

CHILDREN IN STATE CARE COMMISSION OF INQUIRY

# 6

## **Chapter 6 Keeping adequate records**

# 6 Keeping adequate records

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## Chapter 6 Keeping adequate records

One of the purposes of the Inquiry as set out in the *Commission of Inquiry (Children in State Care and Children on the APY Lands) Act 2004*, Schedule 1 Clause 2(2)(c) is to 'determine and report on whether appropriate and adequate records were kept ... have been destroyed or otherwise disposed of' in relation to the allegations of child sexual abuse in State care and of criminal conduct resulting in the death of a child while in State care.

In presenting the allegations of sexual abuse of children in State care in chapter three and the deaths of children in State care in chapter five, the Inquiry has identified what relevant records, if any, were available on each person.

The Inquiry found that records received in response to requests were sometimes inadequate due to poor file management practices and minimal documentation. Sometimes the Inquiry was advised that no records could be found; possibly a result of the authorised destruction of records by the department during the 1970s and 1980s. Thus it was not possible for the Inquiry to properly determine whether some people were in State care. Even for those in State care, important information about this period in their lives was often missing.

### The Inquiry: requesting, viewing and storing records

As part of its investigations, the Inquiry made 5880 requests for records from government and non-government organisations and individuals to:

- determine whether a person who alleged sexual abuse was in State care at the relevant time and the State's response to any disclosure of sexual abuse that may have been made
- determine whether a child who died was in State care at the time and whether the circumstances of that death were recorded
- obtain historical information about places of care for children in State care.

Table 1 shows the number of records requests made by the Inquiry to categories of agencies/organisations.

Agency / organisation	No. of requests	Percentage of total
Government agencies	4704	80
Private organisations and individuals	867	14.7
Hospitals	309	5.3
Total	5880	100

**Table 1: Number of records requests to categories of agencies/organisations**

Table 2 shows the number of records requests made by the Inquiry to each agency/organisation.

Agency / organisation	No. of requests	Percentage of total
The department <sup>1</sup>	2843	48.5
State Coroner's Court	471	8
Office of Births, Deaths & Marriages	400	6.8
South Australia Police	343	5.8
Minda Inc.	196	3.3
Women's and Children's Hospital	190	3.2
The Catholic Archdiocese of Adelaide		
Professional Standards Office	182	3.1
Aboriginal Affairs and Reconciliation Division <sup>2</sup>	168	2.9
Youth Court	135	2.3
United Aborigines Mission	107	1.8
Department for Correctional Services	102	1.7
Other agencies and non-government organisations (28) <sup>3</sup>	743	12.6
Total	5880	100

**Table 2: number of records requests made by the Inquiry to each agency/organisation.**

<sup>1</sup> Department for Families and Communities.

<sup>2</sup> Situated in the Department of the Premier and Cabinet.

<sup>3</sup> Includes organisations such as the Umeewarra Aboriginal Mission, United Aborigines Mission and Anglicare SA.

As the impact of the requests on agencies varied, so too did their response time.

About 33,300 records were received and housed by the Inquiry in response to the requests. Of these, 24,915 came from government agencies and 8385 from private organisations and witnesses who came forward to the Inquiry. Records storage required 275 metres of shelving in a fireproof area. The Inquiry had to expand its premises twice to cater for the volume of files.

The Inquiry was aware that it must keep records in good order<sup>4</sup> and in the same order<sup>5</sup>, use them only for the purposes of the Inquiry's investigations, and return them when requested or at the end of the Inquiry. The Inquiry was also aware of its obligation not to lose or abuse records, endanger their security or integrity, and show or distribute them to a third party.

The Inquiry also reviewed some files at other premises, including Minda Inc., State Records of South Australia (SRSA), the Office of Births, Deaths & Marriages, the Coroner's Court, the department's Adoption and Family Information Services, the department's library and the United Aborigines Mission archives in Melbourne, which consisted of thousands of individual pieces of correspondence. The Anglican Archbishop of Adelaide, Jeffrey Driver, gave the Inquiry access to all the church's records, which are stored at the Anglican Archives in North Adelaide. The Inquiry also provided funding and resources to assist the Coroner's Court to answer records requests.

