



Feedback to Te Rua Mahara o te Kāwanatanga Archives New Zealand and the Crown Response Unit public consultation on a draft scope and definition of care records

***Social Service Providers Te Pai Ora o Aotearoa SSPA
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Introduction & Background

1. Social Service Providers Te Pai Ora o Aotearoa SSPA welcomes the opportunity to contribute feedback on the draft scope and definition of care records developed by Te Rua Mahara o te Kāwanatanga Archives New Zealand and the Crown Response Unit.
2. Te Pai Ora SSPA is a membership-based national organisation, comprised of over 200 community-based social service organisations from around Aotearoa New Zealand, based in both rural and urban locations.
3. Among our members are local and national social service providers, large national care providers, kaupapa Māori and Iwi social service organisations and Pacific providers. Te Pai Ora SSPA members work across the full spectrum of community-based social services with a central focus on supporting the positive outcomes of children, rangatahi, families and whānau. The majority of member organisations are s.396 and/or s.403 providers who will be directly impacted by the draft scope and definition of care records in its current form.
4. We are grateful to Te Rua Mahara o te Kāwanatanga Archives New Zealand and the Crown Response Unit for engagement with Te Pai Ora SSPA member s.396 care providers in July and August 2023. This ensured the draft scope and definition document and wider records improvement workstream were informed by a wide range of non-state care record holders.
5. Our feedback to the public consultation process is informed by our members who took part in these earlier hui together with a further consultation with members in November 2023. Te Pai Ora SSPA's feedback sits alongside and is complementary to any written feedback that individual members may make, including Barnardos.
6. This document provides our feedback, where we have focused on some key areas of greatest relevance to the mahi of our members. Te Pai Ora SSPA's contribution to this process is to help shape and influence this mahi for the future benefit of care-experienced children and rangatahi. Equally, to ensure an equitable future for survivors of abuse, care-experienced people, their whānau and families, hapū and iwi.
7. If you would like to further discuss anything contained in this feedback you are very welcome to get in contact.



Te Pai Ora SSPA's position on this kaupapa

Strengthen the grounding of the draft scope and definition of care records within Te Tiriti o Waitangi

8. Te Pai Ora SSPA's view is that Te Tiriti o Waitangi needs to be meaningfully embedded at the heart of this kaupapa. The current work risks perpetuating the same mistakes that have already been made by the Crown in relation to the care and protection system, this area warrants further discussion with Māori, but we suggest it ought to:
 - a. Reflect tamariki and Maori in care as part of whānau, hapu, iwi when considering information to be gathered, storage and access
 - b. Reflect guardianship of records rather than ownership of records, as care records are the story of the lives and experiences of tamariki Māori and those in care
 - c. At a system level, allow care records to be utilised to understand the equity of outcomes and actively improve services

Place care-experienced children and rangatahi at the centre

9. Te Pai Ora SSPA members have strongly expressed that there needs to be a stronger focus on placing care-experienced children and rangatahi at the centre of designing improvements to accessing care records. It is very important too, to note that certain groups of children, such as tamariki and rangatahi Māori, Pasifika and children with disabilities are disproportionately represented within the care and protection system.
 - a. We advocate for a clear, accessible and child and rangatahi-centred system
 - b. This means processes that are accessible and clearly expressed in plain language, child and rangatahi friendly, therefore making it easy for children, rangatahi, whānau and families to understand the processes in accessing care records about their lives
 - c. Processes should enable children, rangatahi and whānau to feel they can trust record holders and easily understand what to expect otherwise they may struggle to access the records they need
 - d. If Te Tiriti o Waitangi is more meaningfully embedded within the kaupapa, this will serve all children, rangatahi, families and whānau well with all of their rights adequately protected and respected at all times

What Te Pai Ora SSPA suggests as key areas for attention in relation to the draft scope and definition of care records

The list of care records is comprehensive and extensive and requires further guidance for retention and guardianship going forward

10. We welcome and support the work to define what care records are and where they are held, so they can be protected and well managed to meet the needs of survivors of abuse and care-experienced people.
11. It is necessary that there are requirements for what is kept as historic records for those previously in care. However, it feels like this document is about mitigating risk rather than establishing a person-centred rights framework that sets up this system for success. We raise the following points to inform the final records list.



