/jclis/article/view/162>, accessed 18 February 2024.
  18. Royal Commission on Institutional Responses to Child Sexual Abuse, 2017. Adoption of the child safety principles in all organisations was recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse 2017, and they are incorporated in the Australian Human Rights Commission, *National Principles for Child Safe Organisations*, Australian Human Rights Commission, 2018 and the

- Framework for Protecting Australia's Children 2009–2020, available at <https://childsafef.humanrights.gov.au/national-principles>, accessed 18 February 2024.
- 19 EU-UNICEF, *Child Rights Toolkit: Integrating Child Rights in Development Cooperation*, New York, 2014, Module 3, p. 5.
  20. *Ibid.*, p. 6.
  21. P. Mendes, J. Purtell, and G. Armstrong, 'Examining the Role of Lived Experience Consultants in an Australian Research Study on the Educational Experiences of Children and Young People in Out-of-Home Care', *Qualitative Social Work*, vol. 22, no. 5, 2022.
  22. For information about endorsement of the Charter, see <https://www.monash.edu/it/clrc/endorsement>; and <https://www.monash.edu/it/clrc/publications> for a list of submissions, accessed 18 February 2024.
  23. Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings 2021–2023 (2023), Volume 4.2, Recommendation 9.2, p. 87.
  24. Schull, n.d., 'The Folly of Technological Solutionism: An Interview with Evgeny Morozov, Public Books' in Evgeny Morozov (ed.), *To Save Everything, Click Here: The Folly of Technological Solutionism*, Farrar, Straus and Giroux, New York, 2013.
  25. 'Principle 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training', with specific indicator requiring 'Staff and volunteers receive training on the rights of children and young people in relation to records being created about children and young people and their use' Australian Human Rights Commission, 2018.
  26. The time it takes to implement change is demonstrated by the DSS Guidelines for Access, a project in which two of the authors were significantly engaged. Developed in 2014, publicly available since 2015, full implementation is still not achieved in 2023, despite continuous endorsement from Royal Commissions and Commissions of Inquiry. Recordkeeping Innovation on behalf of the Department of Social Services, 2015.
  27. The Implementation Toolkit is available at <https://www.monash.edu/it/clrc/toolkit>
  28. National Summit, *Setting the Record Straight for the Rights of the Child*, May 2017, available at <https://rights-records.it.monash.edu/summit/may-2017-national-summit-outcomes/>, accessed 18 February 2024.
  29. Endorsements are included on the project web pages, available at <https://www.monash.edu/it/clrc/endorsement>, accessed 18 February 2024.
  30. UN General Assembly, *Guidelines for the Alternative Care of Children*, Resolution adopted by the General Assembly: A/RES/64/142, 2010, Australian Human Rights Commission, 2018.
  31. J. Caltrider, M. Rykov, and Z. MacDonald, 'It's Official. Cars are the Worst Product Category We Have Ever Reviewed for Privacy', *Mozilla News*, 2023, available at <https://foundation.mozilla.org/en/privacy-notincluded/articles/its-official-cars-are-the-worst-product-category-we-have-ever-reviewed-for-privacy/>, accessed 18 February 2024.
  32. Royal Commission into the Robodebt Scheme, *Report 2023*, available at <https://robodebt.royalcommission.gov.au/publications/report>, accessed 18 February 2024.
  33. 'Dutch Childcare Benefits scandal 2021' Wikipedia, available at [https://en.wikipedia.org/wiki/Dutch\\_child-care\\_benefits\\_scandal](https://en.wikipedia.org/wiki/Dutch_child-care_benefits_scandal), accessed 18 February 2024.
  34. G. Geiger, 'How Denmark's Welfare State Became a Surveillance Nightmare', *Wired*, 07 March 2023, available at <https://www.wired.com/story/algorithms-welfare-state-politics/>, accessed 18 February 2024.