The Inquiry requested and received sign-off from relevant government agencies for 1267 records requests concerning allegations within the terms of reference. Most of the sign-offs were from the department, South Australia Police and the Aboriginal Affairs and Reconciliation Division. The sign-off was a formal letter from the agency stating that a thorough search had been done in relation to the request, that any necessary searches had been done for other documents or evidentiary material in response to

that request, and setting out the results of those searches. There were three possible outcomes. These were that a search was conducted and

- produced results—all searches were listed, files found were listed and then provided to the Inquiry
- no evidentiary material was located—all searches were listed, it was stated that no records were found and the agency was required to explain why nothing was found
- files were found to have been destroyed—the agency was then required to provide details of the disposal schedule<sup>6</sup> and authority under which the records were destroyed, as well as the date of destruction.

The Inquiry received 387 sign-offs from the department that no records were found after all relevant searches were made.

The Inquiry received evidence on records management from current and former departmental staff, and the department also provided a written response to the list of records issues in the Inquiry's Issues paper.<sup>7</sup> As well, three non-government organisations provided evidence about their records management systems.

SRSA also provided substantial assistance to the Inquiry. In addition to retrieving records in response to requests, it provided a chronological overview of the legislative context for archives and records management and information on government records management over time, and supplied the State Record Council's *Members handbook* for background information. SRSA located historical reference materials and records used in research into the deaths of children in State care, often after government departments were not able to provide complete listings of their historical records. It also provided a written submission to the Inquiry's Issues paper.

<sup>4</sup> *State Records Act 1997*, s. 13.

<sup>5</sup> *Evidence Act 1929*, ss. 34C(1), 45A.

<sup>6</sup> A records disposal schedule is a systematic listing of records, created by an organisation or agency, which plans the life of these records from the time of their creation to their disposal. It identifies business activities, classes of records (which result from each activity) and specifies retention periods and disposal action. It ensures that inactive records are disposed of efficiently and effectively in accordance with legislative, evidential, financial, social and historical requirements.

<sup>7</sup> Children in State Care Commission of Inquiry, *Issues upon which the Commission seeks submissions* (Issues paper), 15 Feb. 2007.

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### Adequate records

Until the current *State Records Act 1997*, there were no comprehensive legislative guidelines for agencies to manage records. In its submission SRSA described the previous *Libraries Act 1982* as giving agencies little guidance on the management and disposal of records. SRSA had its origins in the Public Record Office of South Australia, which was established in 1985. In 1990, as part of a move to strengthen agency records management, the office was renamed State Records South Australia and made a commercial entity under the control of the State Services Department.

In 2002 SRSA released two records management standards for government agencies and official records: 'Records of temporary value—management and storage' and 'Adequate records management' (ARM).

The current SRSA standards define adequate record keeping as:

- records are created
- records are captured
- records are disposed of systematically
- access to records is managed
- records can be found
- records can be relied upon
- the management of official records is planned
- records management training is provided to staff
- records management reporting mechanisms are implemented
- policies, procedures and practices exist for the management of official records.

### The importance of keeping adequate childhood records

*... having access to my file ... it does give you the opportunity to see some of your identity and to resolve some of the things that have happened that you just don't know about because of being so*

*young and not being informed about things, so that in itself was something that was quite valuable for me to do.*

PIC placed in State care in 1960s, aged six

The Inquiry heard evidence from people whose childhood had been marked by sexual abuse about the benefits of having access to their departmental and other files. Some spoke about the trauma of discovering that records about their childhood were incomplete or non-existent. The Inquiry assisted some people to make requests for records under the *Freedom of Information Act 1991* (FOI) and others had already been through this process. The department processed these applications confidentially and expeditiously, and provided individuals with copies of any available records, deleting third-party information.

One general witness told the Inquiry about the need for organisations to understand the emotions experienced by people asking for records about their childhood:

*People don't understand what they're getting into by releasing a file. People front up at departments, and are challenged, 'Why do you want this? It's only terrible stuff written about you?' You know, it's so emotional to go and ask for your file. It's about treating these people with respect. They have every right to know this information ... and they really still hurt, children inside that adult body.*

One woman who told the Inquiry she was sexually abused as a child spoke of the benefits of having access to her file:

*It was helpful when I was resolving a lot of issues ... so that I could piece together bits and pieces of fragments ... I don't recall a lot of stuff, because I've shut it off.*

Similarly, another woman said:

*When I've been working through my files, I've been recalling things in my head that have happened ... things are coming back to me that I had just obviously forgotten or blocked.*

The Inquiry heard evidence from a government employee that a person making an FOI request of a government

agency will generally be given only those records that directly relate to the applicant. Relevant information may exist on another client file but not be passed on, and the applicant will not know that the information provided is incomplete. The witness noted the situation in the Northern Territory, where an agreement was made to disclose secondary party information to members of the stolen generations, and said he hoped this would set a precedent for other states and territories, including South Australia.