Drafted list of 'records of state and non-state care settings'

12. In practice retaining a number of these information types needs to be sustainable going forward. For example, there needs to be further rationale for keeping all staff records including supervision records on file due to the sheer numbers of records and process involved in preparing their retention.
13. We suggest that there needs to be a clear statement and guidelines that preface this document of the extent of what needs to be kept, by whom and for how long. The guidelines need to be clear about what needs to be collected given there are a range of services and programmes with varying lengths of time. For example, it could be a remand space or an emergency situation, and whether its 3 days or 3 months, not everything on the draft list will apply, it will depend on what programme and/or service children and rangatahi are accessing at that time.
 - a. We ask if there should be varying regulations and thresholds of what information is kept to meet the level of need of each child and rangatahi accessing that particular care service
 - b. We also raise concerns that the burden of administration for care providers to sort, file and retain all this information is time consuming. It will require financial and administrative support to ensure systems are adequate for such an expansive retention list and long-term storage of records and their retrieval

Drafted list of 'records of individuals in state/non-state care settings'

14. While we have questions in the above paragraph for the 'records of state and non-state care settings', Te Pai Ora SSPA members welcome the list of 'records of individuals in state/non-state care settings' and would like to further reiterate the importance that records should also share the successes and strengths of care-experienced children and rangatahi. The activities and feedback, the good things that happen are equally important, little things such as photos matter to people when they come forward.

Collaboration between state and non-state parties and removing barriers to access

15. Any statement that prefaces the final scope and definition of care records needs to clearly define how state and non-state care providers will work together collaboratively with responsibilities for records retention clearly defined.
16. Care providers have indicated they would like to remain as keepers and stewards of the information they hold. They want to work alongside and support people who wish to access their past care records.
17. The question does remain that there needs to be less complicated ways for people to access multiple records that may be held by various care organisations. Because ultimately its about keeping accumulative care records, and improving accessibility to ensure children, rangatahi and their whānau are served in the best possible way by the care and protection system.
18. We envision an ideal future state which recognises co-ownership of records between person, whānau and state.
 - a. Records belong to the care-experienced person, they could be trying to find evidence, trying to find their past, understand their life story, their whakapapa



- b. To mitigate current siloed record retention, they should have ownership of information that is gathered as part of their whakapapa, an accumulative record that follows along with them on their journey through care
- c. Alongside, there needs to be clearly defined and designed pathways to access records that upholds care-experienced people's rights and protects their wellbeing

The scope and definition of care records needs to reflect new practices and ways of working

- 19. We feel that the document in its current form does not reflect the trajectory for the care and protection system in meeting the needs of tamariki Māori and whānau.
- 20. There are a number of regional strategic partnerships between Oranga Tamariki and Iwi that provide opportunities, and support innovative proposals to improve outcomes for tamariki, rangatahi and whānau, and to ensure tamariki are in the safe care of their whānau, hapū and iwi.

Guardianship of records in practice

- 21. Therefore, these new practice models mean that care records are collated, stored and shared in ways that ensure data sovereignty belongs to tamariki, whānau, hapū, iwi. There are situations when some records cant be shared because it could lead to re-traumatisation. In practice this is explained openly between the holder of the records and the person wanting access. Practices emphasise the importance of being up front about why the records cant be shared, and keeping the person wanting access informed.
- 22. The current information request processes practised by community-based care providers highlight:
 - a. Wrap around support, accessibility to records and the importance of building a relationship, trust and confidence. This is important given the person's story and time in care may have been very traumatic and will have impacted their life
 - b. When talking to the person from the outset, connection is important to build trust and to understand how the person may be impacted from the information they may receive. Consideration is given as to what to provide, and how they may be impacted by the information
 - c. Many people wanting access to records have made it clear they wish to work with the organisation where the hurt has occurred as they see this as important to their healing
- 23. We offer this information detailed in the above paragraphs to inform the work designing improvements to accessing care records and we suggest:
 - a. This work needs to align with the Enabling Communities arrangements redefining partnership as described above
 - b. We need to ensure that this work reflects the models of care practiced by community-based care providers: the trauma-informed and strengths-based ways of sharing records with care-experienced people; and the practices enabling greater ownership of care records by children and rangatahi as they transition through and from care