A person who was placed in State care in the 1940s told the Inquiry about the frustrations she felt when making an application for her own records but being unable to access all of them:

*They've got a story on my life. I, I didn't know my own life. So I got these papers and worked out from the dates how old I was. That is my life and I had no right to records. What a load of crap.*

One woman who was placed in State care in the mid 1970s at the age of 13 was not only distressed that she received only a partial record of this time, but also angry at how she was portrayed in the file. She said:

*I wasn't even allowed to have my whole file, and in my file it's got, 'What a bad sexual behaviour, boys hang around'. Everything is so bad about me ... because it's not all the truth, it's not the truth about me. That's what I don't understand.*

Some people told the Inquiry that their files were incomplete because they were lost ('When I tried to get my records through freedom of information years ago, they lost half my file') or because no records were made. Some did not believe they had been given all of their file. One man who was placed in State care at the age of 11 in the early 1970s was searching for information to piece together his alleged abuse at Brookway Park. He said:

*I arranged to have a look at my file and I saw my file in '92, I think, and one section of my file is missing because it had all the details about Brookway Park in it and that file is missing.*

A PIC who was placed in State care in the early 1960s when she was four told the Inquiry that she had accessed

her file twice, but there was information missing the second time. The first time, in the 1990s:

*... after reading my file and knowing what I knew—I wanted to at that time have someone accountable for what happened, which I at the time thought was not only [her foster parents], but also the Community Welfare.*

However, at that time she did not have the money to seek legal assistance. She saw her file again more recently under an FOI request. She said: 'When I had my file in the early '90s there was a lot more to [it] than what's here ... they haven't given me all of it'.

Some people described their frustration at finding that only a small portion of their file was available because the rest had been destroyed. A man who was placed in State care in the late 1970s when he was less than one year old and alleged he was abused in foster care said:

*Well, I got a letter basically saying that my file has been destroyed. They no longer have my information available. I can't get any of my file dating back to the time I was with the [foster family].*

Another PIC placed in State care in the mid 1970s when she was six recalled: 'I discovered when I first got my files under the freedom of information there was a note saying that half my files were destroyed'.

One person who lived in large congregate care in the 1950s told the Inquiry how he felt when there were no records to help him piece together his past:

*I think the big thing for me is I know we've been let down ... Why is there no records? Why have the authorities not been able to find this ... She says that no records can be found. How can you close the door when the door's left open, you know?*

In 2007, the department established Post Care Services to, among other functions, facilitate access to the records of people who were in State care. The service arose from the government's *Keeping them safe* child protection reform agenda in 2004 and, in particular, *Rapid response: whole of government services*, which focused on children in State care, the following year.

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### Inadequate records

#### Departmental records

Various types of records were created during a child's time in State care.

One of the oldest records kept by the department was the State ward index card (SWIC), a small card created when a child entered the department's jurisdiction (discussed in chapter 1, 'Assessing whether a witness was a child in State care'). The SWIC was used from around 1900 until the mid 1980s and was maintained in the department's central records branch. In order to preserve the original SWICs, each card was scanned into the Adoption and Family Information Service's image retrieval system software (AMS Imaging).

The Inquiry found that while some SWICs recorded comprehensive details, others contained no information other than the child's name and the date of being placed in State care. Some did not even record the reason why the child was placed in State care. In relation to the AMS Imaging, the Inquiry found that some SWICs were missing or scanned incorrectly, or that names entered into the electronic search index were incorrectly spelt. It was common to find that a scanned SWIC for one child was inadvertently appended to the scanned card image relating to another child, but only the name of one child was in the searchable index.

For many years, information was not stored in a dedicated file for each State child, making it hard to trace information about a particular child.

The State Children's Council (file group, GRG<sup>8</sup> 27) and its successor, the Children's Welfare and Public Relief Board (GRG 29) kept information on the abuse of children in general correspondence files, rather than in individual children's files. Information was stored by the docket number and year, rather than by the child's name. The Inquiry found that hundreds of pieces of correspondence relating to children in State care had been destroyed because of the department's destruction of records in the 1970s and 1980s or could not be located.

Between the 1920s and 1960s, the department created 'files relating to children under departmental supervision' (GRG 29/108, GRG 29/123), which were series of correspondence dockets on varying topics created as the need arose. Multiple separate dockets might exist for a single child but dockets were registered according to the number and year created (for example, 1/1924). The name on the file may be that of a foster carer or parent, although the docket pertained to the child. The department told the Inquiry that many of these files have been destroyed.

From the 1960s to the 1980s, the department used a system where each child received a fixed 'client' number. Specific files were then created using a two-digit designation depending on the nature of each child's involvement with the department. These files also may have included other files such as 'Children under the care and control of the Minister' (type 40), 'Treatment and assessment' (type 41), 'Bond and treatment' for young offenders (type 50), 'Psychological services' (type 55), 'Family' (type 90) and 'Community residential care' (type 93). The Inquiry heard evidence that records in a child's file included initial court orders and subsequent orders, reports made by social workers and officers, medical information, details of private and foster home placements, and reimbursement and money paid to foster parents. If a child moved to a different district or home, the file would normally move with the child to the closest district office.

From the mid 1980s, one 'contact file' (type 85) superseded file types 40, 41, 50 and 90. One file could contain information on many people; for example, an adoption file might contain information on 10 unrelated people. From the mid 1990s, files relating to various areas of a child's involvement with the department, such as placements in secure care or community residential care, became subfiles to type 85. In 2003 the establishment of the department's Special Investigations Unit (SIU) to investigate allegations of abuse against foster carers, staff members and volunteers involving children under the guardianship of the Minister meant that the unit created and held investigation files separately from type 85 files.

<sup>8</sup> Until the 1980s, the relevant system for the arrangement and storage of government records was the Government Record Group (GRG) system. It grouped series of records according to their creator or controlling agency. Record groups could consist of many series of records, but were always linked back to the government agency controlling those records. The record group material is now a closed system, and the information it contains is static.

From the 1970s to the 1990s, the department used a central index card system to better manage client files by recording client names with file numbers. This was part of standard procedure 9, which covered the creation, transfer and numbering of files. The records section created a central index card whenever a new file was opened. The card recorded the location of the file and whether or when it was sent to the archives. If a file was destroyed, however, the corresponding central index card was also destroyed. Summarised client information was contained on a master index card, which, under the department's standard procedure 10, was not to be destroyed.

The Inquiry heard evidence from former departmental social workers that suggests record-keeping was often negligible. Records management was largely seen to be an administrative and financial function rather than part of the child's case management. A child's file was more likely to record formal information, such as court orders and details of boarding-out placements, and administrative details, such as the date of a departmental worker's visit, than the aim of the worker's visit and the outcomes sought.

Also, the standard of each file was dependent on the social worker who maintained it. The Inquiry heard that district offices and social workers often held 'unofficial' files on children or stored documents without following the prescribed filing system. Records on children in State care living in residential accommodation were often not transmitted to the central office. A witness told the Inquiry that when a district centre closed or relocated, staff were more likely to cull old and unused records than follow retention and disposal procedures.

In the mid 1980s, the electronic Justice Information System (JIS) was established across several government departments to collect, store and sort information for government agencies.<sup>9</sup> SWICs were no longer needed. As part of JIS, the department introduced the Client Information System (CIS), to electronically record client information, better track files and list archived files. CIS was introduced in 1991 and became fully operational in 1993 (discussed in chapter 1, 'Assessing whether a witness was

a child in State care'). The Inquiry found there were several problems with the CIS, including that:

- Unlike an electronic document and records management system (EDRMS), which records all types of files created, the CIS only records client files
- Although some archived client files were recorded on JIS, the department could not then find the client files
- Some client information was incorrect and there was little cross-referencing between past and present information.

### Institutions and secure care facilities

*I think those people who ran those homes and treated us as children should be exposed. Because they would have disposed of those [records] quite happily because you wouldn't want something like that [sexual abuse] to come back and bite you later, do you?*

PIC placed in State care in 1960s, aged four

From the early 1900s, each institution maintained its own records and developed its own record-keeping requirements.

In the 1920s, the CWPRB issued rules for institutions caring for State children, which included some record-keeping guidelines, such as the requirement for written reports to be sent to the board noting all accidents involving children, children's attendance at hospital and reports of staff misconduct or absence from duty.<sup>10</sup>

In November 1942, the CWPRB abolished the need for institutions to make formal reports on State children. Instead, heads of institutions were to report on children by letter; the CWPRB could then request a formal report if necessary.<sup>11</sup>

It continued to make suggestions to institutions about record-keeping. For example, the board secretary wrote to the matron of the Convent of the Good Shepherd (The Pines) in 1942 to suggest the keeping of an internal register with children's names, ages, religion and dates of

<sup>9</sup> Department of Family and Community Services annual report 1990–91, p. 31.

<sup>10</sup> SRSA GRG 29/124, vol. 6, State Children's Council and Children's Welfare and Public Relief Board (CWPRB) minutes 1926–27 (minute 869), 4 Oct. 1926, pp 81–2.

<sup>11</sup> *ibid.*, vol. 13, CWPRB minutes 1940–42 (minute 823), 26 Nov. 1942.

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admissions and departures.<sup>12</sup> The secretary also suggested the keeping of a punishment book, 'in which will be recorded immediately any punishments inflicted upon certain girls, showing date, name, punishment inflicted, reason for punishment, and any other particulars thought desirable'.<sup>13</sup>

However, some homes and secure care facilities, such as Brookway Park, held only each child's court order on file as it was deemed preferable that institution staff not know each child's history and circumstances.

In May 1943, the CWPRB resolved that homes should only refer unusual or involved cases of 'wards' to it.<sup>14</sup> The Inquiry heard evidence that each home completed a weekly report to the department's records section, listing children's arrivals, departures and abscondings.

In the mid 1970s, the Minister of Community Welfare became concerned with the retention of records on children in children's homes that had been, or were intended to be, closed down. He wrote to the Residential Child Care Advisory Committee (RCCAC):

*It is important that information pertaining to the child's placement away from parents and personal details concerning the family be preserved in a way which will guarantee confidentiality. Such records should not be indiscriminately destroyed by the agency as they may contain pertinent information that may be required by the child in later years.*<sup>15</sup>

As a result, the RCCAC wrote to Northcote Home, Morialta Protestant Children's Home and the Salvation Army Boys Home, Kent Town, to ascertain their retention and storage procedures. Records from the Morialta home were found to be inadequately stored in cardboard cartons on an

enclosed veranda in Hackney. The Salvation Army Social Services replied:

*We have a ruling that no records (finished) are destroyed until a period of five years has elapsed, but personal records concerning the boys will be kept confidential in a locked cabinet.*<sup>16</sup>

The RCCAC responded: 'We are anxious that these and other personal records from your homes should be preserved until they are at least 60 years old'. It then sought advice from the Archives Department<sup>17</sup> to develop and implement record preservation procedures. The department recommended the permanent preservation of records relating to individual children or their families, as well as certain administrative records, and suggested that access to records be strictly controlled for 60 years.<sup>18</sup> The procedures adopted by the RCCAC included:

- preserving personal records until they are 60 years old
- transferring records on children and their families and certain administrative records to the Department for Community Welfare and then to the Archives Department
- requiring the written authority of the director-general of Community Welfare for personal records to be consulted
- continuing access by welfare workers to homes' records.<sup>19</sup>

However, homes were responsible for storing their records and files. The Inquiry heard evidence to suggest that homes and secure care facilities improperly stored records and files, for example, in disused rooms. It heard that at the

<sup>12</sup> SRSA GRG 29/6/50, file 328/1942, letter from CWPRB secretary to Convent of the Good Shepherd matron, 'Suggesting The Pines, Plympton, to be a reformatory school for girls of the Roman Catholic religion', 12 Jan. 1943.

<sup>13</sup> *ibid.*

<sup>14</sup> SRSA GRG 29/124, vol. 14, CWPRB minutes (minute 846), resolution regarding children's reports, 20 May 1943.

<sup>15</sup> SRSA GRS 416/1/48, file 20/13/4, Minister of Community Welfare to Residential Child Care Advisory Committee chairman, 28 July 1975.

<sup>16</sup> SRSA GRS 416/1 Unit 48, File no 20/13/4, Salvation Army Social Services Department, State secretary to RCCAC chairman, 25 Sep. 1975.

<sup>17</sup> The Archives Department was established by the Public Library Board in 1920 to preserve State and local government records, as well as some private records.

<sup>18</sup> SRSA GRS 714/1/p, RCCAC general correspondence, Jan.> Sep. 1976, State Librarian to RCCAC secretary, 20 Feb. 1976.

<sup>19</sup> SRSA GRS 416/1/48, file 20/13/4, Minutes forming enclosure (undated).

McNally Training Centre in the early 1980s, records were piled in the gymnasium in no order.

The Inquiry was also told about record-keeping in homes operated by the Salvation Army—homes in which some witnesses alleged they had been sexually abused. Files relating to children in State care placed in Salvation Army institutions were in general sent to the next institution when a child left the previous place of care. A senior ranking officer of the army told the Inquiry that, in the past, if a child was discharged from a Salvation Army institution, the general policy was to return his or her file to the department. However, the Inquiry determined that this did not always occur in practice. Management of Salvation Army institutions was gradually decentralised before the 1980s, with the officer in charge of each institution responsible for its management. Records were retained for seven years, after which there was no consistent standard for keeping and managing records—each home made its own decision.

During the past 20 years, the Salvation Army has become aware of the need for records management systems. It provided evidence that it has engaged an external consultant to develop recommendations on archiving and records management, as well as disposal schedules and periods of retention. This was being arranged in consultation with the Public Records Office of Victoria (PROV).

Remaining records of children in South Australian Salvation Army institutions, such as admission books, financial documents and individual client records, were sent to Salvation Army headquarters in Melbourne for archiving. Inquiry staff visited these headquarters but only two boxes of relevant records were located—most of the material contained financial records; no client files were discovered.

From the mid 1970s to the 1980s, social workers responsible for the case management of children placed in non-government homes maintained their own case files but were unaware of the homes' record-keeping practices. A witness told the Inquiry that letters the department received from institutions or homes regarding children were filed appropriately in the children's files, but otherwise there was no cross-correlation of records between the non-government homes and the department. The witness also said that records maintained by non-government homes relating to State children should have been sent to the department once a child had left their care, but this was not practised. Another witness said that in the late 1970s, the 'assessment and treatment' file was introduced so a file could be held in the home where the child was placed and then, once he or she was released from State care or the institution, the file was sent to headquarters for central storage.

### **Retention and destruction of files relating to children in State care**

*They have no records of me, and apparently no records of those people ever being foster parents.*

**PIC placed in State care in the 1990s**

The department did not start to devote attention to record storage and retention until the 1970s. A witness told the Inquiry that a newly appointed systems and methods officer reviewed the department's systems at that time.

As part of this, from the early 1970s to the mid 1980s, the department, with the agreement of the relevant State authorities—the Archives Department and Libraries Board—scheduled the retention and destruction of records. The destruction was authorised under the legal procedures in place at the time. During the late 1960s, due to the large number of records received by the Archives

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Department, disposal schedules were developed for government agencies and some agencies implemented record retention periods. Agencies could destroy records once they had been issued with a disposal schedule and the proposed retention time had elapsed.

Under standard procedure 10, after a minimum retention period of six years, 95 per cent of client files were destroyed, with a randomly selected five per cent retained at the Archives Department for research purposes.<sup>20</sup> The client files included court orders, reports made by social workers and officers, medical records, records of reimbursement and monies to foster parents as well as records of placements. Other files destroyed under this procedure were types 40, 41, 50, 55, 90 and 93. The SWIC appears to be the only type of record that survived.

A former departmental witness told the Inquiry that 'little importance' was given to the future historical or personal value of retaining the files. He said that one of the reasons for the destruction of so many records was to avoid a storage charge at the government's Netley storage facility and said that records were burnt, at either an Adelaide City Council or Dry Creek facility. He recalled in one year that up to 2000 files were destroyed in this way.

Another departmental witness recalled taking 'a carload' of files to Glandore Industrial School for burning in a 44-gallon drum.

The Libraries Board did not require the department to keep lists of what files were destroyed and a witness told the Inquiry that the department decided it was not necessary to keep such a list. The Inquiry also heard evidence that the department did not keep lists of what files were kept, but wrote names on the outside of the boxes retained for research. Today, under the SRSA's adequate records management standard, comprehensive consignment lists must be completed for each archived box of records.

The Inquiry found that personnel files were also affected by the destruction and retention policy from the early 1970s to mid 1980s. Standard procedure 10 stated that confidential and personnel files relating to departmental staff could be

disposed of six years after an employee left the department. As a result, the department was unable to provide many employees' personnel files in response to the Inquiry's requests. This hindered the Inquiry's ability to obtain records to investigate allegations involving departmental staff, either as alleged perpetrators or as people to whom allegations may have been reported.

The department informed the Inquiry that many individual records were not available because of the mass destruction and poor tracking of files. When it could not find records, the department issued a statement as part of the sign-off process to the Inquiry:

*In the period between 1970 and 1985, the department made policy decisions to allow for the destruction of up to 95 per cent of client files, with only 5 per cent being retained as 'samples'. This practice has resulted in numerous client files being destroyed. However the department did not keep consignment lists of client files destroyed at the time. Therefore, the department cannot confirm if the client files requested by [the Inquiry] were destroyed under this policy or, indeed, whether they have been destroyed at all.*

In 2002, the department introduced a record disposal schedule to retain all client files for 105 years<sup>21</sup>, with Aboriginal and Torres Strait Islander files to be kept permanently. After 105 years, the State Records Council must still approve any destruction. This relates only to client (type 85) files: subfiles (such as psychological services, community work program, secure care and community residential care) have a 75-year retention period, even though they contain potentially valuable information. The department gave evidence to the Inquiry that it is currently drafting a new record disposal schedule, in which it will maintain the practice of retaining client subfiles for 75 years only. The State Records Council must approve this schedule.

Today the recommended retention period for employee files is 85 years after the employee's date of birth. However,

<sup>20</sup> Exceptions were adoption files, which were to be retained for 20 years, after which a five per cent sample would be retained, and family files, which were to be stored for six years, after which 10 per cent would be retained permanently at the State Archives. It also stated that all Aboriginal files were to be kept permanently.

<sup>21</sup> The schedule stated that files of surnames starting with 'P' are to be permanently retained as this letter covers a cross-section of nationalities.

some files such as payroll, allowances, or human resources management can be destroyed seven years after the last action or authority of delegation expires.

### Recommendations regarding records

The Inquiry considers that because the aforementioned subfiles contain valuable information, they should be retained for 105 years.

#### 52 RECOMMENDATION 52

That departmental client subfiles have a 105-year retention period.

Since 2002, when it released its two records management standards for government agencies and official records, further SRSA initiatives have included a 2003 proposal for an electronic document and records management system (EDRMS) to be implemented across agencies; the release in 2004 of an *Across-government records management strategy* that outlined six goals to be achieved from 2004 to 2010; and the development of an adequate records management standard for State and local government agencies. The latter requires the SRSA director to advise the Minister if any agency's records management practices are inadequate. SRSA therefore audits agencies for compliance with the standard. In its submission to the Inquiry, SRSA advised that in 2006, only one of the 30 government agencies it audited complied with the standard.

In relation to electronic records, the Inquiry notes that in the government's *Rapid response progress report* released in December 2007, the department stated that it is implementing a new case management system—C3MS (Connection client and case management system)—which aims to 'provide electronic interfaces to service providers and other agencies to enable seamless referral and exchange of information' and to 'implement interfaces to electronic document and record management systems to provide secure control and auditing capability for all Families SA client information'. The department told the Inquiry that implementation would take four to five years.

The Inquiry considers that an EDRMS is critical to ensure the adequate keeping of all records created by the department in relation to children in State care and that it should be implemented with the C3MS.

#### 53 RECOMMENDATION 53

That the Department for Families and Communities implement an appropriate electronic document and records management system (EDRMS), including file tracking, to appropriately manage paper and electronic records, including client and administration files. The EDRMS should interface with C3MS.

In mid 2003 the department appointed its first records manager. The role is responsible for locating and cataloguing department records, including those stored at SRSA and other places.

Arising out of the records request made by the Inquiry, the department advised that it needed to update the main client file series (GRG 856), which consists of about 33 unlisted consignments.

The Inquiry believes it is very important that the department knows what records it holds, to make access by government or people in care achievable.

#### 54 RECOMMENDATION 54

That the Department for Families and Communities continues with the discovery and consignment listing of any records relating to children in State care held permanently at State Records of South Australia or at other temporary storage providers where the department is the agency responsible.